

ORDINANCE NO. 750

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING SECTION 11.36.125 OF THE MUNICIPAL CODE REGARDING RV-PARKING PERMITS; AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

WHEREAS, the City of Indian Wells, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make, amend and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City desires to remove the parking-permit requirement for recreational vehicles in Section 11.36.125, Parking of Recreational Vehicles, and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider this Ordinance was given in accordance with applicable law; and

WHEREAS, on February 16, 2023, a public hearing on this Ordinance was held by the City Council; and

WHEREAS, after careful consideration of the staff report and all the information, evidence, and testimony presented at its public hearing, the City Council finds that this Ordinance is consistent with General Plan goals and policies pertaining to land development, city image, orderly growth, and economic development.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. CEQA. Adoption of the proposed ordinance is not subject to review under the California Environmental Quality Act ("CEQA") because the amendment would not cause any direct physical change or any reasonably foreseeable indirect physical change in the environment. The amendment does not allow or disallow any use or public or private property. Nor does it change any parking restriction regarding location, duration, or frequency. It merely dispenses with an administrative permit. Therefore, adoption of the ordinance is not a "project" subject to CEQA. (Cal. Pub. Res. Code § 21065; 14 Cal. Code Regs. § 15378.) Adoption of the ordinance is exempt because the amendment has no potential for causing a significant impact on the environment. (14 Cal. Code Regs. § 15061(b)(3).)

SECTION 3. Code Amendments. Section 11.36.125 of the Indian Wells Municipal Code are hereby amended to read in its entirety as set forth in Exhibit A hereto and incorporated herein by reference.

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 44950 Eldorado Drive, Indian Wells, CA 92210. The custodian of these records is the City Clerk.

SECTION 5. Severability. If any section, sentence, clause or phrase of this ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council and the people of the City of Indian Wells hereby declare that they would have adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance takes effect 30 days following its adoption.

SECTION 7. Publication. The City Clerk shall certify to the adoption of this ordinance. Not later than 15 days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Indian Wells.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 2nd day of March 2023.

DONNA GRIFFITH
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 750

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 750, having been regularly introduced at the regular meeting of February 16, 2023 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on March 2, 2023 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN
CITY ATTORNEY

Exhibit "A"

11.36.125 Parking of recreational vehicles.

Notwithstanding any other provision of this Code, the regulations of this Section govern parking of recreational vehicles.

(a) **Purpose.** The City's recreational vehicle parking regulations help minimize the problems associated with parking recreational vehicles on public and private streets and property, while still affording owners of such vehicles temporary parking privileges for purposes of loading, unloading and undertaking interior maintenance and washing of such recreational vehicles. Problems associated with recreational vehicle parking include:

- (1) Driving sight obstructions;
- (2) Interference with mail delivery;
- (3) Health and safety concerns associated with camping or habitation in vehicles;
- (4) Viewshed obstructions and neighborhood aesthetic concerns.

(b) **Application.** Notwithstanding any other provision of this Code, this Section governs the parking of recreational vehicles in the City. If there is any conflict with any provision in any other part of this Code, the provisions in this Section govern.

(c) **Definition of Recreational Vehicle.**

(1) **Generally.**

(A) "Recreational vehicle" or "RV" means a vehicle designed as a structure capable of human habitation; a boat; or a trailer used for the transport of other vehicles that are used for the purpose of recreation. "Trailer" is defined as a vehicle designed for carrying persons or property on its own structure and for being drawn by another motor vehicle.

(B) **Exception.** A van or pickup truck that: (1) has an attached utility camper shell that is not designed for camping or human habitation; and (2) is used primarily for transportation is excluded from this definition.

