STAFF REPORT

MEETING
DATE: September 26, 2017

TO: City Council

FROM: Adam McGill, Chief of Police

PRESENTER: Adam McGill, Chief of Police

SUBJECT: HOLD A PUBLIC HEARING AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO AMENDING NOVATO MUNICIPAL CODE CHAPTER XVIII ENTITLED “TRAFFIC”, TO ADD RESTRICTIONS ON PARKING, STOPPING, AND STANDING OF RECREATIONAL VEHICLES

REQUEST

Hold a Public Hearing and introduce an ordinance amending Chapter 18 of the Novato Municipal Code that restricts Recreational Vehicles from parking, stopping, and standing on the streets of Novato.

DISCUSSION

BACKGROUND: Currently under the Novato Municipal Code, recreational vehicles (“RV”) and trailers are allowed to remain parked on a City street for up to 72 hours, and commercial vehicles weighing more than 10,000 pounds are allowed to park up to one hour anytime within a residential district and up to an hour from 7am-7pm without restriction overnight in commercial/industrial districts.

It is quite common to see multiple RV’s parked on streets such as Landing Court, Redwood Boulevard, Bel Marin Keys, and even within some of our interior neighborhoods for days at a time. As a consequence, the Police Department, other City departments, and Councilmembers receive regular and numerous complaints from residents and business owners concerned about the parking of RV’s and oversized vehicles (including commercial oversized vehicles that weigh less than 10,000 pounds) for extended periods of time. The complainants complain that the occupants who are living in the RV’s dump hazardous wastes in storm drains, dump furniture and other garbage on neighboring private and public properties, create fire hazards from outdoor grills and create dangerous conditions by obstructing sightlines resulting in traffic safety issues. Additionally, the police department has received reports of RV occupants essentially setting up camps including lawn chair, grills, and tables on sidewalks in front of and adjacent to homes.

Because of these widespread and continuing problems, Staff is recommending the City Council adopt an ordinance that prohibits RV parking throughout the City, and to extend the same ban to certain other oversized vehicles that weigh less than 10,000 pounds.
ANALYSIS: California Vehicle Code Section 22507 authorizes a city, “by ordinance or resolution to prohibit or restrict the stopping, parking or standing of vehicles . . . on certain streets or highways, or portions thereof, during all or certain hours of the day.” California cases have held that this provision permits a city to prohibit or restrict the parking of recreational vehicles and oversized vehicles on some or all streets of the city with appropriate signage. In addition, Section 18-5.2 of the Novato Municipal Code authorizes the City traffic engineer to regulate, restrict or prohibit parking on specified streets and during specified hours, effective upon the posting of appropriate signs giving notice of the particular prohibition.

Regulation of RV Parking:

Many other California cities have restrictions on the parking of recreational vehicles on public streets. For example, Mill Valley prohibits overnight parking by RV’s on any public street. Corte Madera does not allow RV’s to park on any public street at any time. San Francisco restricts parking in certain areas to vehicles of a defined height and length. Santa Barbara prohibits overnight RV parking in certain parts of that city. Windsor prohibits RV’s from parking for more than 18 hours. San Rafael prohibits RV’s from parking on a public street anywhere in that city. The ordinance proposed by Staff (Attachment A) would add a new Section 8-7.22 to the Novato Municipal Code entitled “Stopping, Standing, and Parking of Recreational Vehicles—Prohibited" that would contain the following major features:

1. Applicability of regulations: New Section 8-7.22 would regulate a category of vehicles referred to collectively, for simplicity, as “Recreational Vehicles" or RV’s". However, for purposes of the ordinance, this term includes: Any vehicle or trailer which 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 the State of California or any other State or Federal agency having the authority to approve recreational vehicles. "Recreational vehicle" may include, 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 Code Section 362; a " trailer coach", as defined in California Vehicle Code Section 635; (5) mobile home, as defined by California Vehicle Code Section 396; a boat, watercraft, and/ or a trailer for a boat or watercraft; a " park trailer" as defined in California Health & Safety Code Section 18009.3; a " recreational vehicle" as defined in California Health & Safety Code Section 18010; a " trailer" as defined in California Vehicle Code Section 630; a " trailer coach" as defined in California Vehicle Code Section 635; and a " truck camper" as defined in California Health & Safety Code Section 18013.4."

