



Agenda Item No. 17.

Staff Report

Date: December 14, 2017

To: Mayor Robbins and Council Members

From: Erik Masterson, Chief of Police

Subject: Introduction of Ordinance No. 687 to amend the Ross Municipal Code to Regulate Parking of Recreational Vehicles on Public Streets and Private Property

Recommendation

Council waive the first reading and introduce Ordinance No. 687 to amend the Ross Municipal Code to Regulate "Parking of Recreational Vehicles on Public Streets and Private Property" and "Trailers and Vehicles Used for Habitation."

Background and discussion

The Town of Ross desires to preserve the integrity and aesthetic quality of the open spaces, roadways, and areas open to public view. The parking of recreational vehicles detracts from the resident's enjoyment of the scenic views and public enjoyment.

Neighboring jurisdictions have regulated the parking of recreational vehicles as they have experienced homeless people using these vehicles as places to live, causing problems with refuse and waste products. There is not currently a problem in the Town related to the parking of recreational vehicles, but it may become a problem as more neighboring jurisdictions restrict parking of these types of vehicles.

The Town Council asked Staff to research this issue and report back for the November 2017 Council meeting. Staff researched this issue and collected regulations from various agencies in Marin and other jurisdictions.

Staff made recommendations to the Town Council for possible RV parking regulations, with alternatives at the November 2017 Council meeting. The Council provided input and supported the following recommendations:

- Parking of recreational vehicles to be prohibited on public streets and right of ways within the Town.
- The parking of recreational vehicles on private property would be permitted, subject to the following:
 1. Must be parked on the driveway
 2. Must be setback a minimum of 15 feet from the roadway edge for line of sight safety reasons.
 3. May not be parked longer than 3 days, unless the homeowner has erected a fence, or similar screening (subject to Town approval), that substantially blocks the view of the vehicle from public view. The parking of the recreational type vehicle must not reduce the number of off street parking spaces to less than two parking spaces.
 4. No living quarters shall be maintained or any business conducted within a parked or stored recreational vehicle.

The attached ordinance adds Section 10.28.080 "Parking; Recreational Vehicles within Town Limits" of Title 10 "Vehicles and Traffic", and amends Section 18.40.120 "Trailers and vehicles used for habitation" of Title 18 "Zoning".

Fiscal, resource and timeline impacts

There is no fiscal impact.

Alternative actions

None

Environmental review (if applicable)

None

Attachments

- Ordinance No. 687

TOWN OF ROSS

ORDINANCE NO. 687

AN ORDINANCE OF THE TOWN OF ROSS AMENDING ROSS MUNICIPAL CODE CHAPTER 10.28 "STOPPING, STANDING, LOADING AND PARKING" ADDING SECTION 10.28.080, AND CHAPTER 18.40 "GENERAL REGULATIONS" AMENDING SECTION 18.40.120 TO REGULATE THE PARKING OF RECREATIONAL VEHICLES WITHIN THE TOWN OF ROSS

WHEREAS, the Town Council recognizes the importance of preserving the integrity and aesthetic quality of the roadways and areas open to public view; and

WHEREAS, the Town Council has found the parking of recreational type vehicles on public streets, right of ways and private properties open to public view, detracts from the integrity and aesthetic quality the Town is striving to preserve; and

WHEREAS, the Town Council desires to adopt additional parking regulations contemplated herein in efforts to preserve and enhance the aesthetic quality and integrity of the Town of Ross; and

NOW, THEREFORE, The Town Council of the Town of Ross does ordain as follows:

SECTION 1: Section 10.28.080 "Parking; Recreational Vehicles within Town Limits" of Title 10 "Vehicles and Traffic" of the Ross Municipal Code is hereby added to read, in its entirety, as follows:

"10.28.080 Parking; Recreational Vehicles Within Town Limits.

