

CITY OF
ANDERSON

AGENDA ITEM

November 18, 2008, City Council Meeting



Approved for Submittal By:

Scott Morgan

Scott Morgan, City Manager

To Be Presented By:

Mike Fitzpatrick

Mike Fitzpatrick, City Attorney

To: Honorable Mayor and Members of the City Council

Through: Scott Morgan, City Manager
Telephone 378-6646

From: Mike Fitzpatrick, City Attorney
Telephone 229-1370

Date: November 6, 2008

SUBJECT

After being contacted by neighbors of the River Cove R.V. Park with complaints about the deterioration which had occurred at that park, the Council decided that the City should take over mobile home park code enforcement responsibilities from the State. An Ordinance was introduced but not yet adopted by second reading of the Council pending review of the proposed Ordinance by State HCD. That review has now been completed and the State has provided certain changes it wants to have incorporated into the City's Ordinance. The revised Ordinance with those changes is back before the Council tonight for "reintroduction."

RECOMMENDATION

Move to INTRODUCE the revised ordinance and read it by short title, submit it to the State with a request to allow the City to assume enforcement authority over all mobile home parks within the City of Anderson and return the ordinance for second reading and adoption upon approval by the State.

FISCAL IMPACT

There will be a fiscal impact to the City in that staff will need to periodically attend special training out of town to keep current on the laws and regulations which apply to the enforcement of the State's regulations.

BACKGROUND AND DISCUSSION

BACKGROUND: The staff report from the last meeting provided a detailed background of the current situation. What has occurred since that meeting is:

1. The City Attorney has had discussions with HCD about the laws and regulations which apply to these kinds of parks and the procedure to move the enforcement authority from the State to the City of Anderson.
2. The State representative indicated that the Ordinance the City previously "introduced" may have met the requirements of the statute but that they prefer we use a template that they have used before. One was e-mailed to me and changes were made to the wording using the State's template.

DISCUSSION:

When the Council introduced the Ordinance at its earlier meeting, it was explained that:

"The City Attorney will present a copy of the proposed ordinance to the State for review and approval. Upon such approval, the ordinance will be returned to the Council's agenda for second reading and adoption."

Now that the State has provided its template for the Ordinance it asks that we use, I have modified our previous Ordinance to conform to their sample. It is essentially the same as before in all of its important provisions. There are NO substantive changes.

ATTACHMENTS

Proposed Ordinance allowing City to assume enforcement authority over all mobile home parks within the City of Anderson.

COPY TO

Chief Piccinini, AFPD
Michele Elam, park owner
Robert Meisner, lien holder
Owners of other mobilehome parks in City
Jeff Boone, attorney for Michele Elam
Rex and Mildred Moravec, neighbors of park

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ANDERSON ASSUMING RESPONSIBILITIES FOR THE
ENFORCEMENT OF THE MOBILEHOME PARKS ACT AND SPECIAL
OCCUPANCY PARKS ACT OF THE CALIFORNIA HEALTH AND
SAFETY CODE, AND TITLE 25, CHAPTERS 2 AND 2.2, OF THE
CALIFORNIA CODE OF REGULATIONS.**

THE CITY COUNCIL OF THE CITY OF ANDERSON DOES ORDAIN AS FOLLOWS:

Section 1. Assumption of Responsibilities.

Upon receiving authorization from the Department of Housing and Community Development of State of California (hereinafter referred to as "HCD") and subject to the acceptance of reasonable conditions of approval, the City of _Anderson(hereinafter referred to as "City") shall assume responsibility for the enforcement of Division 13, Part 2.1 commencing with section 18200 ("Mobilehome Parks Act") and Part 2.3 commencing with section 18860 ("Special Occupancy Parks Act") of the California Health and Safety Code and their related administrative regulations contained in Title 24 Division 1, Chapters 2 and 2.2 of the California Code of Regulations (the "Regulations").

Section 2. Delegation of Authority.

