

ORDINANCE NO. 891**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADDING A NEW CHAPTER 11.15 TO THE DUARTE MUNICIPAL CODE RELATING TO PERMIT AND LICENSE REQUIREMENTS FOR OVERNIGHT PARKING OF RECREATIONAL VEHICLES ON CITY RIGHT OF WAY**

WHEREAS, the Duarte Municipal Code (DMC) does not currently regulate overnight RV parking on public right of way; and

WHEREAS, during the past few years, staff has observed an increased level of calls for service related to RV related concerns; and

WHEREAS, the concerns that have been raised range from parking related issues to traffic hazards; and

WHEREAS, this topic was heard at the regularly scheduled Public Safety Commission meeting on the 19th day of March, 2019, and the Commission unanimously recommended that the City Council adopt an ordinance to regulate RV overnight parking.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 11.15 (“Recreational Vehicles”) is hereby added to the Duarte Municipal Code to read as follows:

Chapter 11.15 Recreational Vehicles

Sections:

- 11.15.010 Definitions.
- 11.15.020 Permit required.
- 11.15.030 Issuance.
- 11.15.040 Prohibited Activities.
- 11.15.050 Violations.
- 11.15.060 Revocation.

§ 11.15.010 Definitions

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter.

“OVERNIGHT” means between the hours of 10:00 p.m. and 6:00 a.m.

“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 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 boat, watercraft, and 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.

“RV GUEST PERMIT” means a limited duration parking permit for a recreational vehicle belonging to a person or persons who do not reside in the city and who is or are temporarily visiting a resident of the city.

“RV PERMIT” means a limited duration parking permit for a recreational vehicle belonging to a resident of the city.

§ 11.15.020 Permit Required

- (A) 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 between the hours of 10:00 p.m. and 6:00 a.m. without a valid RV permit or RV guest permit conspicuously displayed in the lower driver's side of the windshield or nearest window such that all the permit's information is visible.
1. The Director of Public Safety, or designee, has the authority to issue RV permits and RV guest permits and to revoke such permits in accordance with the provisions of this chapter.
The City may charge a fee to issue the RV permit and/or the RV guest permit, as established by resolution of the City Council.
- (B) RV permit application. An application for a RV permit shall be filed with the Public Safety Department in advance of parking an RV overnight on any public right of way on an application form which shall contain:
1. The name, valid address and telephone number of the resident or entity who owns the RV;
RV Registration information: make, model, year, color, license plate and/or VIN.
 3. The signature of the owner of the RV agreeing to all terms and conditions of the permit to be issued by the City.
- (C) RV guest permit application. An application for a RV guest permit shall be filed with the Public Safety Department in advance of parking an RV overnight on any public right of way. The application shall be completed by a city resident, the owner of private property located in the city, or the owner of the RV for which a RV guest permit is to be issued. Such application form shall contain:
1. The name, valid street address and telephone number of the person or entity who owns the RV;
The name, valid street address and telephone number of the city resident / property owner for whom the permittee is visiting;
 3. RV Registration information: make, model, year, color, license plate and/or VIN.
 4. The signature of the city resident / property owner on behalf of their guest and the owner of the RV agreeing to all terms and conditions of the RV guest permit to be issued by the City.
- (D) Persons holding a valid RV permit or RV guest permit issued pursuant to this chapter may park the recreational vehicle for which the permit was issued on a city street provided the recreational vehicle is parked along the curb line within the same block as the residence / property ownership listed in the application for which the permit is issued. If the residence / property is located on a corner, then the permit holder may park along the curb line of either of the streets on the block on which the residence is located. The RV shall not park within 50 feet of an intersection.
- (E) RV permits shall remain valid for up to three consecutive days and shall expire at 6:00 a.m. on the fourth day. Upon the expiration of the RV permit, the permittee may then apply for a new RV permit, however, no RV permit will be issued for a residential address for more than a total of six days in any calendar month. No more than one RV permit shall be issued for each residential address in the city; this does not include a RV guest permit.
- (F) RV guest permits shall remain valid for up to three consecutive days and shall expire at 6:00 a.m. on the fourth day. Upon the expiration of the RV guest permit, the permittee may apply for a new RV guest permit, however, no RV guest permit will be issued for a residential address for more than a total of six days in any calendar month. No more than one RV guest permit shall be issued for each residential address in the city; this does not include a RV permit.

- (G) Notwithstanding the provisions of this section, a permittee may apply for a successive permit up to one day prior to the expiration of a valid permit if the number of permits issued does not exceed the maximum number allowed for the permit type.
- (H) Except as expressly provided in this chapter, a RV permit or a RV guest permit does not authorize any vehicle to park in a location or manner that is otherwise prohibited by this code or by the California Vehicle Code or any other applicable regulation, including but not limited to parking restrictions on street sweeping days.
- (I) The presence of a valid RV permit, exempts the vehicle from overnight parking restrictions as listed in DMC section 11.13.130.

