DEPARTMENT: Building, Planning & Fire  BY: John Davis, Kris Schenk & Blaine Shultz

RECOMMENDED ACTION AND JUSTIFICATION:
Staff is requesting that the Board adopt a Resolution of Intention. A Resolution of Intention is the mechanism provided in Section 17.128.020 (B) of the County Code that initiates an amendment to the County Code. The amendment in this case would be an ordinance prohibiting the installation of pre-1976 mobile homes in Mariposa County (proposed draft ordinance found in Attachment 2 of the Resolution of Intention.) Following adoption of the Resolution of Intention, the proposed ordinance will be publicly advertised, reviewed at a public hearing by the Planning Commission, and subsequently forwarded to the Board of Supervisors for formal consideration and adoption.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board considered the matter of pre-1976 mobile homes on April 19, 2005. Staff was directed to return with additional information and an amended draft ordinance.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A decision not to proceed with the consideration and adoption of this ordinance would result in an increased risk of injuries, property damage and loss of life for Mariposa families who may be exposed to fires in pre-1976 mobile homes. The existing situation also threatens the safety of Mariposa firefighters.

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: $  1. Resolution of Intention, including Findings
Source:
Internal Transfer  2. Proposed Ordinance
Unanticipated Revenue  3. Proposed Renter’s Disclosure Statement
4/5’s vote
Transfer Between Funds  4. Mobile home permits, 2000-2005 (charts)
4/5’s vote
Contingency  5. Other
4/5’s vote
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No.:  Ord. No. _____
Vote – Ayes:  Noes: _____
Absent: ____
Approved:  ) Minute Order Attached  ( ) No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended  ( ) No Opinion
Comments:

CAO:  

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NO. 05-279

RESOLUTION OF INTENTION TO INSTITUTE AN AMENDMENT
TO TITLE 17, THE MARIPOSA COUNTY ZONING ORDINANCE, TO
PROHIBIT THE INSTALLATION OF PRE-1976 MOBILE HOMES
WITHIN MARIPOSA COUNTY

WHEREAS, the Mariposa County Board of Supervisors did, on April 19, 2005, consider
the matter of prohibiting the installation in Mariposa County of mobile homes
manufactured prior to June 15, 1976; and

WHEREAS, the Board of Supervisors has reviewed and discussed statistical data,
photographic slides, and state and federal information documenting the serious
life and property hazards associated with fires in pre-1976 mobile homes; and

WHEREAS, the Board directed staff to return with additional information and an
amended draft ordinance that would prohibit the location or relocation of mobile
homes built prior to June 15, 1976 unless they meet the seal standards of the
United States Department of Housing and Urban Development, or equivalent
standards of the California Department of Housing and Community Development;
and

WHEREAS, the Board of Supervisors does not intend to displace or prevent current
inhabitants of pre-1976 mobile homes in Mariposa County from continuing to live
in these homes if they wish, nevertheless the Board does intend that upon the
sale or rental of such mobile homes to new owners or tenants, the original owner
shall provide written notice to the new owners or tenants clearly advising them of
the serious risks to life, safety and property associated with living in a pre-1976
mobile home that has not been retrofitted to meet the seal standards of the
United States Department of Housing and Urban Development, or the equivalent
standards of the California Department of Housing and Community Development;
and

WHEREAS, the proposed ordinance does not affect mobile home parks in Mariposa
County, which are under the jurisdiction of the California Department of Housing
and Community Development, and which does not allow the installation of pre-
1976 units.

NOW THEREFORE BE IT RESOLVED THAT the Board of Supervisors does hereby
initiate an action, pursuant to Section 17.128.020 (B) of the County Code,
amending Title 17, the Mariposa County Zoning Ordinance, to prohibit the
installation of pre-1976 mobile homes, unless they have been retrofitted to meet
the above-referenced seal standards.
BE IT FURTHER RESOLVED THAT the Board of Supervisors does hereby adopt the findings in Attachment 1 as the basis for undertaking this amendment to Title 17.

BE IT FINALLY RESOLVED THAT the Board of Supervisors hereby directs that the proposed ordinance in Attachment 2 be advertised for adoption, be widely circulated in Mariposa County, be noticed to the general public in the newspaper and be referred to the Mariposa County Planning Commission for a recommendation, prior to being brought back to the Board of Supervisors for final consideration and enactment.

