

Ordinance No. 1707(23)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Adding a New Section 10.28.240 to Chapter 10.28
(Stopping, Standing and Parking) of Title 10
(Vehicles and Traffic) of the Lompoc Municipal
Code to Restrict the Overnight Parking of
Recreational Vehicles and Create a Parking Permit Program**

WHEREAS, Section 22507 of the California Vehicle Code provides that “Local authorities may, by ordinance or resolution, 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. The ordinance or resolution may include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a parking permit or parking permits that exempt them from the prohibition or restriction of the ordinance or resolution. With the exception of alleys, the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed. A local ordinance or resolution adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program;” and

WHEREAS, as authorized by state law, the City Council desires to amend the Lompoc Municipal Code to restrict overnight parking of recreational vehicles on all City streets except by City residents and their guests who have obtained a parking permit for the overnight parking of such vehicles.

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

SECTION 1. Findings. The City Council makes the following findings:

A. Many Lompoc residents own recreational vehicles (RVs) but do not have a space to store them on private property, which results in these vehicles being stored on public streets.

B. Due to the unique characteristics of RVs, the storage of these vehicles on public streets has more potential to create nuisances than the storage of other kinds of vehicles that are commonly stored on public streets. For example, RVs can be used for cooking, bathing, and habitation, and often include bathrooms. As a result, these vehicles generally store or are capable of storing larger quantities of certain kinds of dangerous materials and pollutants than other kinds of vehicles stored on public streets and may be more likely to have larger amounts of trash stored on board than other vehicles that are commonly stored on public streets. Although the City Council acknowledges that most Lompoc residents are responsible RV owners and are careful to safely and properly dispose of trash and other wastes from their RVs, the City often receives complaints of excessive trash and dumping of pollutants, including human waste, from and near RVs parked on City streets.

C. The public right-of-way is designated for the use of the whole public and therefore nuisances existing in the public right-of-way are of particular concern because they have the potential to threaten the health, safety, and welfare of all residents of Lompoc as well as others who travel to or through Lompoc. Nuisances in the right-of-way also have the potential to make Lompoc a less attractive place to visit, which has a detrimental impact on Lompoc businesses.

D. RVs are generally longer than vehicles used for daily driving and therefore take up more space along a curb than other vehicles that are commonly parked on public streets. Furthermore, when RVs are being stored on public streets, they are less likely to be regularly moved than vehicles used for daily driving. Moreover, if multiple RVs are parked or stored next to each other, as sometimes happens on Lompoc streets, this can result in the effective closure of large areas of curb parking to the public. Consequently, due to the length of RVs and the infrequency with which stored RVs are moved, the unrestricted parking and storage of RVs on public streets has a tendency to limit the availability and flexibility of on-street parking options for drivers in the City.

E. Consequently, the City Council finds that a balance must be struck between providing Lompoc residents with the option of storing their RVs on City streets and ensuring that this activity does not limit available parking or create nuisances that detract from the health, safety, and welfare of Lompoc residents and businesses.

F. The City Council does not wish to restrict parking of RVs on City streets during daylight hours because both residents and non-residents might use their RVs for transportation during the day, and may need to park on City streets to shop, visit friends and family, and carry on other activities.

G. Based on these considerations, the City Council finds that restricting overnight parking of RVs, allowing the overnight parking of RVs by permit only, and limiting the locations where RVs can be parked overnight will strike a proper balance by continuing to give RV owners and their out-of-town guests the option of parking and storing these vehicles on City streets, while also decreasing the impacts of RVs on available street parking and giving the City an additional enforcement tool to ensure that this activity does not result in the creation of nuisances in the public right-of-way.

SECTION 2. Adoption of Code Amendments. Section 10.28.240, attached as Exhibit A, is hereby added to the Lompoc Municipal Code.

SECTION 3. Environmental Review. Adoption of this ordinance is not a project under California Environmental Quality Act (CEQA) since it will not result in a direct physical change to the environment and will not result in a reasonably foreseeable indirect physical change to the environment. Alternatively, adoption of this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the approval of this code amendment will have a significant impact on the environment.

SECTION 4. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on _____, 2023, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2023, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc

Exhibit A: Lompoc Municipal Code Chapter 10.28, Section 10.28.240

EXHIBIT A

10.28.240 Restrictions on Parking of Recreational Vehicles; Permit Parking.

A. 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 section:

“Out-of-town visitor” means any natural person who is not a resident of the City and who is temporarily visiting a resident of the City.