(2) **Examples.** For the purposes of this Chapter, the following vehicles, among others, are considered recreational vehicles:

- (A) Camp trailer, per California Vehicle Code Section 242;
- (B) Fifth-wheel travel trailer, per California Vehicle Code Section 324;
- (C) House car, per California Vehicle Code Section 362;
- (D) Trailer coach, per California Vehicle Code Section 635;

- (E) Mobile home, per California Vehicle Code Section 396;
 - (F) Boat or boat trailer;
 - (G) Trailers used for the transport of equipment, vehicles, or animals that are used for the purpose of recreation.
 - (H) Recreational vehicle, per California Health and Safety Code Section 18010;
- (d) **Restrictions.** Parking, storage, and use of recreational vehicles is restricted.
- (1) **Parking and Storage.**
 - (A) **Generally.** The parking or storage of any RV on a public or private street or property is prohibited unless the vehicle is located entirely within a fully enclosed structure that is approved by the City's Design Review Committee.
 - (B) **Exceptions.** The general rule in subsection (d)(1)(A) above does not apply in the following three situations:
 - (i) **HOA Allowance.** Subsection (d)(1)(A) above does not apply to a residential property or private street that is part of a common interest development ("CID") to the extent that each homeowners' association with jurisdiction over the CID has an express statement in its CC&Rs that allows recreational vehicles to be parked within the CID.
 - (ii) **Short-Term Parking.** Short-term parking (two-hour maximum) in a public parking lot or in legal street parking space is permitted when patronizing a business or visiting a park in the City. After two hours have elapsed at any one location or combination of locations within the City, the vehicle must relocate outside City limits for a minimum of 48 consecutive hours.
 - (iii) **Loading and Unloading; Twice a Week Max.** An RV may be parked within the City for a maximum of 24 hours on public or private streets and a maximum of 48 hours on private lots for loading and unloading purposes. No more than two periods under this paragraph are allowed in any seven-day period for the same residence or RV.
 - (C) **Regulations.**
 - (i) Except as expressly provided in this Chapter, RV parking on public and private streets under this section (d) is only allowed abutting the RV-owner's property. Nothing in this chapter authorizes parking a vehicle in a location or manner that is otherwise prohibited by this Code or by the California Vehicle Code.

- (ii) RV parking on private lots is restricted to legal driveways or that portion of the lot area where a legal garage is or can be constructed.
- (iii) No other activity except loading or unloading of an RV is allowed while the RV parked on a public or private street. Washing the RV or minor interior maintenance may only be performed in the area defined by subsection (d)(1)(C)(ii) above.
- (iv) No person may route electrical cords, extension cords, hoses, cables, or other items on or across City sidewalks or parkways from any property to an RV parked on a public or private street at any time.
- (v) No person may make a sewer connection with an RV or dump waste from an RV onto public or private streets or lots. Violation of this subsection is a misdemeanor and subject to the fine amount listed in Section 1.20.030(d)(2).

(2) **Overnight Use.**

- (A) **Generally.** No person shall camp overnight within any recreational vehicle.
- (B) **Exception.** The prohibition in subparagraph (d)(2)(A) above does not apply to a resident who has been granted an Emergency Use Permit in response to an emergency situation. The City may issue an Emergency Use Permit under this paragraph for overnight camping within a recreational vehicle if the resident's primary residential structure has been deemed unsafe for human habitation due to an emergency situation. Examples of emergency situations include, but are not limited to, mudslides, floods, fires, earthquakes, wind damage, long-term power outages, or as otherwise determined by the Director of Community Development.

(e) **Violations.**

- (1) One courtesy notice will be issued to the recreational vehicle owner for the first violation of this Code. All subsequent violations of the recreational vehicle parking requirements by the same owner or involving the same vehicle shall be citable infractions. The City may issue administrative citations in accordance with Section 1.20.030(d)(1).
- (2) An owner who receives three administrative citations within a 12-month period, forfeits the privilege of parking a recreational vehicle on city streets for a one-year period, beginning on the date of the third citation.

- (f) **Procedures for contesting administrative citation.** If a recreational vehicle owner is cited for violating this Chapter, the owner or person in control of the recreational vehicle may appeal the administrative citation in accordance with Section 1.20.070.