

Council Meeting
March 1, 2011

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: SECOND AND FINAL READING OF ORDINANCE 3742

RECOMMENDATION:

Second and Final Reading of **ORDINANCE NO. 3742** repealing Section 12 of Article 5 of Chapter 2 of Division 9 and adding new Sections 15 through 23 to Article 5 of Chapter 2 of Division 9 of the Torrance Municipal Code relating to the prevention of long-term use of vehicles on private property as living quarters.

BACKGROUND:

At the regular meeting of the City Council held on the 15th day of February 2011, the Ordinance was introduced and amended as follows:

"SECTION 92.5.16 – TEMPORARY HABITATION PERMITS.

- b) A Temporary Habitation Permit shall not be granted more than five times per calendar year, with a minimum of fifteen consecutive days between the end of one Temporary Habitation Permit and the beginning of the next Temporary Habitation Permit."

The Ordinance was approved as amended by the following roll call vote:

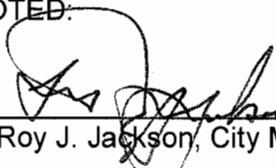
AYES:	COUNCILMEMBERS:	Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

Respectfully submitted,



Sue Herbers, City Clerk

NOTED:



LeRoy J. Jackson, City Manager

Attachment A: Ordinance 3742
B: Ordinance summary

ORDINANCE NO. 3742**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING SECTION 12 OF ARTICLE 5 OF CHAPTER 2 OF DIVISION 9 AND ADDING NEW SECTIONS 15 THROUGH 23 TO ARTICLE 5 OF CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE RELATING TO THE PREVENTION OF LONG-TERM USE OF VEHICLES ON PRIVATE PROPERTY AS LIVING QUARTERS.**

The City Council of the City of Torrance does ordain as follows:

SECTION 1

The City Council of the City of Torrance finds, determines and declares as follows:

- A. The long term use of vehicles and trailers as living quarters on private property negatively affects the aesthetics and livability of the community, neighborhood and residents. Noise levels are increased with generator and engine usage, annoying odors are emitted from sewage holding tanks and traffic within the neighborhood is increased with the addition of residents in unpermitted living quarters;
- B. Use of vehicles for long-term living quarters can result in persons living within side or rear set-back areas, which would not otherwise be acceptable for living quarters and which can expose adjacent residents to greater levels of noise and odor;
- C. Current ordinances are inadequate to address the problem of long-term habitation of vehicles on private property;
- D. There is value in having recreational vehicles or trailers kept on private property, as it allows for storage of supplies in case of emergency as well as providing additional space for short-term visitors or family activities; and
- E. The City intends to provide a method by which residents may make use of their recreational vehicles for short-term visitors or family activities while prohibiting the long-term use of those vehicles for living quarters.

SECTION 2

That Section 12 of Article 5 of Chapter 2 of Division 9 is hereby repealed in its entirety.

SECTION 3

That a new Section 15 is added to Article 5 of Chapter 2 of Division 9, entitled USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION. This section reads in its entirety as follows:

"SECTION 92.5.15 – USE OF VEHICLES ON PRIVATE PROPERTY FOR HABITATION.

No person shall use or allow any Vehicle parked or standing upon any residentially zoned property to be used for the purpose of temporary or permanent living without a permit, nor shall any Vehicle be stopped, parked, left standing or encroaching upon any portion of neighboring private properties.

- a) For purposes of this section, the term, "living," shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the Vehicle not directly related to its driving. The following factors may constitute acts of "living" for purposes of this code section: the connecting to sewer, water, electrical systems, and/or the use of a power generator, except during a loading and/or preparation period.
 - 1) A loading and/or preparation period for purposes of this section means a period of five days or less within a calendar week, i.e. Sunday through Saturday.
 - 2) No more than three nonconsecutive loading and/or preparation periods are permitted in a calendar month.
- b) For purposes of sections 92.5.15 through 92.5.23, "Vehicle," means any device, operable or inoperable, with or without wheels, by which any person or property may be propelled, moved, or drawn upon the street or highway, including, but not limited to, automobiles, boats, mobile homes, trailers, house trailers, semitrailers, camp trailers (including tent trailers), unmounted campers, trailer coaches, fifth-wheel travel trailers, recreational vehicles, and/or similar type trailers."