ON MOTION BY Supervisor Stetson, seconded by Supervisor Fritz; this resolution is duly passed and adopted this 21st day of June, 2005 by the following vote:

AYES: Stetson, Turpin, Bibby, Fritz, and Pickard

NOES: None

ABSENT: None

ABSTAIN: None

Bob Pickard, Chairman
Mariposa County Board of Supervisors

Margie Williams
Clerk of the Board of Supervisors

Thomas P. Guarino
County Counsel
ATTACHMENT 1  
Resolution No. 05-279  

FINDINGS  

1. Fire incidence in pre-1976 mobile homes is significantly increased due to the use of materials that support quicker combustion of the whole unit in flash over conditions, which places Mariposa County residences and firefighters at a greater risk of injury or death.  

2. The proposed ordinance is based on the National Manufactured Housing Construction and Safety Standards Act of 1974 adopted in June 1976, which addresses the serious health and safety issues inherent in earlier models.  

3. It has been verified that when newer units burn, fires stay contained within the room of origin for a longer period of time, giving occupants and firefighters additional time to get to safety.  

4. It is in the interest of the health and safety of mobile home residents and firefighters in Mariposa County that notice and information be provided to the Mariposa County general public about the dangers inherent in mobile homes that do not meet the National Manufactured Housing Construction and Safety Standards Act, adopted in June, 1976.
ATTACHMENT 2
Resolution No. 05-279

PROPOSED ORDINANCE

Section 17.108.095 Pre-1976 Mobile Homes
A. Mobile homes manufactured prior to January 1976 shall be prohibited from being located into or relocated within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.
B. Each mobile home shall be installed on a foundation or tie down system meeting the requirements of California law.
C. No mobile home of any age shall be used as an uninhabited storage structure.
D. A legal existing, nonconforming mobile home installed on a parcel in the county may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County of Mariposa.
E. No legal existing nonconforming mobile home may have a new addition or expansion which physically alters the structure of the mobile home.
F. Expansion of or an addition physically attached to a conforming mobile home shall meet the standards of the Uniform Building Code or shall obtain any required certificate issued by the California Department of Housing and Community Development, such that the expansion or addition does not compromise the original structural integrity of the mobile home.
G. Upon sale or rental of a mobile home manufactured prior to 1976, written notice shall be provided, in a prescribed form, to the new owner or tenant advising them of serious health and safety risks inherent in inhabiting such structures, unless the mobile home has been retrofitted to meet the seal standards of the United States Department of Housing and Urban Development or the equivalent standards established by the California Department of Housing and Community Development.
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
LEE STETSON, VICE CHAIR
LYLE TURPIN
JANET BIBBY
DIANNE FRITZ

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:   KRS SCHENK, Planning Director
FROM:   MARGIE WILLIAMS, Clerk of the Board
SUBJECT:   RESOLUTION OF INTENTION TO AMEND TITLE 17 OF THE COUNTY CODE TO PROHIBIT THE INSTALLATION OF PRE-1976 MOBILE HOMES

Resolution No. 05-279

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on June 21, 2005

ACTION AND VOTE:

12:01 p.m. Kris Schenk, Planning Director;
Adopt a Resolution of Intention to Amend Title 17 of the Mariposa County Code to Prohibit the Installation of Pre-1976 Mobile Homes

BOARD ACTION: Discussion was held with Blaine Shultz/Fire Chief; Kris Schenk/Planning Director; and John Davis/Building Department Director, relative to this matter. Discussion was held relative to implementation of the Renter’s Disclosure Statement; clarification that existing mobile homes do not have to be placed on a foundation or tie down system; and clarification that this does not govern mobile home parks. Tom Guarino, County Counsel, advised that the ordinance is intended to be prospective only; and he expressed concern with the last sentence in Attachment 3 relative to the owner and renter accepting the inherent risks of inhabiting the mobile home. (M)Stetson, (S)Fritz, Res. 05-279 was adopted intending to amend Title 17 of the County Code to prohibit the installation of pre-1976 mobile homes as recommended with the inclusion of Attachment 3 for the Renter’s Disclosure Statement and including a Sales Disclosure Statement. Further discussion was held. Supervisor Turpin requested that consideration be given to using the reference to meeting the seal standards for pre-1976 mobile homes throughout the document. Supervisor Bibby clarified that if a mobile home is moved, that these standards would apply. The motion was amended, agreeable with the maker and second, to include the deletion of the last sentence in Attachment 3 as requested by County Counsel; and to add clarification in the proposed ordinance that no “new” additions or expansions could be added which would physically alter the structure of the mobile home. Ayes: Unanimous.

cc:   Tom Guarino, County Counsel
      John Davis, Building Director
      Blaine Shultz, Fire Chief
      Cheryle Rutherford-Kelly, Human Services Director
      File