Upon its assumption from HCD, the City hereby delegates the responsibility for the enforcement of the Mobilehome Parks Act, the Special Occupancy Parks Act Health, and the Regulations (collectively, the "State Mobilehome Laws") to its Planning Department. The City hereby designates the City Building Inspector(s) as the persons who are qualified to enforce the aforementioned Acts. If for any reason the individual(s) holding those positions need to be specifically identified by name, the City Council may do so by adoption of appropriate resolutions from time to time for that purpose. No further delegation of enforcement responsibilities are being made by the City of Anderson to any other agencies with regard to the foregoing laws and regulations.

Section 3. Schedule of Fees.

The City hereby adopts the schedules of fees designated in the State Mobilehome Laws.

Section 4. Statement of Objectives.

The City hereby adopts the statement of objectives contained in the State Mobilehome Laws. The City's specific objectives in assuming statutory authority from HCD are to provide for timely and reliable enforcement of the State Mobilehome Laws regarding use, maintenance, and occupancy governed by said Acts; and to protect public health, safety and welfare.

Section 5. Description of Existing Parks.

The existing parks within the City of Anderson are three in number and are all mobile home parks. Their names, addresses and general condition are as follows:

1. River Cove Mobile Home Park, 3641 Claude Lane, Anderson, California.
Condition: This park is currently out of compliance in that it is subject to a Cleanup and Abatement Order issued by the California Regional Water Quality Control Board.
2. River Park Mobile Home Estates, 3555 Rupert Road, Anderson, California.
Condition: No discrepancies regarding compliance with State laws and regulations have been brought to the City's attention with regard to this park.
3. Riviera Mobile Estates, 3800 Rupert Road, Anderson, California.
Condition: No discrepancies regarding compliance with State laws and regulations have been brought to the City's attention with regard to this park.

Section 6. Effective Date of Assumption.

The effective date of assumption of enforcement responsibilities from HCD to the City shall be within 30 days following HCD approval of the City's assumption of enforcement responsibilities.

Section 7. Method of Enforcement

Not later than 30 days from the effective date of assumption of enforcement as defined in Section 6, the City shall commence and thereafter diligently enforce the State Mobilehome Laws as follows:

- (a) Review and maintain relevant files provided by HCD and compare same with records on file with City.
- (b) Review pertinent building standards of the State relevant to mobilehomes and manufactured homes.
- (c) Ascertain the status of all permits-to-operate and construction permits and enforce relevant requirements.
- (d) Investigate and resolve complaints as the need arises.

- (e) Perform periodic park maintenance inspections consistent with applicable law.
- (f) Take all other actions as are deemed appropriate in furtherance of State laws and regulations.

Section 8. Use of State Forms

When enforcing the State Mobilehome Laws, the City shall utilize the following forms:

- (a) HCD 500A, Application for Permit to Operate;
- (b) HCD 503B, Annual Permit to Operate;
- (c) HCD 513B, Manufactured Home or Mobilehome Installation Acceptance
- (d) HCD 513C, Certificate of Occupancy
- (e) HCD 538, Plot Plan

Section 9. Permits To Operate and State Fees.

The City agrees to send a copy of all permits to operate and State fees to the Administrative Office of the Division of Codes and Standards no later than the 15th of the month following the City's issuance of such permits and receipt of such funds.

Section 10. Transmittal of Ordinance.

The City Clerk is hereby instructed to transmit two certified copies of this Ordinance to the Director of HCD and to the Administrative Office of the Division of Codes and Standards within 10 days of the date of adoption which, in any event, shall not be less than 30 days before the effective date of assumption of enforcement responsibilities.

Section 11. Severability

If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

Section 12. Publication.

This Ordinance shall be published in the Valley Post, a newspaper of general circulation in the City of Anderson, in the manner provided by Section 36933 of the Government Code of the State of California, and shall be effective 30 days after its passage.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on November 18, 2008 and adopted at a regular meeting of the City Council of the City of Anderson held on _____, 200__, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

BUTCH SCHAEFER, Mayor

ATTEST:

Scott Morgan,
City Clerk

APPROVED AS TO FORM:

Michael C. Fitzpatrick,
City Attorney