SECTION 4

That a new Section 16 is added to Article 5 of Chapter 2 of Division 9, entitled TEMPORARY HABITATION PERMITS. This section reads in its entirety as follows:

"SECTION 92.5.16 – TEMPORARY HABITATION PERMITS.

The use of a Vehicle on residential property for temporary habitation may be permitted if a Temporary Habitation Permit has first been obtained from the Torrance Community Development Department, as set forth in the procedures listed in Section 92.5.18.

- a) A Temporary Habitation Permit shall be valid for a maximum of fifteen consecutive days from the date issued, unless fifteen specific consecutive days are requested when the permit is issued.
- b) A Temporary Habitation Permit shall not be granted more than five times per calendar year, with a minimum of fifteen consecutive days between the end of one Temporary Habitation Permit and the beginning of the next Temporary Habitation Permit.
(ADDED by CITY COUNCIL)

SECTION 5

That a new Section 17 is added to Article 5 of Chapter 2 of Division 9, entitled EXCEPTIONS. This section reads in its entirety as follows:

"SECTION 92.5.17 – EXCEPTIONS.

Upon obtaining a valid building permit from the Building and Safety Division of the Torrance Community Development Department, a Temporary Habitation Permit shall be valid for a period of six months. For periods longer than six months, but no more than one year, the Environmental Division of the Torrance Community Development Department may issue an extension under necessary circumstances. All other time periods, emergency permits, or extensions due to unforeseen circumstances shall be reviewed by the Torrance Environmental Quality and Energy Conservation Commission.

- a) Construction inactivity or cancellation or completion of the building permit for which the extended Temporary Habitation Permit has been approved will invalidate the Temporary Habitation Permit.
- b) For purposes of this section, "construction inactivity" is defined as a lack of formal request for inspection within a ninety day period.
- c) Chapter 2 of this Division notwithstanding, the use of a Vehicle for living purposes on a single-family property existing on the adoption date of this ordinance, shall be prohibited six months from the date of adoption unless expressly authorized in this Division."

SECTION 6

That a new Section 18 is added to Article 5 of Chapter 2 of Division 9, entitled TEMPORARY HABITATION PERMIT PROCEDURES. This section reads in its entirety as follows:

"SECTION 92.5.18 – TEMPORARY HABITATION PERMIT PROCEDURES.

The Director of the Community Development Department or designee is authorized to issue Temporary Habitation Permits, pursuant to the following:

- a) Each person desiring a Temporary Habitation Permit shall file with the Community Development Department a completed city application form containing the following:
 - 1) The name, address, and phone number of the registered owner of the Vehicle;
 - 2) The name, address, and phone number of the applicant for the Temporary Habitation Permit;
 - 3) The license number, make, and model of the designated Vehicle;
 - 4) The dates for which the permit is requested;
 - 5) The dates and duration of any and all Temporary Habitation Permits issued to the residence during the current calendar year;
 - 6) The applicant must sign the application under penalty of perjury;
 - 7) Temporary Habitation Permits issued and approved by the Community Development Department shall include the license plate number of the designated Vehicle, the date of issuance, and the date of its expiration;
 - 8) Temporary Habitation Permits shall be displayed on the lower portion of the windshield (driver's side) or nearest window of the Vehicle so that it is clearly visible from the exterior of the Vehicle. If applicable, i.e., there are no windows, the Temporary Habitation Permit shall be displayed where it is visible from the street, which is usually the left side of the Vehicle;
 - 9) The Director of Community Development Department or his or her designee is authorized to set up a Temporary Habitation Permit call-in phone number or internet processing system."

SECTION 7

That a new Section 19 is added to Article 5 of Chapter 2 of Division 9, entitled TEMPORARY HABITATION PERMITS (FEES). This section reads in its entirety as follows:

"SECTION 92.5.19 – TEMPORARY HABITATION PERMITS (FEES).

Temporary Habitation Permits will be issued without any fees."

SECTION 8

That a new Section 20 is added to Article 5 of Chapter 2 of Division 9, entitled PERMIT DENIAL. This section reads in its entirety as follows:

“SECTION 92.5.20 – PERMIT DENIAL.

A Temporary Habitation Permit must be denied if the Community Development Director or designee finds that:

- a) The proposed location is not on the Property of the applicant or the person the applicant is visiting;
- b) The out-of-town visitor is not a guest of the resident; or
- c) Information submitted by the applicant is materially false.”

