

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: October 2, 2018
To: Honorable Mayor and Honorable City Councilmembers
From: Police Chief James Conner
Subject: Consideration of Approval of First Reading and Introduction of Ordinance to approve rescission of Sebastopol Municipal Code 10.40.090 TRAILERS (It shall be unlawful for any person to cook in, sleep in, or otherwise inhabit any camp car, camp trailer, motor home, mobile home, or other vehicle within the City of Sebastopol except in campgrounds, trailer parks, or mobile home parks, or such other areas as may be expressly designated by the authority of the City of Sebastopol
Recommendation: Approve First Reading and Introduction of Ordinance to Rescind SMC Section 10.40.090
Funding: Currently Budgeted: _____ Yes _____ No X N/A
Net General Fund Cost: _____
Amount: _____

INTRODUCTION: The current version of the Sebastopol Municipal Code prohibits camping in vehicles within the City limits, with certain enumerated exceptions:

SMC Section 10.40.090 TRAILERS

It shall be unlawful for any person to cook in, sleep in, or otherwise inhabit any camp car, camp trailer, motor home, mobile home, or other vehicle within the City of Sebastopol except in campgrounds, trailer parks, or mobile home parks, or such other areas as may be expressly designated by the authority of the City of Sebastopol.

BACKGROUND: In June 2014, a 3-judge panel of the U.S. 9th Circuit Court of Appeals decided that the Los Angeles city ordinance prohibiting living in vehicles was unconstitutionally vague and therefore unenforceable. Since the Los Angeles ordinance was functionally equivalent to ours, the Court’s decision is controlling in our jurisdiction as well – rendering our corresponding Municipal Code section unenforceable.

The City Council and City staff have received many requests from community members and business representatives for enforcement of SMC 10.40.090; the requests are made with the reasonable expectation that since the regulation remains published in the current municipal code, that it is valid and can be enforced.

DISCUSSION: As SMC 10.40.090 is not constitutionally enforceable, rescinding the section would eliminate a source of contention and frustration for those who view the lack of enforcement as an unwillingness on the City's part to address the issue of camping in vehicles.

RECOMMENDATION: That the City Council Approve the First Reading and Introduction of Ordinance to approve rescission of Sebastopol Municipal Code 10.40.090 TRAILERS.

Attachment(s):

Ordinance

Chapter 10.40

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Sections:

10.40.010 Twenty-four minute parking.

10.40.020 Forty-minute parking.

10.40.030 One-hour parking.

10.40.040 Four-hour parking.

10.40.050 Parking parallel on one-way streets.

10.40.060 Diagonal parking.

10.40.070 Parking space markings.

10.40.080 No stopping zones.

~~10.40.090 Trailers.~~

10.40.100 City-owned parking lots.

10.40.110 Parking permits.

10.40.120 Handicapped parking.

10.40.130 Designation of parking spaces for disabled.

10.40.140 Infraction penalty.

10.40.010 Twenty-four minute parking.

Green curb marking shall mean no standing or parking for a period of time longer than 24 minutes at any time between 8:00 a.m. and 6:00 p.m. on any day except Sundays and holidays.

When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notices thereof, no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof.

10.40.020 Forty-minute parking.

When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period time longer than 40 minutes.

10.40.030 One-hour parking.

When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop,

stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than one hour.

10.40.040 Four-hour parking.

When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for a period of time longer than three hours, four hours, or such time as shall be determined by the Traffic Engineer.

10.40.050 Parking parallel on one-way streets.

A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within 18 inches of the curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The City Traffic Engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirements of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby.

10.40.060 Diagonal parking.

On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it shall be unlawful for the operator of any vehicle to park said vehicle except:

A. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space.

B. With the front wheel nearest the curb within six inches of said curb. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in SMC 10.40.050 shall be complied with.

10.40.070 Parking space markings.

The City Traffic Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbing where authorized parking is permitted. When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped,

left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

10.40.080 No stopping zones.

The City Traffic Engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited.

During the hours and on the days designated on the signs, it shall be unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by resolution of the Council as no stopping zones.

~~10.40.090 Trailers.~~

~~It shall be unlawful for any person to cook in, sleep in, or otherwise inhabit any camp car, camp trailer, motor home, mobile home, or other vehicle within the City of Sebastopol except in campgrounds, trailer parks, or mobile home parks, or such other areas as may be expressly designated by the authority of the City of Sebastopol.~~

10.40.100 City-owned parking lots.

All parking regulations of the City of Sebastopol, as provided in this chapter, shall be applicable to publicly owned off-street parking facilities.

The City Council may designate certain City-owned parking lots, upon which it charges for parking. Said charges may be collected by parking meters, parking permits, or by other means.

10.40.110 Parking permits.

The City Council may, by resolution, authorize the issuance of stamps, stickers, or other methods of identification indicating upon their face the month or other period of time during which the authorization is effective for a consideration to be determined by the City Council as just and equitable, which stickers, stamp or other device shall be visibly placed in the car and shall constitute authorization for the parking of such car upon and within any parking lot owned and operated by the City of Sebastopol during the period of time indicated upon said stamp, sticker or other device. No person shall park or leave any vehicle in any space designated as "reserved" or other designation indicating its use for permit parking.

10.40.120 Handicapped parking.

No person shall park any vehicle or cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him, to be parked adjacent to a curb painted blue, or in any parking space on or off street painted blue or otherwise designated and identified as reserved for handicapped persons, unless said vehicle displays either one of the distinguishing license plates issued to disabled persons, pursuant to Section 22511.5 of the California Vehicle Code, or to disabled veterans as specified in Section 9105 of the California Vehicle Code.

10.40.130 Designation of parking spaces for disabled.

The City Traffic Engineer shall designate special "blue curb" parking spaces for the purposes of providing on-street parking or parking in publicly owned off-street facilities for exclusive use of physically handicapped persons.

10.40.140 Infraction penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and any person violating any section or portion of this chapter on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and, upon conviction of either an infraction or a misdemeanor, shall be punishable as provided by law.