

TOWN OF SAN ANSELMO

ORDINANCE NO. 1106

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 3 “PUBLIC SAFETY” CHAPTER 5 “TRAFFIC” SECTION 3-5.1207 “ALL-NIGHT PARKING PROHIBITED WITHOUT PERMIT” SUBSECTION (c) “HARDSHIPS” TO LIMIT HARDSHIP PERMITS TO PASSENGER VEHICLES AND AMENDING TITLE 5 “SANITATION AND HEALTH” CHAPTER 5 “TRAILERS, CAMP CARS, AND CAMPING” REGULATING THE OCCUPANCY AND PLACEMENT OF TRAILERS

WHEREAS, trailer and commercial vehicle parking, storage and habitation restrictions are necessary to promote the health, safety, aesthetic appearance and general welfare of the public and to stabilize and protect the residential character of neighborhoods in the Town of San Anselmo (“Town”); and

WHEREAS, temporarily permitting occupancy of trailers can make home improvement more affordable for Town residents and also permits on-site housing of residents after disaster; and

WHEREAS, the Town Council has found that the provisions of this ordinance are consistent with the goals and policies of the Town’s General Plan and other adopted ordinances and regulations of the Town.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: Title 3, Chapter 5, Section 3-5.1207 “All-night parking prohibited without permit,” Subsection (c) “Hardships” of the San Anselmo Municipal Code is amended to add the following Subsection 3-5.1207(c)(7):

That the vehicle is a passenger vehicle and not an all-terrain vehicle, auxiliary dolly, camp trailer, camper, carry-all, commercial vehicle or modular, factory-built housing, fifth-wheel travel trailer, house car, any limousine, logging dolly or vehicle, manufactured home, mobile billboard advertising display, mobilehome, paratransit vehicle, park trailer, passenger transportation vehicle, pole or pipe dolly, recreational off-highway vehicle, recreational vehicle, utility-terrain vehicle, schoolbus, semitrailer, shade trailer, slide-in camper, snowmobile, special construction or mobile equipment, special purpose commercial modular, tour bus, tow truck, tow dolly, trailer, trailer coach, trailer bus, utility trailer, water tender vehicle or youth bus (as these vehicles are defined in the California Vehicle and Health and Safety Codes).

SECTION 2: Title 5, Chapter 5, of the San Anselmo Municipal Code is amended to read as follows:

Chapter 5

TRAILERS, CAMP CARS, AND CAMPING

Sections:

5-5.01 Definitions.

For the purposes of this chapter, "camp car" or "trailer" shall mean any unit used for living or sleeping purposes which is equipped with wheels or similar devices used for the purpose of transporting such unit from place to place, whether by motive power or other means. "Trailer" includes any camp trailer, camper, house car, trailer coach, manufactured home, mobilehome, or recreational vehicle as defined in Vehicle Code sections 242, 243, 362, 635 or California Health and Safety Code sections 18007, 18008 and 18010. "Camp" shall mean any place used as a temporary abode. "Vehicle" shall mean any motor vehicle used or maintained for the transportation of persons. The term "vehicle" shall not include trailers.

5-5.02 Trailers prohibited for living or sleeping purposes: Camping prohibited.

It shall be unlawful for any person to camp or use or occupy any trailer or camp car for living or sleeping purposes upon any lot, piece, or parcel of land or private street or way in the Town or upon any public street, lane, alley, thoroughfare, parking lot, or any other public place or property in the Town, except as provided in Sections 5-5.04 or Title 5-5.05 of this chapter.

5-5.03 Use of land for trailers prohibited for living or sleeping purposes.

It shall be unlawful for any owner, lessee, or occupant of any lot, piece, or parcel of land within the Town, for gain, hire, reward, or gratuity, to permit such premises to be occupied by any trailer or camp car used for living or sleeping purposes.

5-5.04 Parking and storage of trailers permitted.

Nothing in this chapter shall be deemed to prohibit:

(a) The parking or storage of any trailer or camp car on the property of its owner provided that the unit is screened as viewed from off-street and adjacent sites by a solid fence that conforms to the permitted height limits, vegetation, structures or topography and provided that the trailer or camp car or any required screening does not obstruct the view of pedestrians and vehicles on the adjacent sidewalk and/or street and does not otherwise constitute a nuisance; or

(b) Backyard camping or sleeping in a vehicle that does not meet the definition of a trailer in Section 5-5.01 on developed property with the permission of the owner, lessee, or occupant.

5-5.05 Temporary Trailers for Habitation during Construction and After Disasters

(a) Permit Required. A property owner of a site developed with one single-family residence may obtain a permit to use one trailer as a temporary residence when permitted construction or a disaster precludes use of his/her primary residence, subject to the requirements, restrictions, limitations and standards in this section.

(b) Review and approval procedures.

1. Application. An application for a temporary trailer permit shall be filed with the building official on forms prescribed by the building official, along with any plans or additional information required and a fee as established by a resolution of the Town Council. The application shall include, in part, evidence supporting the requirements of this section and all applicable State statutes.