SECTION 9

That a new Section 21 is added to Article 5 of Chapter 2 of Division 9, entitled VIOLATION OF ARTICLE. This section reads in its entirety as follows:

“SECTION 92.5.21 – VIOLATION OF ARTICLE.

- a) Any person who violates any provision in this Article is guilty of a misdemeanor and will be subject to citation.
- b) Every person who forges, alters or counterfeits a Temporary Habitation Permit is guilty of a misdemeanor.
- c) Every person who uses a Vehicle for the purposes of habitation, without a valid Temporary Habitation Permit, is guilty of a misdemeanor.”

SECTION 10

That a new Section 22 is added to Article 5 of Chapter 2 of Division 9, entitled STATE OF EMERGENCY. This section reads in its entirety as follows:

“SECTION 92.5.22 – STATE OF EMERGENCY.

The prohibitions in Sections 92.5.15 through 92.5.23 shall not apply to the habitation of a Vehicle during the pendency of any state of emergency declared to exist within the City of Torrance by the City Council.”

SECTION 11

That a new Section 23 is added to Article 5 of Chapter 2 of Division 9, entitled APPLICATION OF REGULATIONS. This section reads in its entirety as follows:

“SECTION 92.5.23 – APPLICATION OF REGULATIONS.

- a) The prohibitions in Sections 92.5.15 through 92.5.23 will apply at all times, or at those times specified.
- b) The time limitations within Sections 92.5.15 through 92.5.23 will not relieve any person from the duty to observe other and more restrictive provisions of the California Penal Code, California Vehicle Code or the Torrance Municipal Code prohibiting or limiting the use of Vehicles for temporary or permanent habitation.
- c) Nothing in Sections 92.5.15 through 92.5.23 will be construed to permit Vehicle habitation on a public street as prohibited by section 61.6.31 of the Torrance Municipal Code.”

SECTION 12

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 13

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 14

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the 15th day of February, 2011.

ADOPTED AND PASSED this ____ day of March, 2011.

APPROVED AS TO FORM:
JOHN L. FELLOWS III, City Attorney

Mayor Frank Scotto

ATTEST:

by _____
Patrick Q. Sullivan, Assistant City Attorney

Sue Herbers, City Clerk

Ordinance Summary

TORRANCE CITY COUNCIL ORDINANCE NO. 3742

On _____, 2011, the City Council of the City of Torrance adopted Ordinance No. 3742, relating to the use of vehicles on private property for the purpose of temporary or permanent living without a permit.

The Ordinance repeals Section 92.5.12, and adds Sections 92.5.15 through 92.5.23 of the Torrance Municipal Code.

The Ordinance prohibits any person from using a vehicle on residential property for temporary or permanent living without a permit. Any violation of a provision of Sections 92.5.15 through 92.5.23, including falsifying any information associated with the provisions of these Sections, is punishable as a misdemeanor.

The Ordinance allows the Community Development Department to issue a Temporary Habitation Permit for a maximum of fifteen consecutive days up to, but not more than, five times per calendar year, with a minimum of fifteen consecutive days in between issued permits. The Ordinance defines the procedures for obtaining a Temporary Habitation Permit, and states that a Temporary Habitation Permit will be issued without any fees.

The Ordinance further allows the Building and Safety Division of the Community Development Department to issue a Temporary Habitation Permit for a period of six months once a valid building permit has been obtained for the property. The Environmental Division of the Community Development Department may extend the Temporary Habitation Permit from six months up to one year under necessary circumstances. All permit extensions requested beyond one year must seek permission from the Torrance Environmental Quality and Energy Conservation Commission.

The Ordinance states that a Temporary Habitation Permit must be denied if the proposed location is not on the property of the applicant or the person the applicant is visiting, if the out-of-town visitor is not a guest of the resident, or if the information submitted by the applicant is materially false.

This Ordinance will not apply to the habitation of a vehicle on private property during any state of emergency declared within the City of Torrance by the City Council. This Ordinance is applicable at all times, and does not relieve any person from their duty to observe other more restrictive provisions of the California Penal Code, California Vehicle Code, or the Torrance Municipal Code, including the prohibition of vehicle habitation on a public street as specified in section 61.6.31 of the Torrance Municipal Code.

This Ordinance shall take effect immediately upon its passage.

******City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.******