

Office of the City Manager

CONSENT CALENDAR  
July 15, 2003

To: Honorable Mayor and  
Members of the City Council

From: Weldon Rucker, City Manager

Subject: Clarifying Amendment to House Car Ordinance

**Recommendation:** Adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Sections 12.76.010 and 12.76.020, the operative sections of the House Car Ordinance, to expand the definition of “camper” and clarifying that the restrictions on “house cars” apply equally to camper trailers.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The House Car ordinance places certain restrictions on RV camping in private driveways, e.g. 3-day length of stay, no cooking, etc. However, due to an apparent drafting error, the ordinance does not apply to camper trailers parked in private driveways, if they are physically detached from a motor vehicle. This has resulted in a neighbor dispute and noise complaints about a detached “silver bullet” camper trailer that the police are unable to resolve, unless the ordinance is clarified to include both RV’s and detached camper trailers.

BACKGROUND

Since 1970, the City of Berkeley has restricted RV camping in private driveways under certain conditions. Berkeley Municipal Code section 12.76.020 provides that camping in “house cars” on private property is only allowed on single family or duplex dwellings, only at the rear of the dwelling, only for sleeping (not for cooking or sanitary use), and only if the house car is 5 feet from the property line and 10 feet from any building. In addition, such overnight stays are limited to three successive nights in any 90-day period. The intent of the ordinance is to allow limited vehicular camping behind private dwellings, striking a balance between residents accommodating camper guests and neighbors who are inconvenienced by having additional persons living in an RV in the yard or driveway next door.

However, the definition of “house car” in the ordinance limits its application to RV’s and other campers that are mounted upon a motor vehicle. Thus, a camper that is mounted upon a motor vehicle is regulated under the ordinance, whereas camper trailer that is detached from a motor vehicle is not. This inconsistent result could not have been the original intention of the ordinance. Rather, it appears to be the result of a drafting error.

The Police Department has received several noise complaints regarding a dispute over a detached silver bullet camper trailer that has sat in a neighbor's driveway all summer for the past few summers. The neighbor reports that several people live in this camper more or less all summer and that the noise and smells are intrusive due to the close proximity between the camper and the neighbor's home. The Police and the City Attorney's office have informed the complaining party that the House Car ordinance cannot be enforced because the detached camper does not fit the definition of a "house car" under the ordinance.

This inconsistent treatment of RVs and detached camper trailers can be easily remedied by clarifying that the restrictions on "house cars" apply to equally to camper trailers, whether or not the trailer is mounted upon or attached to a motor vehicle. Sections 12.76.010 and 12.76.020 would be modified by adding the following underlined text:

**Section 12.76.010 Definitions.**

A. "Camper" means a structure designed to be mounted upon or attached to a motor vehicle to provide facilities for human habitation or camping purposes.

B. "House car" means a motor vehicle originally designed or permanently or temporarily altered and equipped for human habitation, or to which a camper has been permanently or temporarily attached. (Ord. 4462-NS § 1, 1970)

**Section 12.76.020 Use for human habitation prohibited – Exception.**

No person shall use or occupy or permit the use or occupancy of any house car or camper for human habitation within the City, provided that not more than one house car may be placed, kept and maintained in the rear of any single-family or duplex residential building and used for sleeping purposes only for not more than three successive nights in any ninety-day period. Such house car shall not be placed closer than five feet to any property line or closer than ten feet to any building, and the sanitary and cooking facilities therein shall not be used. (Ord. 4462-NS § 2, 1970)

RATIONALE FOR RECOMMENDATION

This amendment does not change the original intent of the House Car ordinance. Rather, it simply makes clear that the House Car ordinance applies to both RV's and detached camper trailers.

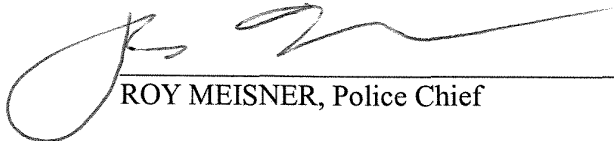
ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Roy Meisner, Chief of Police	981-5700
Captain Douglas Hambleton	981-5700

Approved:



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ROY MEISNER, Police Chief

ORDINANCE - N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 12.76.010 AND 12.76.020 TO ADD RESTRICTIONS ON THE USE OF DETACHED CAMPER TRAILERS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Sections 12.76.010 and 12.76.020 of the Berkeley Municipal Code are amended to read as follows:

**12.76.010 Definitions.**

A. "Camper" means a structure designed to be mounted upon or attached to a motor vehicle and to provide facilities for human habitation or camping purposes.

B. "House car" means a motor vehicle originally designed or permanently or temporarily altered and equipped for human habitation, or to which a camper has been permanently or temporarily attached. (Ord. 4462-NS § 1, 1970)

**12.76.020 Use for human habitation prohibited—Exception.**

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Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the glass case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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