“Recreational vehicle” means a motorhome, travel trailer, truck camper, camping trailer, or other vehicle or trailer, with or without motive power, designed or altered for human habitation for recreational, emergency, or other human occupancy. “Recreational vehicle” specifically includes, but is not limited to: a “recreational vehicle” as defined by California Health and Safety Code Section 18010; a “truck camper” as defined by Health and Safety Code Section 18013.4; a “camp trailer” as defined in California Vehicle Code Section 242; a “camper” as defined in California Vehicle Code Section 243; a “fifth-wheel travel trailer” as defined in California Vehicle Code Section 324; a “house car” as defined by California Vehicle Code Section 362; a “trailer coach” as defined in California Vehicle Code Section 635; a motor home; a van camper; or a van conversion.

“Resident,” “City resident,” or “resident of the City” means a person whose primary dwelling place is located at a permanent physical address in the City of Lompoc.

“RV guest parking permit” means a limited-duration parking permit for a recreational vehicle belonging to an out-of-town visitor issued by the Chief of Police or designee in accordance with the provisions of this section.

“RV parking permit” means a two-year parking permit for a recreational vehicle belonging to a resident of the City issued by the Chief of Police or designee in accordance with the provisions of this section.

B. Overnight Parking Prohibited – Exceptions.

1. It is unlawful for a person to park or leave standing any recreational vehicle on any public street, park, square, avenue, alley or public way in the City between the hours of 10:00 p.m. on one day and 6:00 a.m. on the next day.
2. Exceptions. The prohibitions in subsection 1 do not apply to:
 - a. Recreational vehicles for which an RV parking permit or RV guest parking permit has been issued if such parking permit is displayed and is valid, and which comply with the other requirements of this section; or

- b. Recreational vehicles parked 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 forty-eight hours.

C. Overnight Parking Only Permitted on Same Block as Residence.

Parking of recreational vehicles with an RV parking permit or RV guest parking permit is allowed between the hours of 10:00 p.m. on one day and 6:00 a.m. on the next day on all City streets that are adjacent to a permanent residential dwelling structure; however, permitted recreational vehicles may only park along the curb line within the same block as the residence listed in the application for the parking permit. If the residence is located on a corner, then the parking permit holder may park the recreational vehicle along the curb line of either of the streets on the block on which the residence is located.

D. Parking Permits – Limitations.

1. Except as expressly provided in this section, an RV parking permit or an RV guest parking 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.
2. An RV parking permit or an RV guest parking permit does not guarantee the availability of parking at any time.

E. Parking Permits – Duration.

1. RV parking permits are valid for one year. The permittee may apply for additional RV parking permits without any limitation on the number of successive parking permits which may be issued provided all of the conditions set forth in this section continue to be met. No more than one RV parking permit shall be issued for each residential address in the City at any time; however, a single address may have an RV parking permit and RV guest parking permit at the same time.
2. RV guest parking permits will be issued for a period not to exceed two weeks. The total duration of all RV guest parking permits for any single residential address shall not exceed sixty total calendar days in any consecutive twelve-month period, regardless of the number of out-of-town visitors during that period of time.
3. Notwithstanding subsections 1 and 2, RV parking permits and RV guest parking permits will automatically expire if the resident moves to a new address.

F. Parking Permit – Application.

1. Every resident desiring an RV parking permit shall file an application with the Lompoc Police Department containing the following information:
 - a. The name, residential address and phone number of the resident applying for the parking permit along with proof of residency satisfactory to the Chief of Police such as a current driver's license or identification card, property tax bill, or public utility bill;

- b. If the residential address is located within a common interest development with a Homeowners Association (HOA) formed and operating under the Davis-Stirling Common Interest Development Act (Civil Code sections 4000 to 6150), then documentation from the HOA stating parking of the recreational vehicle in question is permitted. That documentation may either be a copy of the HOA rules, Covenants, Conditions, and Restrictions (CC&Rs), or a letter from the HOA stating that the recreational vehicle may be parked on the street on which the resident resides;
 - c. The name, address, and phone number of the registered owner of the recreational vehicle for which a parking permit is sought along with a copy of the vehicle registration from the California Department of Motor Vehicles or equivalent agency from another state. If the resident applying for the RV parking permit is not the registered owner, then the application shall either include a letter of authorization from the registered owner or proof that the applicant is renting the recreational vehicle;
 - d. The license plate number, year, make and model of the recreational vehicle; and
 - e. Such additional information as the Chief of Police or designee may reasonably require.
 2. An application for an RV guest parking permit may be filed by the resident that the out-of-town visitor is visiting. The application shall include the following:
 - a. The name, residential address and phone number of the resident that the out-of-town visitor will be visiting;
 - b. The name, address, and phone number of the out-of-town visitor;
 - c. The name, address, and phone number of the registered owner of the recreational vehicle for which a parking permit is sought along with a copy of the vehicle registration from the California Department of Motor Vehicles or equivalent agency from another state. If the out-of-town visitor is not the registered owner, then the application shall either include a letter of authorization from the registered owner or proof that the out-of-town visitor is renting the recreational vehicle;
 - d. The license plate number, year, make and model of the recreational vehicle;
 - e. The dates for which the parking permit is desired; and
 - f. Such additional information as the Chief of Police or designee may reasonably require.
 3. There shall be a fee for issuance of an RV parking permit or RV guest parking permit, in an amount set by resolution of the City Council and included on the Master Fee Schedule.