2. Parking of RV’s would be prohibited on public streets throughout the City.

3. The Chief of Police, or his designee, would have authority to issue temporary RV parking permits under certain circumstances in order to: 1) give owners of Recreational Vehicles the opportunity, for a limited time period, to park the Recreational Vehicle on a public street adjacent to their residence for purposes of loading, unloading, and cleaning; 2) allow an out-of-town visitor who owns a Recreational Vehicle to park for a limited time period on a public street adjacent to the residence being visited; and 3) allow a Recreational Vehicle to be used on a temporary basis for a community -serving event, or as otherwise deemed appropriate by the Chief of Police or designee.
4. A resident of Novato would be able to obtain a one-day Temporary RV Parking Permit to park directly in front of his/her residence, or to the side of the property if it is a corner lot. When the Permit expires, the applicant may request additional permits, but no more than three (3) consecutive Temporary RV Parking Permits (a total of three (3) calendar days of parking) at one time. No more than thirty-six (36) Temporary RV Parking Permits may be issued for one resident/RV in any calendar year.

5. An out-of-town visitor would be able to obtain a Temporary RV Parking Permit to park directly in front of the residence he or she is visiting, or to the side of the property if it is a corner lot, for a period not to exceed eight (8) calendar days. When the Permit expires, the applicant may request additional permits; however, no more than twelve (12) Temporary RV Parking Permits may be issued for one person, residence, or designated RV in any calendar year.

6. A Temporary RV Parking Permit, valid for no more than 12 hours, could be obtained for a temporary community-serving use, such as a blood drive or mobile library stop. No more than twelve (12) Temporary RV Parking Permits may be issued for a particular community-serving use in any calendar year.

7. To allow for flexibility in the event of unusual circumstances, the Chief of Police or his/her designee would have authority to issue Temporary RV Parking Permits for such other purposes and time periods, and with such conditions, as he or she shall deem appropriate for the promotion of the public health, safety or general welfare.

8. It would be illegal to permit any electrical, water, gas, telephone or other utility connection from any property to a recreational vehicle parked, stopped, or left standing on a public highway or street, to encroach into any public right-of-way, including across or above any street or sidewalk.

If the City Council approves the introduction of the ordinance at this meeting, it will be placed on the consent agenda for the next meeting on October 10, 2017, for adoption, and will go into effect thirty days thereafter, on November 9, 2017.

Police department staff will issue warnings to violators of the RV section for a period of 30 days before issuing citations. Violators of the section dealing with oversized vehicles will also be issued warnings for a period of 30 days in order for staff to conduct additional outreach.

In addition to the warnings, informational flyers will be placed on each vehicle in violation alerting the owner of the new regulations regarding oversize vehicles and asking the owner to contact the Police Department in order to provide specific input on the nature of their business needs for on street parking and what type of permit would meet their needs.

**PUBLIC OUTREACH**

The proposed ordinance was advertised in the Marin Independent Journal on September 14, 2017. Furthermore, parties known to the police department were notified of today’s meeting.
FISCAL IMPACT

Signage advising persons of the RV parking restrictions must be posted at each entrance to the City. There are approximately 25 signs that will be required. The total cost for signage, labor and staff time is estimated at $7,000.

RECOMMENDATION

Conduct hearing, introduce ordinance and at subsequent Council meeting adopt the ordinance.

ALTERNATIVES

1. Introduce the ordinance as presented;
2. Defer action and provide direction to Staff for modification of the ordinance, for consideration at a later date, or for other actions to address the issues discussed in this staff report;
3. Take no action on the proposed ordinance.

ATTACHMENT

1. Draft Ordinance
ATTACHMENT 1

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO ADDING SECTION 18-7.22 TO THE NOVATO MUNICIPAL CODE PROHIBITING THE PARKING OF RV’S ON PUBLIC STREETS WITHOUT A PERMIT

The City Council of the City of Novato does ordain as follows:

Section 1.

