

CITY OF SACRAMENTO



DEPARTMENT OF LAW
812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

CITY MANAGER'S OFFICE
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DEPUTY CITY ATTORNEYS

November 20, 1980

Honorable City Council
Council Chamber
City Hall
Sacramento, California 95814

Re: Mobile Home in Residential Areas -
Charlie Mae Patrick

Members in Session:

SUMMARY

At its November 11, 1980 meeting the Council was asked to consider an amendment to the recently enacted mobile home ordinance, Ordinance No. 4433, to clarify whether or not the Council wished the ordinance to apply to Mrs. Charlie Mae Patrick. If adopted the amendment would exempt Mrs. Patrick from the ordinance but would require the mobile home to be repaired to comply with all the applicable building codes within a specified period of time. The Council was also informed that if the amendment were not adopted, the ordinance would apply to Mrs. Patrick and would prohibit her from keeping the mobile home on the lot, because she had not obtained a building permit prior to the effective date of the ordinance.

The Council did not take action on the amendment on November 11. Rather it continued the item for two weeks so that notice could be given in the neighborhood.

Since the November 11th Council meeting it has been learned that Mrs. Patrick had inquired about getting the necessary building permits prior to October 21, 1980, the effective date of the ordinance. An application for the permits was not submitted nor the permit issued, however, due partially to confusion regarding which building standards applied, what fees and taxes, if any, were due, and whether or not the mobile home ordinance then being prepared would apply to Mrs. Patrick. This new information changes our

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opinion as to whether the new mobile home ordinance could be successfully enforced against Mrs. Patrick. We feel that even if the Council were not to adopt the attached amendment and attempted to enforce the mobile home ordinance against Mrs. Patrick, a court would probably permit Mrs. Patrick a reasonable period of time to bring the mobile home into compliance with building standards and, if successful, remain on the lot.

It is recommended, therefore, that the attached ordinance be adopted to grants Mrs. Patrick a reasonable period of time within which to bring the mobile home and other structures into compliance with applicable building standards and to set inspection and permit fees.

BACKGROUND INFORMATION

1. Preliminary Injunction

In May of this year the City notified Mrs. Charlie Mae Patrick that she was illegally occupying a trailer as a principal residence on an R-1 lot located at 4345 4th Avenue. The violations included installation of a mobile home without a permit (see Section 9.501 of the City Code) and numerous building code violations, including the following:

1. Discharging raw sewage into an open hole in the ground;
2. Supplying electricity to the mobile home via electricity cables from an adjoining house;
3. Storing a bottle of butane gas adjacent to a two burner hot plate;
4. Using a wood burning stove as a space heater too close to a combustibile wall;
5. Extensive fire damage in the interior of the mobile home near the wood burning stove;
6. Supplying water to the mobile home via a garden hose;
7. Using accessory structures which were constructed without permits and which were structurally unsound.

Mrs. Patrick was informed of these violations. Mrs. Patrick was also told she could not get a mobile home installation permit even if the code violations were fixed because the City Zoning Ordinance did not permit mobile homes on R-1 lots.

City staff felt that Mrs. Patrick's living in the mobile home in the presence of the code violations listed above created extreme danger to the public health and safety as well as to the health and safety of Mrs. Patrick. The City, therefore, filed in court for a preliminary injunction to prohibit the continuation of the violation.

On September 18, 1980 the court issued a preliminary injunction prohibiting Mrs. Patrick from occupying the mobile home while the code violations existed, but also ruled the Zoning Ordinance, as it then read, did not prohibit mobile homes on single family lots. Mrs. Patrick, therefore, was permitted to apply to the City Building Department for the necessary permits to make repairs and to occupy the mobile home once the repairs were made. The order did not include a time period within which repairs had to be started and completed.

2. Amendment to Zoning Ordinance

In response to the judge's decision, City staff prepared an amendment to the Zoning Ordinance to clarify that mobile homes are not permitted as dwellings on R-1 lots. Before this ordinance was adopted and effective (October 21, 1980) Mrs. Patrick inquired about obtaining permits to perform the necessary work. City staff, however, was unable to tell her exactly what had to be done. Because the City had never permitted mobile homes on R-1 lots before there was uncertainty in both the Attorney's Office and the Building Department as to which building standards applied, what the appropriate permit fees were, and whether or not certain construction taxes would apply. In addition the building inspections staff had not had an opportunity to conduct a complete inspection of the site to identify all code violations. Finally, City staff was uncertain as to whether the new ordinance, once enacted, would apply to Mrs. Patrick to prohibit her from keeping the mobile home on the R-1 lot. The amendment to the ordinance, attached hereto, was then drafted to resolve some of these uncertainties. Further inspections of the site have also been conducted, and it has been determined which building code standards apply to the mobile home.

3. Conclusion

Because Mrs. Patrick was, at the time the court order was issued, legally entitled to repair the mobile home at its present location, and because her failure to do so before the new ordinance was enacted was due in part to the City's inability to advise her, it is our opinion that if the City were to enforce the new ordinance against her the court would probably permit her a reasonable time to obtain permits and repair the mobile home.

