

ORDINANCE NO. 9538 (N.S.)

AN ORDINANCE AMENDING THE COUNTY ADMINISTRATIVE CODE AND THE COUNTY CODE OF REGULATORY ORDINANCES RELATING TO MOBILEHOME PARKS AND SPECIAL OCCUPANCY PARKS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purposes – This ordinance provides for continued County administration and enforcement of state laws intended to ensure mobilehome park occupants and residents maximum protection of their investments and a decent living environment. County administration of these programs is authorized by state law, protects the health and safety of County residents, and helps to ensure that mobilehome parks can continue to serve as a critical component of the low income housing mix in San Diego.

This ordinance also provides for County administration and enforcement of recently updated and re-codified provisions of state law affecting Special Occupancy Parks, including recreational vehicle parks, temporary recreational vehicle parks, incidental camping areas and tent camps.

Section 2. Continued Assumption of Responsibility to Enforce the Mobilehome Parks Act – The County hereby reaffirms its assumption of responsibility for the issuance of operating permits pursuant to, and for the enforcement of, the Mobilehome Parks Act, Part 2.1 of Division 13 of the California Health and Safety Code (section 18200 et seq.), the regulations of the state Department of Housing and Community Development contained in Chapter 2 of Division 1 of Title 25 of the California Code of Regulations (section 1000 et seq.), and related state laws and regulations as they now exist or may hereafter be amended. The County shall administer these programs to protect health and safety and to meet the objectives of state law and state administrative regulations.

Section 3. Continued Assumption of Responsibility to Enforce the Special Occupancy Parks Act – The County hereby reaffirms its responsibility to enforce those provisions of state law recently amended and re-codified as the Special Occupancy Parks Act, Part 2.3 of Division 13 of the California Health and Safety Code (section 18860 et seq.), and such implementing regulations of the state Department of Housing and Community Development as may hereafter be promulgated, as they now exist or may hereafter be amended. The County shall administer these programs to protect health and safety and to meet the objectives of state law and state administrative regulations.

State law provides that following the assumption of responsibility set out above, operating permits for Special Occupancy Parks shall be issued by the state, based on submission of a permit application that has been approved by the County. County Department of Environmental Health shall also require that a County environmental health permit be issued to such facilities.

Section 4. Agency responsibilities – The Department of Planning and Land Use shall enforce all provisions of the Mobilehome Parks Act, the Special Occupancy Parks Act, the County Code of Regulatory Ordinances, and the County zoning and land use codes pertaining to location, design, construction, reconstruction, alteration or modification of Mobilehome Parks and Special Occupancy Parks; or pertaining to the installation of manufactured housing, mobilehomes, recreational vehicles, travel trailers and trailer coaches outside of such parks. This includes but is not limited to environmental reviews, issuance of construction permits, inspection of construction, issuance of certificates of occupancy, and permits for such amenities as carports, awnings, room additions, sheds, air conditioning and related permits for plumbing and electrical systems.

The Department of Environmental Health shall enforce all provisions of the Mobilehome Parks Act, the Special Occupancy Parks Act, and the County Code of Regulatory Ordinances pertaining to the operation, maintenance, use, occupancy and sanitation of mobilehome parks and special occupancy parks and of mobilehomes, recreational vehicles, travel trailers and trailer coaches within such parks. This includes but is not limited to issuing permits to operate for mobilehome parks, and approving applications for state permits to operate for Special Occupancy Parks, as provided by state law.

The Department of Planning and Land use shall be responsible for code compliance activities where mobilehomes, recreational vehicles, travel trailers and trailer coaches are used for housing outside of such parks, and so are not subject to the Mobilehome Parks Act.

Section 5. Qualified Personnel – The Departments of Environmental Health and Planning and Land Use shall provide qualified personnel necessary to implement this ordinance.

Section 6. Submissions to the state Department of Housing and Community Development – The Department of Environmental Health shall submit the data and documents required to be submitted to the state pursuant to 25 California Code of Regulation section 1004, including copies of this ordinance; a description of existing mobilehome parks in the unincorporated county including their conditions and occupancy status; and a statement of local objectives and a program plan and time table

designed to achieve enforcement compliance. The Department of Environmental Health shall make such further submissions as are needed to maintain the County's authority to enforce the Mobilehome Parks Act and Special Occupancy Parks Act.

Section 7. Fees – The Department of Planning and Land Use and the Department of Environmental Health shall continue to collect the fees authorized to be collected under state law by local governments that enforce the Mobilehome Parks Act and the Special Occupancy Parks Act. This ordinance is not intended to increase any fee or establish any new fee.

Section 8. Subsection (l) of section 394 of the County Administrative Code (concerning the responsibilities of the Department of Planning and Land Use) is hereby amended to read as follows:

- (l) Enforce all provisions of the County mobilehome ordinance (Division 6 of Title 5 of the County Code of Regulatory Ordinances) and of the state Mobilehome Parks Act and Special Occupancy Parks Act (Parts 2.1 and 2.3 of Division 13 of the California Health and Safety Code) including but not limited to provisions concerning the construction, initial occupancy, reconstruction, alteration and modification of such parks; and excluding only provisions related to the issuance of operating permits, or related to the operation, maintenance, use, continued occupancy and sanitation of such parks.

Section 9. Subsection (a) of section 897 of the County Administrative Code (concerning the responsibilities of the Department of Environmental Health) is amended to read as follows:

The Director shall:

- (a) Supervise and control the issuance of any permits required under County ordinances or State law relating to environmental health including food, housing, the operation of mobilehome parks and special occupancy parks, hazardous materials, medical waste, building, and any and all other environmental health permits required under County ordinances or State law.

