

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

RECOMMENDED ACTION AND JUSTIFICATION:

~~1/20~~ Waive first reading and introduce Ordinance ~~9/11~~ Waive second reading and adopt Ordinance amending Section 13.08.010 and creating Section 13.08.115 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. 1039  
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 1039**

**AN ORDINANCE AMENDING SECTION 13.08.010 AND CREATING SECTION  
13.08.115 OF CHAPTER 13.08 OF THE MARIPOSA COUNTY CODE  
ENTITLED "SEWAGE DISPOSAL"**

**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**, Chapter 2.5 Mobilehome Residency Law (Enacted by Ch. 1031, Stats of 1978, Eff. 1/1/79) Article 1. General, Section 798.3. Mobilehome 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 of Mariposa does not wish to prohibit camping in areas appropriately licensed or authorized for campgrounds or recreational parks or facilities, or zoned for camping activity, or prohibit brief periods of camping on private property as long as such activity does not pose a threat to health and safety; and

**WHEREAS**, this revision to Chapter 13.08 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 13.08.010 of Chapter 13.08 of the Mariposa County Code is hereby amended to include a new definition under "P" to read as follows:

**13.08.010 Definitions.**

P. "Occupy" means to reside for any period of time greater than 14 nights in any 90 day period.

**SECTION II:** Section 13.08.115 of Chapter 13.08 of the Mariposa County Code is hereby created to read as follows:

**13.08.115 Definition of Occupy.**

A. It shall be unlawful to occupy or reside upon any private property or any public place for a period of more than 14 nights in any 90 day period unless it is served by a sewage disposal system which has been approved by the County Health Department.

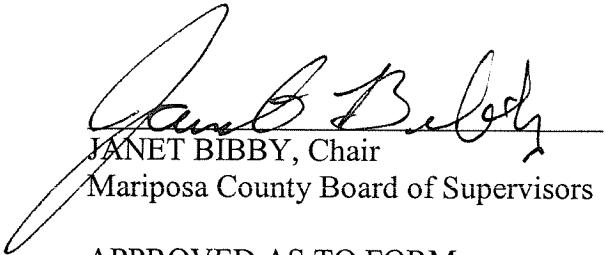
B. Travel trailers/recreational vehicles may not be used as a residence unless a permit has been obtained from the Building Department to do so in combination with a dwelling construction permit.

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

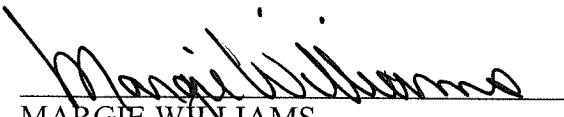
**SECTION III:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 11<sup>th</sup> day of September, 2007 by the following vote:

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

  
\_\_\_\_\_  
JANET BIBBY, Chair  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
THOMAS P. GUARINO  
County Counsel