

CITY OF SEBASTOPOL
CITY COUNCIL MEETING
AGENDA STAFF REPORT

Meeting Date: July 17, 2018
To: Honorable Mayor and Honorable City Councilmembers
From: Police Chief James Conner
Subject: Vehicle Camping and associated issues
Recommendation: Accept this informational report
Funding: Currently Budgeted: _____ Yes _____ No X N/A
Net General Fund Cost: _____
Amount: _____

INTRODUCTION: This item is to provide the City Council background information regarding the presence of trailers and recreational vehicles in the Morris Street industrial area, and associated issues.

BACKGROUND: At the last City Council Meeting, City staff was directed to bring an informational item to the City Council discussing the issues and concerns raised by residents on the presence of trailers and recreational vehicles in the Morris Street industrial area.

INFORMATION:

For the last two years, there has been RVs and trailers legally parking in the Morris Street industrial area. However, the quantity of those vehicles has noticeably grown over the last year and the City has received a number of complaints from community members and business representatives regarding the existence of RVs and trailers parked in the Morris Street industrial area.

The lawful and Constitutional method for the City to address this condition is through the fair and impartial enforcement of State laws and local ordinances. The applicable State laws prohibit parking any vehicle on a public roadway in excess of 72 hours without moving or dumping of hazardous waste. The applicable Municipal Code prohibits camping in any vehicle within the City, except in a campground or trailer park.

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.

DISCUSSION:

Sebastopol Police Department (SPD) officers routinely conduct health and welfare or security checks of the area where the trailers are parked – as well as marking vehicles to ensure compliance with the 72-hour parking regulation. During the checks, the officers interact frequently with vehicle occupants.

Based on those interactions, our estimation is that about half of the vehicles that are routinely parked in this area are regular occupants that have used the Morris Street industrial area for a year or more. The majority of vehicles have a sole occupant, and none have families or children occupants.

The volume of trailers fluctuates, generally between 10 and 20. As of the writing of this staff report (Wednesday, July 11, 2018), there were 2 RVs legally parked on Morris Street and 8 RVs or trailers legally parked on the north end of Morris Street (both east and west sides of the street.) The volume of trailers tends to decrease during the weekends and increase during the weekdays. Our experience has been that the trailers are generally vacant during the daytime hours, although we have no data on where the occupants go during those times. With few exceptions, the occupants are not from the Sebastopol area. We have not encountered any occupants that claim to have been displaced by the October 2017 fires.

The California Vehicle Code prohibits storing vehicles on the public street, as defined as remaining unmoved for over 72 hours. The City is required to notify the vehicle owner and provide a reasonable time to abate the violation. We do that by placing a violation notice on the vehicle, marking the tire to confirm placement, and then returning after 72 hours has elapsed. If the vehicle remains after 72 hours, unmoved, it is subject to removal. If the vehicle has moved from the original parking space (no matter how slightly), it is no longer in violation and is not subject to removal or citation.

Another difficult consideration is that if these folks are homeless but living in their vehicle, and we tow it away, they become homeless and stranded in Sebastopol and living outside – so our preference is that they move it as there are no social services available here to assist them.

To complicate the matter, tow companies do not want to tow RVs and trailers. It takes equipment larger than a standard wrecker to tow them; they are filled with personal property; they are rarely redeemed from the tow company because of potential DMV fees and registration/title problems; and the waste systems require expensive haz-mat disposal processes (by law.) The result is tow companies are then left 'holding the bag' for potentially thousands of dollars of costs to dispose of the RV or trailer.

During the past year, the City experienced a single incident of hazardous waste spilled onto the roadway. In June, officers conducting parking compliance on Morris Street encountered a small amount of sewage spilled onto the roadway and running toward the storm drain. The Fire Department responded to contain and clean up the spill, which they estimated to be between 5 and 45 gallons. Public Works was notified of the spill but did not believe any waste reached the storm drain.