Section 10. Section 898 of the County Administrative Code (concerning the responsibilities of the Department of Environmental Health) is amended by adding subsection (f) thereto as follows:

- (f) Enforce all provisions of the Mobilehome Parks Act and Special Occupancy Parks Act (Parts 2.1 and 2.3 of Division 13 of the California

Health and Safety Code) and related state regulations pertaining to the issuance of operating permits; and the operation, maintenance, use, continued occupancy and sanitation of mobilehome parks and special occupancy parks.

Section 11. The title of Division 6 of Title 5 of the County Code of Regulatory Ordinances is hereby amended to read as follows:

Division 6. MOBILEHOME PARKS, SPECIAL OCCUPANCY PARKS, MOBILEHOMES, AND TRAILERS

Section 12. Section 56.101 of the County Code of Regulatory Ordinances is amended to read as follows:

Section 56.101. Authority.

The rules and regulations set forth in this chapter are adopted pursuant to the authority of Sections 18300 and 18865 of the Health and Safety Code.

Section 13. Section 56.102 of the County Code of Regulatory Ordinances is amended to read as follows:

Section 56.102. Definitions.

The following terms shall have the meaning ascribed to them in Chapter 1 of Part 2.1 of Division 13 of the Health and Safety Code (commencing with Section 18200) or in Chapter 2 of Part 2.3 of Division 13 of the Health and Safety Code (commencing with Section 18862), as applicable: “lot”, “mobilehome”, “mobilehome park”, “recreational vehicle park”, “recreational vehicle”, and “special occupancy park”.

Section 14. Section 56.103 of the County Code of Regulatory Ordinances is amended to read as follows:

Section 56.103. Park Area.

Each mobilehome park, recreational vehicle park, and special occupancy park established after January 1, 2003 shall contain a minimum of five (5) acres of land. The land shall be properly graded to provide for adequate drainage and freedom from standing pools of water.

Section 15. Section 56.105 of the County Code of Regulatory Ordinances is amended to read as follows:

Section 56.105. Requirements Applicable to Parks.

All mobilehome parks shall comply with the requirements of Part 2.1 of Division 13 of the Health and Safety Code (commencing with Section 18200), and related state regulations at Subchapter 1 of Chapter 2 of Title 25 of the California Code of Regulations, and with the additional applicable requirements set out in this chapter. All special occupancy parks shall comply with the requirements of Part 2.3 of Division 13 of the Health and Safety Code (commencing with Section 18862), and with the additional applicable requirements set out in this chapter. Any violation of these state requirement is also a violation of this County Code, and is subject to the remedies and penalties prescribed herein. Those County remedies are cumulative to the remedies provided by state law.

Section 16. Section 56.107 of the County Code of Regulatory Ordinances is amended to read as follows:

Section 56.107. Operating Permits and Permit Fees

- (a) No person shall construct, reconstruct, alter or modify a mobilehome park or special occupancy park except as provided in a construction permit issued by the Director, Department of Planning and Land Use.
- (b) No person shall operate a mobilehome park or special occupancy park except as provided in an operating permit issued by the Director, Department of Environmental Health. Those permits shall be for a fixed term established by the Director and shall be reviewed prior to renewal. To the extent permitted by state law, the Director shall suspend or shall not renew the operating permit for a mobilehome park if that park has not been operated in substantial compliance with this chapter during the prior permit term.
- (c) In addition to the state permits required by section 18870 of the California Health and Safety Code, any person operating a special occupancy park shall obtain an environmental health permit from the Director, Department of Environmental Health. Those permits shall be for a fixed term established by the Director and shall be reviewed prior to renewal. To the extent permitted by state law, the Director shall suspend or shall not renew the state operating permit and/or the County operating permit for any special occupancy park if that park has not been operated in substantial compliance with this chapter during the prior permit term.
- (d) The fee for any mobilehome park construction permit issued by the Director of the Department of Planning and Land Use shall be the applicable fee established

pursuant to sections 18502, 18502.5 and 18503 of the Health and Safety Code. The fee for any special occupancy park construction permit issued by the Director of the Department of Planning and Land Use shall be the applicable fee established pursuant to sections 18502, 18502.5 and 18503 of the Health and Safety Code, until such time as fees are established pursuant to section 18770.3 and 18870.4 of the Health and Safety Code, and thereafter shall be the fees established pursuant to said sections 18870.3 and 18870.4.

- (e) The fee for any mobilehome park operating permit issued by the Director of the Department of Environmental Health shall be the annual operating permit fee established by sections 18502 and 18502.5 of the Health and Safety Code. The fee for any special occupancy park permit issued by the state or County shall be the applicable fee established pursuant to Section 18870.2 and 18870.3 of the Health and Safety Code.

Section 17. Section 57.101 of the County Code of Regulatory Ordinances is amended to read as follows:

Sec. 57.104. ADOPTION OF STATE REGULATIONS

Any rules and regulations adopted by the Department of Industrial Relations of the State of California pursuant to the State Housing Law, or by the Department of Housing and Community Development pursuant to the Mobilehome Parks Act, which impose restrictions greater than those imposed by Divisions 1, 2, 3, 5 and 6 of Title 5 the San Diego County Code are hereby adopted and shall be applicable to the unincorporated area of the County and shall be enforced by the departments, officers, employees and agents of the County in the same manner as County ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings or mobilehomes; provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are equal to or greater than the fees prescribed by said Title 5 of the San Diego County Code.

Section 18. Effective Date & Publication. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED this 5th day of March 2003.