(a) Definitions. For purposes of this section, the following definitions shall apply, unless context clearly indicates otherwise. If a word is not defined in this section, the common and ordinary meaning of the word shall apply. All citations to state law shall refer to the act, statute, or regulation as may be amended from time to time.

"Recreational Vehicle" or "RV" means any vehicle or trailer that is capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated as a recreational vehicle by and bearing the insignia of any state or federal agency having the authority to approve recreational vehicles. "Recreational Vehicle" includes, without limitation, any of the following: a "camp trailer," as defined by California Vehicle Code Section 242; a "fifth-wheel travel trailer," as defined by California Vehicle Code Section 324; a "house car," as defined in California Vehicle 362; a "trailer" as defined in California Vehicle Code Section 630; a "trailer coach," as defined in California Vehicle Code Section 635; a boat, watercraft, and or/or trailer for a boat or water craft; a "recreational vehicle" as defined in California Health & Safety Code

Section 18010; and a "slide-in camper," as defined in California Health & Safety Code Section 18012.4.

(b) RV Parking; Prohibition.

(1) No person who owns or has possession, custody or control of a Recreational Vehicle shall park or leave such vehicle standing upon any street or alley or other public right of way.

(2) In the event a Recreational Vehicle is parked or left standing upon a street or alley or public parking facility, any member of the police department authorized by the chief of police may cause to remove such vehicle from the street as authorized by the California Vehicle Code and subject to the provisions of this section.

(3) Prior to removing any Recreational Vehicle, notice shall be affixed to the Recreational Vehicle advising that the RV will be removed for violation of this section unless it is moved off the street or other public right of way within the indicated amount of time.

(4) Whenever a member of the police department removes a Recreational Vehicle pursuant to his section and causes it to be stored as permitted by the California Vehicle Code, the chief of police or his or her designee shall comply with the requirements of Section 22852 of the California Vehicle Code relating to post-storage notice and hearing for registered owners and legal owners of record.

(5) The Chief of Police is authorized and directed to procure and erect appropriate signs, and/or markings indicating the restrictions of this section.

SECTION 3. Section 18.40.120 "Trailers and vehicles used for habitation." of Title 18 "Zoning" of the Ross Municipal Code is hereby amended to read, in its entirety, as follows:

"18.40.120. Trailers and vehicles used for habitation or parked in private driveways.

- (a) Recreational Vehicles, as defined in Section 10.28.080 must neither be used as living quarters nor used for conducting business while parked or stored.
- (b) Recreational Vehicles, as defined in Section 10.28.080, are permitted to park or be stored on private property if the following conditions have been met:
 - a. The RV must be parked on the driveway.
 - b. The RV must be setback a minimum of 15 feet from the roadway's edge.
 - c. The RV may not be parked for more than 3 days, unless the property owner has erected a fence or similar screening that substantially blocks the view of the vehicle from the public. Said fence or screening will be subject to the design review process in Section 18.41 and all other relevant zoning requirements of this code.

- d. The RV does not reduce the number of off street parking spaces to less than two (2) parking spaces.”

SECTION 4. CEQA. The Town Council hereby finds that this Ordinance is not a “project” under the California Environmental Quality Act (“CEQA”) because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment as contemplated by Title 14, California Code of Regulations Section 1578(b)(4). The proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed updates to the Town’s parking regulations for recreational vehicles will have a significant effect on the environment. The proposed Ordinance imposes new parking requirements for recreational vehicles in an attempt to avoid the adverse impacts of those vehicles on public streets and on private property. Therefore, the proposed Ordinance by itself will not result in any physical changes on the environment. A Notice of Exemption will be prepared.

SECTION 5. Severability. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentence, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 6. Savings Clause. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

SECTION 7. Certification. The Town Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after its final passage and adoption, and shall be posted in three public places in Town.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Ross Town Council on the 14th day of December, 2017, and was adopted at a regular meeting of the Ross Town Council on the ___ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elizabeth Robbins, Mayor

ATTEST:

Linda Lopez, Town Clerk