While there are a few area occupants with dogs, we have only had complaints of one particular animal. The complaints are of 'aggressive nature' and that the owner set up a make-shift dog run on the hillside adjacent to the east side of the Corporation Yard. When contacted, he was cooperative and removed the dog run.

Officers routinely visit the area looking for parking or criminal violations. When we encounter either, we take whatever lawful action we are able to take to abate the problem. If the City is notified of a problem by a community member (whether parking or behavior-related) we send officers to locate the offense and take action to abate the problem. We have encountered people with warrants for their arrest and

also those on probation for criminal convictions. Once identified as such by law enforcement, they generally leave the area to avoid future police contact.

In an effort to help occupants, the City of Sebastopol Police Department, as well as West County Community Services (WCCS), has been out interacting with the trailer occupants offering services. The City makes available to the occupants a comprehensive list of free and low-cost services to help people struggling with homelessness. Resources include shelter, food, health care, financial assistance, housing, employment, disability services, pet care and more.

As a result of the U.S. 9th Circuit Court of Appeals, the City of Los Angeles has replaced their ordinance but has chosen to merely restrict the activity rather than ban it: inhabiting vehicles may only be done in designated (industrial) areas now, rather than the previously contested prohibition. There have been recommendations to change the on-street parking on Morris Street to timed parking zones of various types (i.e., 3-hour parking, No Overnight Parking, etc.) This idea could potentially reduce RV and trailer parking in the Morris Street industrial area.

Some other entities have enacted oversized vehicle parking prohibitions on any public roadway or parking facility within their jurisdiction. However, the local ordinance provides exemption for those vehicles in industrial areas if there is not sufficient available storage/parking in that area.

Regarding the recommendation of using prohibited or time-restricted parking along Morris Street, I am not certain that would improve the problem. If we focus enforcement attention on the vehicles parked in that industrial area, the folks living in those vehicles will move to other areas that may be more problematic. For example, if the group moves north along Morris Street and around the curve to southbound Johnson Street parallel to the Analy High ball fields, or to more densely populated residential areas. The public complaints would almost certainly be greater and more frequent if that occurs.

Additionally, parking restrictions must not be arbitrary or capricious – meaning they must be based on bona-fide need (i.e., timed parking zones because of limited parking availability in a commercial zone, restricted hours because of a school zone, etc.) Enacting parking restrictions simply to exclude otherwise lawful behavior could be seen by the Courts as capricious, and an attempt to circumvent the spirit of case law.

In an effort to try to address the homelessness situation, Catholic Charities created a program in cooperation with local churches to allow overnight camping in vehicles in their private parking lots. Catholic Charities oversaw the program, including providing security for the sites. Participants were required to check-in, and follow rules, and were required to leave by 7am the next morning. That didn't work out for too long. So Catholic Charities stopped the program and most of the churches also stopped allowing camping. The Community Church here in town continued to allow it for a few months after Catholic Charities stopped, but they also stopped because of their experiences.

This issue is not unique to Sebastopol, or even to Sonoma County – it is occurring all over the State. In fact, that was one of the topics of discussion at a recent meeting of the Sonoma County Law Enforcement Chiefs Association, and also a recent meeting of the Abandoned Vehicle Abatement board. Although there are discussions going on at all levels of government, and have been for some time, no

one has yet come up with a lawful solution that doesn't make matters worse or cause unintended negative consequences.

There is no designated space for vehicle camping in the city of Sebastopol; there are several private campgrounds and trailer parks around Sonoma County; the Sonoma County Fairgrounds in Santa Rosa also has a camp ground, including RV utility hook-ups as well as a dump station (available for a \$10 fee.) I would be wary of creating or designating a place for sleeping in vehicles for a couple of reasons; first and foremost because it's not safe for the occupant, and the City has no ability to provide security to make it safe. Secondly, that would act as a magnet – attracting dozens, if not hundreds, of people to this community for the purpose of camping here. The associated problems would, I fear, overwhelm our ability to address them effectively.

RECOMMENDATION: That the City Council accept this informational Staff report.

Attachment(s):

None