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DEPARTMENT: County Counsel BY: Thomas P. Guarino PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

() Waive first reading and introduce Ordinance () Waive second reading and adopt Ordinance creating Section 15.10.070 of Chapter 15.10 of the Mariposa County Code.

Revisions to Chapters 13, 15, and 17 are to address the problem of recreational vehicles being used as a residence or permanent dwelling.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

It has come to the attention of the County Health Department, Planning Department, and Building Department that people are using recreational vehicles as permanent residences. The County currently prohibits such usage and has taken enforcement action with respect to such practices. After review of existing County Ordinances and consultation with affected departments the proposed revisions to Chapters 13, 15, and 17 of the County Code are recommended to provide a more clear statement of the applicable standard.

It is necessary to amend all three chapters to maintain consistency in the County Code with respect to prohibiting the use of such vehicles and trailers as housing. Because these proposed revisions involve zoning revisions, if the Board of Supervisors provides direction to proceed the appropriate processing will be followed.

Financial Impact? () Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		_____
Source:		First & Second Readings of Ordinance
Internal Transfer		_____
Unanticipated Revenue	_____ 4/5's vote	_____
Transfer Between Funds	_____ 4/5's vote	_____
Contingency	_____ 4/5's vote	_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1040
Vote - Ayes: 5 Noes: _____
Absent: _____
() Approved
() Minute Order Attached () No Action Necessary

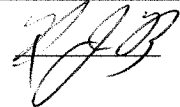
COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: 

MARIPOSA COUNTY ORDINANCE NO. 1040

**AN ORDINANCE CREATING SECTION 15.10.070
OF CHAPTER 15.10 OF THE MARIPOSA COUNTY CODE
ENTITLED "ADOPTION OF UNIFORM BUILDING CODES"**

WHEREAS, Title 25 (g) of Housing & Community Development states that Recreational vehicles do not fall within the definition of mobile homes and are not subject to these regulations. A recreational vehicle is a vehicle, regardless of size, which is not designed to be used as a permanent dwelling, and in which the plumbing, heating and electrical systems contained therein may be operated without connection to outside utilities and which are self propelled or towed by a light duty vehicle; and

WHEREAS, the 1997 Uniform Building Code, Section 205 - Dwelling Unit is any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for 10 or less persons; and

WHEREAS, the 1997 Uniform Building Code, Section 310.7 - Efficiency Dwelling Units. An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower; and

WHEREAS, Chapter 2.5 Mobile Home Residency Law (Enacted by Ch. 1031, Stats of 1978, Eff. 1/1/79) Article 1. General, Section 798.3. Mobile Home states that "mobile home" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobile home includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobile home, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of this code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code; and

WHEREAS, the Department of Consumer Affairs effective April 1, 1985, Board Rule 832.47 defining the C-47 classifications: A manufactured house does not include any recreational vehicle, commercial coach or factory built housing as the term is defined in Section 19971 of the Health and Safety Code; and

WHEREAS, California Department of Housing and Community Development, Division of Codes and Standards defines a Manufactured Home in part as: A manufactured home is not the same as a recreational vehicle, including a park trailer, as defined in Health and Safety Code Sections 18009.3 and 18010, a commercial coach as defined in Health and Safety Code Section 18001.8 or a factory-built home as defined in Health and Safety Code Section 19971, all of which may look similar from the exterior appearances; and

WHEREAS, the County does not wish to prohibit camping in areas appropriately licensed or authorized for campgrounds or recreational parks or facilities or zoned for camping activity; and

WHEREAS, this revision to Chapter 15.10 is declarative of the current County enforcement policies;

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California does ordain as follows:

SECTION I: Section 15.10.070 of Chapter 15.10 of the Mariposa County Code is hereby created to read as follows:

15.10.070 Regulations for Use of Travel Trailers/Recreational Vehicles.

A. Travel trailers/recreational vehicles are considered sub-standard housing and as such can not be used as a residence.

B. Travel trailers/recreational vehicles may not be used as a residence unless a permit has been obtained from the Building Department to do so in combination with a dwelling construction permit.

C. This section does not apply to a licensed or authorized campground or recreational park or facility.

15.10.071 Enforcement.

Any person violating this section will be subject to civil penalties and costs of enforcement provided by this section and for injunctive relief or any other appropriate relief.

15.10.072 Recovery of Costs/Penalties.

The Mariposa County Building Department shall maintain records of all costs including, but not limited to, administrative, professional fees, court costs, attorney's fees, laboratory costs, remedial construction costs and other costs incurred in the processing of violations and enforcement of this chapter, and to the extent feasible, recover such costs from the owner of the property upon which the violation occurs or other party(s) responsible. If the County elects upon filing suit in the Superior Court to seek attorney fees the prevailing party may receive attorney fees. Recovery of attorney fees may not exceed the amount of attorney fees incurred by the County in the action.

15.10.073 Liens.

The amount of any unpaid costs and civil penalties, plus accrued interest, may be imposed as a lien on any real property owned by a responsible person with this County against whom costs and civil penalties have been imposed as follows:

A. Notice shall be given to the responsible party before recordation of the lien and be served in the same manner as a summons in a civil action pursuant to Code of Civil Procedure section 41 5.10 et seq. as amended.

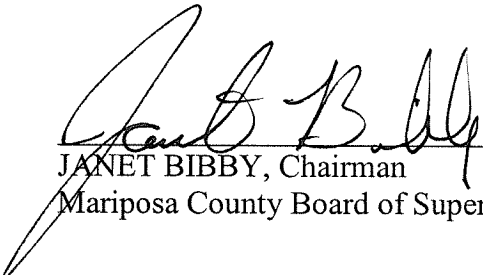
B. The lien shall attach when the County records it with the County Recorder's Office. The lien shall specify the amount of the lien, the date of the lien, the date of the code violation, the date of the final decision, street address or legal description, and the Assessors Parcel Number of the parcel upon which the lien is imposed, and the name and address of the record owner(s) of the parcel, if known.

C. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure or other lawful means, the County shall record any notice of discharge or satisfaction of lien containing the information specified in subsection B of this section. The County may take such other actions as are allowed for enforcement of civil judgment as allowed by law.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

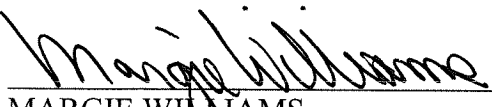
PASSED AND ADOPTED by the Board of Supervisors of mariposa County this 11th day of September, 2007 by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE



JANET BIBBY, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:



TOM GUARINO
County Counsel