



CITY OF SACRAMENTO

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DEPARTMENT OF LAW

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SUITE 201 TELEPHONE (916) 449-5346

October 30, 1980

City Council
City Hall
Sacramento, California

RE: MOBILE HOMES IN RESIDENTIAL AREAS--CHARLIE MAE PATRICK

Honorable Members in Session:

SUMMARY

On October 21, 1980, the City Council adopted Ordinance No. 4433 which prohibits the location of mobile homes on any lot in the City unless they are located within a mobile home park. The Council was advised that this ordinance did not apply to Mrs. Charlie Mae Patrick, who presently has a mobile home located on a single family lot. However, in my opinion, if the Council wishes to exempt persons in Mrs. Patrick's situation from the provisions of this ordinance, it should adopt an amendment to the ordinance.

BACKGROUND INFORMATION

At the City Council meeting on October 21, 1980, the Council adopted Ordinance No. 4433 to specifically prohibit the location of mobile homes on lots within the City unless they are located in mobile home parks. This ordinance was required because of uncertainty in our zoning ordinance which became apparent during litigation involving a mobile home on a single family lot owned by Mrs. Charlie Mae Patrick. In the litigation, the Judge ordered Mrs. Patrick to refrain from living in this mobile home until she complied with the applicable building, utility and other code requirements. However, because of the uncertainty in the zoning ordinance, the Judge did not order Mrs. Patrick's mobile home to be removed from her property.

I was not present at the Council meeting on October 21, 1980. At this meeting, Councilman Lloyd Connelly asked our office whether this ordinance applied to Mrs. Patrick. He was advised that it did not apply to her. I wish to correct that statement by stating my position as follows. In my opinion, Ordinance No. 4433 does apply to Mrs. Patrick because, (1) there is no exemption for her situation in the ordinance, and (2) prior to the effective date of the ordinance, she did not obtain a building permit to comply with the building and other City code requirements. Thus, in my opinion a building permit cannot now be

APPROVED
BY THE CITY COUNCIL

Cont to
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OFFICE OF THE
CITY CLERK

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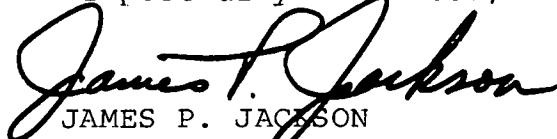
issued to Mrs. Patrick. The ordinance would not have applied to Mrs. Patrick if, prior to the enactment of Ordinance No. 4433, she had taken these steps to comply with the building code requirements. However, I cannot say with certainty that the ordinance does not apply to Mrs. Patrick because Judge Gualco has retained jurisdiction in the litigation involving Mrs. Patrick. He might issue an order which is contrary to my opinion.

It is my recommendation that the Council decide whether it wants to exclude Mrs. Patrick from the provisions of the ordinance. If the Council wishes to exclude Mrs. Patrick, then it should adopt an amendment to the existing ordinance. A proposed amendment will be drafted and submitted to Council at the meeting on November 5, 1980. If the Council desires the provisions of Ordinance No. 4433 to be applicable to Mrs. Patrick, then it need take no further action. The City Building Department wishes to give Mrs. Patrick a certain period of time within which to meet the building code requirements. If she does not meet these code requirements by a certain date, then she would be prohibited from living in her mobile home on her lot.

RECOMMENDATION

It is recommended that the Council decide whether it wishes to make Ordinance No. 4433 applicable to Mrs. Charlie Mae Patrick.

Respectfully submitted,


JAMES P. JACKSON
City Attorney

JPJ:KMF

RECOMMENDATION APPROVED:



City Manager



CITY OF SACRAMENTO

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CITY CLERKS OFFICE
CITY OF SACRAMENTO

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LORRAINE MAGANA
CITY CLERK

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 308

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

RICHARD F. BARBEAU, INC.

October 29, 1980

Richard Barbeau
901 - 28th Street
Sacramento, CA 95816

Dear Mr. Barbeau:

On October 28, 1980, the Sacramento City Council granted a time extension on the tentative map for Meadowview Estates Subdivision, P-8516.


This extension is granted one-time only and will lapse on October 10, 1981.

Sincerely,


Lorraine Magana
City Clerk

LM/mm/39

cc: Muldenhauer-Bennett and Company
Planning Department


I sold this property to [redacted] in
1979. I am no longer the
owner.

R. Barbeau

ORDINANCE NO.

FOURTH SERIES

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 _____ days of the effective date of this ordinance, as amended, the owner of any such mobile home has secured 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 _____ 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 _____.

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