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We recommend, therefore, that the attached ordinance be adopted. This ordinance would exempt Mrs. Patrick from the mobile home ordinance but would require permits to be obtained within 30 days and all repairs completed in 120 days.

Following is a partial list of necessary repairs and alterations. A comprehensive list is not provided because further inspections of the site are necessary to identify all code violations.

1. The mobile home must be secured to the ground on either a foundation system in accordance with 25 Cal. Adm. Section 1320 et seq. and Chapter 29 of the Uniform Building Code or on a mobile home support system in accordance with the specifications set forth in 25 Cal. Adm. Code Section 1320 et seq.

2. Utility connections must be brought up to code. If the mobile home is placed on a foundation, permanent utility connections as would be required for a conventionally built home are required. If the mobile home is placed on supports, flexible utility connections are required to compensate for movement of the structure. Specifications are set forth in 25 Cal. Adm. Code Section 1320 et seq.

3. All accessory structures which were built without permits and which are structurally unsound must be repaired or replaced to comply with the building code and must comply with Zoning Ordinance provisions with respect to size, number, and location.

4. Off-street parking must be provided (see Zoning Ordinance Section 6-A-2) and a driveway permit obtained from the Traffic Engineer.

5. The mobile home must have a heating system in compliance with the mechanical code (Section 9.250 et seq. of the City Code) to provide a temperature of 70° three feet from the floor.

6. The mobile home was rewired without State inspection; all the electrical work must be inspected and meet the minimum requirements of the National Electrical Code.

7. All piping within the mobile home must be tested and approved for the use to which it is put.

8. The fire damaged portions of the mobile home must be repaired.

RECOMMENDATION

It is recommended that the attached ordinance be adopted to exclude Mrs. Patrick from the recently enacted mobile home ordinance if she makes necessary repairs within the specified time.

Very truly yours,

JAMES P. JACKSON
City Attorney



SABINA GILBERT
Deputy City Attorney

RECOMMENDATION APPROVED:


CITY MANAGER

SG:mb

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BY THE CITY COUNCIL

NOV 25 1980

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AN ORDINANCE AMENDING ORDINANCE NO. 4433, FOURTH SERIES, RELATING TO MOBILE HOMES, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Ordinance No. 4433, Fourth Series, is hereby amended by adding thereto Section 13 to read as follows:

Section 13. Applicability.

This ordinance shall not apply to any mobile home which, on the effective date of this ordinance, as amended, was located as the principal residence on a lot zoned R-1 within the City of Sacramento and was the subject of then pending litigation to which the City of Sacramento was a party; provided, however, that this exemption shall apply only if within thirty (30) days of the effective date of this ordinance, as amended, the owner of any such mobile home has applied for all building permits and has commenced all utility connections and repairs to the mobile home necessary to bring the mobile home into compliance with the building and construction code applicable to the mobile home; and provided further, that this exemption shall apply only if within one hundred and twenty (120) days of the effective date of this ordinance, as amended, the owner of any such mobile home has completed all the utility connections and necessary repairs. The building permit fee for installation of such mobile homes shall be based upon a valuation of \$5,000. for each mobile home. All other applicable fees including but not limited to the residential dwelling fee, street construction tax and water and sewer tap fees shall be payable.

SECTION 2. Emergency.

This ordinance is hereby declared an emergency measure to take effect immediately. The facts constituting the emergency are the recent enactment of Ordinance No. 4433, Fourth Series, as an emergency measure which prohibits mobile homes on R-1 zoned lots and the need to clarify the applicability of said ordinance to certain mobile homes presently located on R-1 zoned lots so that the ordinance may be properly enforced.

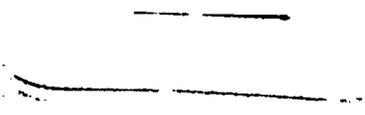
ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



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Sacramento, Ca 95817
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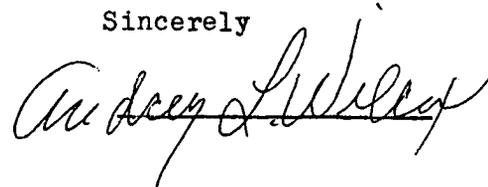
Sacramento City Council
Attn: City Clerk
915 "I" Street, Room 308
Saacramento, Ca. 95814

In reference to the letter of Nov/17/80 regarding the Council hearing, on the issue of exempting the Mobile Home at 4345 4th Ave, Sacramento:

Since there is a ordinance #4433 prohibiting "Mobile Homes" on locations, other than "Mobile home parks" why isn't it enforced, rather than putting it up to the residents of this area?

My comment on this matter is: a request that ordinance # 4433 be enforced and this mobile home not be exempt.

Sincerely





CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 308

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

November 26, 1980

Charlie Mae Patrick
4345 Fourth Avenue
Sacramento, CA 95817

Dear Ms. Patrick:

On November 25, 1980, the City Council considered an Ordinance which would amend Ordinance 4433 relating to mobile homes, and exempting you from Ordinance 4433 contingent upon your compliance with the amended ordinance.

The Council closed the hearing, took no action, and filed this item.

Sincerely,

Anne Mason

Anne Mason
Deputy City Clerk

AM/mm/20

cc: City Attorney
Item 20 Mail List (71)