Section 18-7.22 is added to the Novato Municipal Code to read as follows:

18-7.22 - Stopping, standing, and parking of recreational vehicles—Prohibited.

a. Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Recreational Vehicle" or "RV" shall mean any vehicle or trailer which 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 the State of California or any other state or federal agency having the authority to approve recreational vehicles. "Recreational vehicle" may include, 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 Code Section 362; a "trailer" as defined in California Vehicle Code Section 630; a "trailer coach," as defined in California Vehicle Code Section 635; a mobile home, as defined by California Vehicle Code Section 396; a boat, watercraft, and/or a trailer for a boat or watercraft; a "park trailer" as defined in California Health & Safety Code Section 18009.3; a "recreational vehicle" as defined in California Health & Safety Code Section 18010; and a "truck camper" as defined in California Health & Safety Code Section 18013.4.

2. "Resident" shall mean a person who customarily resides and maintains a place of abode or who owns land within the city. It shall not mean a person who maintains an address at a mailbox drop, or who rents a room which is not his or her primary place of abode, nor shall it mean a person who maintains only a post office box, unless that person also provides evidence of residence at a street address within the city.

3. "Out-of-town visitor" shall mean any person who does not reside in the city who is temporarily visiting as a guest of a resident of the city, and who has applied for a temporary RV parking permit pursuant to subsection (d), below.
b. Prohibitions.
   1. Notwithstanding anything in Section 18-10.1 of this code to the contrary, except as provided in subsections c. and d. of this section, no person shall park, stop, or leave standing any recreational vehicle upon any public highway or public right-of-way or public property within the city.
   2. No person shall display a fraudulent, forged, altered, or counterfeit temporary RV parking permit or permit number with the intent to avoid compliance with this section.

c. Exemptions. The prohibitions in this section shall not apply to any of the following:
   1. A recreational vehicle for which a temporary RV parking permit has been issued by the Chief of Police, or his designee, as provided in subsection D;
   2. A recreational vehicle parked, stopped, or left standing as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle for a period not to exceed twenty-four (24) hours;
   3. Any public emergency vehicle.

d. Temporary RV Parking Permits.
   1. Temporary RV Parking Permits—Purpose. The purpose of authorizing the issuance of temporary RV parking permits is to give owners of recreational vehicles the opportunity, for a limited time, to park the recreational vehicle on a public street or highway directly in front of (or on the side of the property if it is a corner lot) their residence for purposes of loading, unloading or cleaning, and to allow an out-of-town visitor who owns a recreational vehicle to park on a public street or highway directly in front of (or on the side of the property if it is a corner lot) the residence which the out-of-town visitor is visiting for a limited time period, and to allow a recreational vehicle to be used on a temporary basis for a community-serving event, or, in order to provide flexibility in administration, as deemed appropriate by the Chief of Police, or his/her designee.
   2. Temporary RV Parking Permits—Limitations.
      a). A resident with a temporary RV parking permit who parks, stops, or leaves standing his/her recreational vehicle on a public street or highway other than directly in front of (or on the side of the property if it is a corner lot) his/her residence will be subject to citation, towing, or both.
      b). An out-of-town visitor with a temporary RV parking permit who parks, stops, or leaves standing his/her recreational vehicle on a public street or highway other than directly in front of (or on the side of the property if it is a corner lot) the residence which the out-of-town visitor is visiting will be subject to citation, towing, or both.
      c). No person shall cause or permit any electrical, water, gas, telephone or other utility connection from any property to a recreational vehicle parked, stopped, or left standing on a public highway or street, including but not limited to electrical cords,
extension cords, hoses, or cables, to encroach into any public right-of-way, including across or above any street or sidewalk.

3. Temporary RV Parking Permits—Application and Issuance. The Chief of Police, or his/her designee, is authorized to issue temporary RV parking permits, pursuant to the following:
   a). Residents. Each resident desiring a temporary RV parking permit shall file with the Police Department a completed city application form, signed under penalty of perjury, containing the following:
      i. The name, address, and phone number of the registered owner of the designated recreational vehicle;
      ii. The name, address, and phone number of the applicant(s) for the permit;
      iii. Proof of residency. Acceptable proof of residency must be current and must include a California Driver's License or California Identification Card, and either a property tax bill or a public utility bill showing the applicant to be the owner of the residence in question;
      iv. The registration from the California Department of Motor Vehicles for the recreational vehicle or trailer that shows the recreational vehicle is registered in the City of Novato and is owned by the applicant;
      v. The license number, make, and model of the designated recreational vehicle;
      vi. The dates for which the permit is requested; and
      vii. Additional information the parking services department may require.
   b). Out-of-town visitors. Each out-of-town visitor desiring a temporary RV parking permit shall file with the Police Department a completed city application form, signed under penalty of perjury, containing the following:
      i. The name, address, and phone number of the registered owner of the designated recreational vehicle;
      ii. The name, address, and phone number of the applicant(s) for the permit;
      iii. The registration from the California Department of Motor Vehicles, or equivalent agency for another state, for the recreational vehicle;
      iv. The name, address, and phone number of the resident who is being visited;
      v. The license number, make, and model of the designated recreational vehicle;
      vi. The dates for which the permit is requested; and
      vii. Additional information the parking services department may require.
c). Community-serving uses and others. Each person or organization desiring a temporary RV parking permit shall file with the Police Department a completed city application form, signed under penalty of perjury, containing the following:

i. The name, address, and phone number of the registered owner of the designated recreational vehicle;

ii. The name, address, and phone number of the applicant(s) for the permit;

iii. The registration from the California Department of Motor Vehicles, or equivalent agency for another state, for the recreational vehicle;

iv. The event or purpose for which the RV will be parked;

v. The license number, make, and model of the designated recreational vehicle;

vi. The dates for which the permit is requested; and

vii. Additional information the parking services department may require.

4. Temporary RV Parking Permits—Display. Temporary RV parking permits issued and approved by the parking services department shall include the license plate number of the designated recreational vehicle, the date of permit issuance, and the day of permit expiration.

a). Permits shall be displayed in the lower driver's side of the windshield or nearest window of the recreational vehicle for which it has been issued so that it is clearly visible from the exterior of the vehicle. Permits shall be displayed on the side of the recreational vehicle for which it has been issued so that it is visible from the street, which is usually the left side.

b). The Chief of Police, or his designee, is authorized to set up a temporary RV parking permit call-in phone number or an internet processing system.

5. Temporary RV Parking Permits—Duration.

a). Residents. A temporary RV parking permit issued to a resident shall be valid for one (1) calendar day. A resident may request no more than three (3) consecutive temporary RV parking permits (a total of three (3) calendar days of parking) at one (1) time. Upon expiration of the permit, the applicant may apply for and be granted additional temporary RV parking permits if the applicant still qualifies under the conditions set forth in this section. In no event shall any resident and/or designated recreational vehicle be issued more than thirty-six (36) temporary RV parking permits for residents in any calendar year.

b). Out-of-town visitors. A temporary RV parking permit issued to an out-of-town visitor shall be valid for a period not to exceed eight (8) consecutive calendar days. Upon expiration of the permit, the applicant may apply for and be granted additional temporary RV parking permits if the applicant still qualifies under the conditions set forth in this section. The temporary RV parking permit will be tied to the residence...
being visited. In no event shall any person, residence and/or designated recreational vehicle be issued more than twelve (12) temporary RV parking permits for out-of-town visitors in any calendar year. Community-serving uses. A temporary RV parking permit may be issued for a temporary community-serving use, such as a blood drive or mobile library stop, and shall be valid for a period not to exceed twelve (12) hours. In no event shall any person or organization be issued more than twelve (12) temporary RV parking permits for community-serving uses in any calendar year.

d). Other. The Chief of Police, or his designee, within their discretion, may issue temporary RV parking permits for such other purposes and time periods, and with such conditions, as he or she shall deem appropriate for the promotion of the public health, safety or general welfare.

e. Violations. In the event an RV is parked or left standing in violation of this section said RV may be immediately removed in accordance with Cal. Veh. Code sec. 22651.

f. Signs. The director of public works shall post streets signs giving notice of the parking prohibitions herein at appropriate locations on streets within the city, including at the entrances and exits to the city. Such signs shall give notice that vehicles violating this section may be cited/and or towed at the owner's expense.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 3. Effective date. This ordinance shall become effective 30 days after the date of adoption.

Section 4. Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

- publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption; or, publishing the title or appropriate summary in the Novato Advance at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.
THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 26th day of September, 2017, and was passed and adopted at a regular meeting of the Novato City Council on the ____ day of _____, 2017.

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ABSTAIN: Councilmembers

____________________________________

Mayor of the City of Novato

Attest:

___________________________________

City Clerk of the City of Novato

Approved as to form:

____________________________________

City Attorney of the City of Novato