2. Review and Approval Authority. The building official shall review and approve, conditionally approve, or deny a temporary trailer application administratively with no public meeting.

(c) Criteria for Permit. A temporary trailer permit shall be issued if the structure complies with all of the following criteria. The building official shall have the authority to impose other reasonable conditions and restrictions on the permit in order to protect the peace, health, safety and general welfare of any person or persons or of the general public. Additional conditions may include the provision of off street parking and increased setbacks.

1. The property is owned and occupied as the owner's principal residence.

2. The proposed location for the trailer complies with applicable provisions of the San Anselmo Zoning Code, including setbacks. However, if the property owner adjacent to the side or rear setback where the trailer will be located has consented in writing to the installation of the trailer in the setback, an exception will be made to the setback requirements. This subsection may be waived in the event of a disaster to permit a trailer in a front, rear or side setback.

3. No other habitable units exist at the site.

4. A building permit has been issued and is in full force and effect on the same site, or on adjacent lots under the same ownership, for construction or remodeling that will render the residence substandard under the Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials, as amended from time to time. If the permit request is associated with a residence that has been made substandard by disaster, the building official may issue the permit after the disaster and prior to issuance of a building permit.

5. The trailer contains 400 square feet or less of gross floor area, excluding loft space, and is less than 14 feet in height.

6. The trailer shall be connected to a water supply and an electrical outlet approved by the building department. A backflow prevention device may be required.

7. The trailer must have built-in toilet facilities or on site access to toilet facilities.

8. Any plumbing facilities shall be connected to a sewage disposal system approved by the Ross Valley Sanitary District for the structure under construction and approved by the building department. In the event of a disaster that precludes connection to the sanitary sewer system, the building official may approve equivalent facilities.

9. If the site is in a Special Flood Hazard Area identified on the Town Flood Insurance Rate Map, the Town Floodplain Administrator has verified in writing that the trailer placement will comply with applicable requirements for a development permit under Title 7 Chapter 11, Protection of Flood Hazard Areas.

10. The temporary use shall not involve mechanical equipment that generates noise, such as a generator, unless the operation of the equipment will comply with any applicable noise regulations.

11. The use shall comply with any applicable Fire Code standards, including access, fire suppression, setbacks and addressing.

12. The trailer will not be located where there would be any undue hazard to the safety or health of the inhabitants of the trailer, or where the parking and maintenance of the trailer would constitute a hazard or detriment to the peace, health, safety or welfare of other persons in the vicinity or of the general public.

13. The applicant has submitted a financial security to cover the removal expense and has granted the Town the right to remove the trailer and to store it at the sole cost and expense of the applicant upon expiration or revocation of the permit.

(d) Expiration and Extension

1. The property owner shall cease using the trailer as a dwelling unit, disconnect it from the water supply and sewage disposal system, and remove it from the site within 30 days after one of the following events, whichever occurs first: 1.) the building permit has expired; 2.) clearance for occupancy is issued by the building official for the primary residence; 3.) final inspection clearance on the building permit; or, 4.) twelve months have passed since temporary trailer permit approval.

2. Permit Extension. A permittee with a valid permit for a temporary trailer may, at least thirty days prior to expiration, apply to the building official for a six month time extensions for the use of the temporary trailer. The building official may approve up to two six-month time extensions if the permittee remains in compliance with the original approval and the owner is making substantial progress toward completion of the primary structure. An application for renewal shall be accompanied by a fee in an amount established by resolution of the town council.

5-5.06 Penalties for Violation

(a) Any violation of the provisions of this ordinance is hereby declared a public nuisance and shall be subject to abatement in the manner set forth in Title 1 Chapter 2.

(b) Any person violating provisions of this ordinance shall be deemed guilty of an infraction and shall be subject to penalties pursuant to Section 36900 of the California Government Code, as amended.

(c) Each and every day that any violation of this ordinance continues, is committed or is permitted to continue shall be regarded as a new and separate offense.

(d) The remedies provided in this section shall be cumulative and not exclusive.

SECTION 3: CEQA. The Town Council has determined that the ordinance is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA). The Town Council finds the project categorically exempt under the CEQA Guidelines, which include classes of projects that the Secretary for Resources has determined not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA. The project is exempt under CEQA Guideline Section 15304(e) "Minor Alterations to Land" which includes minor temporary use of land having negligible or no permanent effects on the environment. The adoption of this Ordinance will not result in cumulative adverse environmental impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2.

SECTION 4: Severability. The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 1 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 6: This Ordinance shall go into effect thirty (30) days from its adoption except that Section 1 shall not apply to existing All-night/Overnight Parking Permits, which expire December 31, 2016.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on April 12, 2016, and was adopted at a regular meeting of the San Anselmo Town Council on May 10, 2016 by the following vote:

AYES: Greene, Coleman, Wright, Brown
NOES: McInerney
ABSENT: None
ABSTAIN: None

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above a horizontal line.

Ford Greene, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Carla Kacmar', positioned above a horizontal line.

Carla Kacmar, Town Clerk