G. Parking Permits – Issuance.

1. The Chief of Police or designee has the authority to issue RV parking permits and RV guest parking permits.
2. The Chief of Police or designee shall issue an RV parking permit unless one of the following findings is made:
 - a. The applicant is not a City resident;
 - b. The resident is not the registered owner of the recreational vehicle and neither has authorization from the owner to use such vehicle nor proof that the vehicle is being rented by the resident;
 - c. An RV parking permit that is still valid has already been issued for a resident at the listed address;
 - d. 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;
 - e. The street on which parking would be provided prohibits parking of vehicles;
 - f. The street on which parking would be provided is located within a common interest development with a HOA formed and operating under the Davis-Stirling Common Interest Development Act (Civil Code sections 4000 to 6150), and the resident has not produced documentation from the HOA indicating the recreational vehicle may be parked on the street on which the resident resides;
or
 - g. The applicant provided information in the parking permit application that was materially false.
3. The Chief of Police or designee shall issue an RV guest parking permit unless one of the following findings is made:
 - a. The out-of-town visitor is not the registered owner of the recreational vehicle and neither has authorization from the owner to use such vehicle nor proof that the vehicle is being rented by the out-of-town visitor;
 - b. 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;
 - c. The street on which parking would be provided prohibits parking of ;
 - d. The street on which parking would be provided is located within a common interest development with a HOA formed and operating under the Davis-Stirling

Common Interest Development Act (Civil Code sections 4000 to 6150), and the resident has not produced documentation from the HOA indicating the recreational vehicle may be parked on the street on which the resident resides;

- e. The applicant provided information in the parking permit application that was materially false;
- f. The out-of-town visitor is not visiting the resident listed in the application;
- g. The address associated with the resident that the out-of-town visitor is visiting has already exceeded the number of days allowed for an RV parking permit for guests in the previous twelve months.

H. RV Parking permit – Display.

- 1. All RV parking permits and RV guest parking permits shall include the license plate number of the designated recreational vehicle, the date of issuance, the date of expiration, the parking permit number, and the resident's address.
- 2. All RV parking permits shall be conspicuously displayed in the lower driver's side of the windshield or nearest window so that all information on the parking permit is clearly visible from the exterior of the vehicle in order to avoid a parking ticket. The possession of a valid, unexpired parking permit that was not properly displayed shall not be considered a defense to a citation for an illegally parked recreational vehicle.
- 3. Any person who displays a counterfeit, forged, altered, or fraudulent RV parking permit shall be guilty of a misdemeanor.

I. Parking Permits – Revocation.

- 1. The Chief of Police or designee shall have the authority to revoke an RV parking permit or RV guest parking permit in the following circumstances:
 - a. Facts are discovered after the parking permit is issued that would have justified denial of the parking permit application;
 - b. The recreational vehicle has fallen into a state of disrepair and has become a public nuisance;
 - c. The recreational vehicle has become inoperable;
 - d. There have been at least two parking citations issued for the recreational vehicle associated with the parking permit;
 - e. There has been a violation of subsection J in connection with the recreational vehicle for which the parking permit is issued.

2. The Chief of Police shall issue a notice of revocation in writing to the permittee specifying the effective date of the revocation. The revocation shall become effective on the first day following the deadline to file an appeal under Chapter 1.32, unless an appeal is filed, in which case the revocation shall not become effective until a final decision on the appeal is issued.
3. The permittee shall have the right to appeal the notice of revocation in accordance with the procedures of Chapter 1.32 of this code, except that the appeal shall be to the City Manager with no right of review to the City Council.

J. Recreational Vehicles – Prohibited Activities.

Regardless of whether a person has a RV parking permit, no person shall:

1. Run electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time; or
2. Make a sewer connection with a recreational vehicle or discharge waste from a recreational vehicle in violation of Section 13.16.270 or Section 13.32.090. Violation of this subsection J.2 shall be a misdemeanor.

K. Violations.

Unless otherwise specified, all violations of this section shall be an infraction and shall be subject to citation, towing as permitted by state law, or both.