§ 11.15.030 Issuance

- (A) RV Permit. The Director of Public Safety or designee shall issue a RV permit unless one of the following findings is made:
 - 1. The applicant is not a city resident;
The resident is not the registered owner of the recreational vehicle or does not have authorization to use such vehicle;
 - 3. A valid RV permit has already been issued for a resident at the listed address.
 - 4. The address associated with the resident has already exceeded the monthly maximum of 6 days allowed for a RV permit in any given month.
 - 5. There are public safety concerns, as determined by the Director of Public Safety, relating to the parking of the recreational vehicle on the street on which the parking would be provided, including but not limited to a street being too narrow to safely accommodate the recreational vehicle;
 - 6. The street on which parking would be provided prohibits parking of all vehicles.
 - 7. The applicant provided information that was materially false.
 - 8. The applicant has unpaid parking citations issued by the City of Duarte.
- (B) RV Guest Permit. The Director of Public Safety or designee shall issue a RV guest permit unless one of the following findings is made:
 - 1. The guest is not visiting the resident listed in the application or the property owner has not provided signed authorization;
The guest is not the registered owner of the recreational vehicle or does not have authorization to use such vehicle;
 - 3. The address associated with the resident has already exceeded the monthly maximum of 6 days allowed for a RV permit in any given month;
 - 4. There are public safety concerns relating to the parking of the recreational vehicle on the street on which the parking would be provided, including but not limited to a street being too narrow to safely accommodate the recreational vehicle;
 - 5. The street on which parking would be provided prohibits parking of all vehicles;
 - 6. The applicant provided information that was materially false;
 - 7. The applicant has unpaid parking citations issued by the City of Duarte.

§ 11.15.040 Prohibited Activities

Regardless of whether a person has a valid RV permit or RV guest permit, no person shall:

- (A) Park within fifty (50) feet of an intersection.
- (B) Utilize electrical cords, extension cords, water or drainage hoses, cables, or other items that cross, above, or on the parkway, street, or sidewalk from any property to a recreational vehicle parked on a public street at any time.

- (C) Connect a recreational vehicle to the public sewer system or dump waste onto public or private land or into streets, gutters or storm drains, other than lawfully at a designated, licensed and permitted recreational vehicle sanitary wastewater dump station.
- (D) Use the recreational vehicle for human habitation or conduct business in the RV while parked on public right of way.
- (E) Use slide outs/pop outs or other appurtenances that encroach on the roadway, parkway and/or sidewalk thereby interfering with the path of safe travel of vehicles and pedestrians.
- (F) Use external power sources without limitation.
- (G) Cause any noise to be emitted in violation of Noise Ordinance DMC 9.68.060.
- (H) Leak or emit any type of grease, oil, fuel, or other harmful substance onto public right of way.

§ 11.15.050 Violations

Unless otherwise specified, all violations of this chapter shall be an infraction and persons who commit a violation shall be subject to citation, towing or both, and revocation of permits as specified in this Chapter. Notwithstanding the foregoing, any violation of Section 11.15.040 may be prosecuted as a misdemeanor in the discretion of the City Prosecutor.

§ 11.15.060 Revocation

- (A) The Director of Public Safety or designee shall have the authority to revoke a RV permit or RV guest permit if any one of the following findings is made:
 - 1. Grounds exist which would have justified denial of the permit in the first instance;
The recreational vehicle has fallen into a state of disrepair and has become a public nuisance, or a danger to pedestrians or other vehicles;
 - 3. The recreational vehicle has become inoperable;
 - 4. There have been at least 3 parking citations issued for the recreational vehicle associated with the RV guest permit; or
 - 5. There has been a violation of this Chapter.
- (B) The Director of Public Safety shall issue a notice of revocation in writing to the permittee specifying the effective date of the revocation, which date shall be at least two days after the date of the notice of revocation. Mailed notice shall be deemed served three days after deposit in the United States mail.
- (C) The permittee shall have the right to appeal the notice of revocation in accordance with the procedures of Chapter 1.08. During the appeal process, the permittee will not be allowed to continue parking the RV on the city right of way.

Section 2. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal laws, and this Ordinance shall be construed in light of that intent.

Section 3. If any section, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance or the application thereof to any person, place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council of the City of Duarte hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

Section 4. The adoption of this Resolution approving overnight parking fees is statutorily exempt for the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15273 of the State CEQA Guidelines (14 C.C.R. Sec. 15273) and is additionally and independently exempt from CEQA analysis pursuant to State CEQA Guidelines Section 15061(b)(3) [14 C.C.R. Sec. 15061 15061(b)(3)} which sets forth the rule that “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Section 5. The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

Section 6. This ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED this 14th day of May , 2019.

/s/ Tzeitel Paras-Caracci
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 891 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 14th day of May, 2019, by the following Roll Call vote:

AYES: Councilmembers: Finlay, Kang, Reilly, Urias, Paras-Caracci

NOES: Councilmembers: None

ABSENT: Councilmembers: Fasana

(District 7 vacant)

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California