**CODE CHART**

|  |  |
| --- | --- |
| **EXISTING CHAPTER 15.40** | **PREEMPTION AND PROPOSED** |
| Article I. Mobilehomes and Trailers | HSC = Health & Safety Code  CCR = Title 25 California Code of Regulations |
| **15.40.010 Definitions.**  For the purposes of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that a different meaning is indicated.  "Building department" means the building division of the planning, building and environmental services department of Napa County.  "CCR" means the California Code of Regulations.  "Dead storage" means the maintaining of a mobilehome on any land where the mobilehome is not used for occupancy or business purposes. The connection of any utility or service connection, such as electrical, water, gas or sewage, to the mobilehome shall be prima facie evidence that the mobilehome is being used for habitation or business purposes.  "Farm labor trailer" means any mobilehome or mobilehomes used for housing or shelter of persons on a seasonal basis which is located either (a) on the premises of a farm where such persons are bona fide employees of such farm, or (b) in a permitted farmworker center.  "Health officer" means the director of environmental health.  "HSC" means the California Health and Safety Code.      "Planning commission" means the planning commission of the county of Napa. | Director of Environmental Health and that division are inspecting mobilehome parks.  "Mobilehome" means a mobilehome as defined in HSC§18008, a manufactured home as defined in HSC§18007, a multiple family manufactured home as defined in HSC§18008.7, and a recreational vehicle as defined in HSC§18010. See HSC sections referenced *ante* at end of chart.  "Mobilehome park" means any tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation. HSC §18214  This section is probably subsumed by HSC and CCR's. Unaware of whether any such rules, regulations and standards have ever been adopted by the Board. |
| **15.40.020 Location restrictions—Dead storage or temporary use permit.**  A. It is unlawful for any person, firm or corporation to keep any mobilehome on any land situated in the county other than in an approved mobilehome park, unless such mobilehome is in dead storage or a administrative permit has been issued therefore, pursuant to the provisions of [Section 18.126.060](http://library.municode.com/HTML/16513/level2/TIT18ZO_CH18.126ADPE.html" \l "TIT18ZO_CH18.126ADPE_18.126.060PESSPR) of this chapter.  B. A trailer or mobilehome in dead storage shall not be stored in any front or side yard setback required by this chapter, or any applicable county ordinance or state law, nor shall any such vehicle be parked upon any public or private street for a period in excess of forty-eight hours. When in dead storage, all trailers and similar vehicles shall meet the minimum requirements of the state, and no person shall remove any tire or wheel from a mobilehome, whether such or similar vehicle is used for occupancy, business or dead storage, except for the purpose of making temporary repairs, nor shall any foundation be placed under a mobilehome or similar vehicle. |  |
| **15.40.030 Seasonal housing for farmworkers.**  Except as provided in [Section 18.104.295](http://library.municode.com/HTML/16513/level2/TIT18ZO_CH18.104ADZODIRE.html#TIT18ZO_CH18.104ADZODIRE_18.104.295EMHO):  A. A permitted farm labor trailer may be occupied for not more than ninety consecutive days, and for not more than one hundred twenty days in any calendar year.  B. A temporary use permit for a farm labor trailer issued pursuant to this chapter that is "farmworker housing" as that term is defined by the Zoning Ordinance (Title 18 of this code) may be issued for up to a ten-year period and may be renewed pursuant to then-current requirements of this code. |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| **15.40.040 Enforcement authority.**  The planning commission, the building department and the health officer shall enforce the provisions of this chapter jointly and in such a manner and as expeditiously as possible to prevent duplicating each other's services. |  |
| **Article II. Mobilehome Parks** |  |
| **15.40.050 Purpose of Article II provisions.**  The purpose of Article II of this chapter is to provide for and promote the public health, safety, comfort, convenience and general welfare of the citizens of the county by prescribing regulations and standards relative to the location, development and construction of mobilehome parks within the unincorporated portions of the county. |  |
|  | **15.40.060 Statutory authority and incorporation by reference.**  The requirements of this Article II shall include the provisions of the Mobile Home Park Act (Health and Safety Code §§ 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Chapter 2 of Division 1 of Title 25 of the California Code of Regulations). The requirements of the Mobile Home Park Act and Mobile Home Parks Regulations are hereby incorporated into the requirements of this Article II and compliance with those regulations shall be required. |
| **15.40.070 Application of provisions.**  The following standards, and the requirements of the Mobile Home Park Act and Mobile Home Parks Regulations, shall apply to the location, development and construction of mobilehome parks within the unincorporated portions of the county. |  |
| **15.40.080 Exempt area designated.**  Notwithstanding any of the terms of Article II of this chapter, the provisions of this article shall not not apply to any park owned, operated, and maintained by of the following:  A) The federal government.  B) The state.  C) Any agency or political subdivision of the state.  D) Any city, county, or city and county. | HSC §18303:  This part does not apply to any park owned, operated, and maintained by any of the following:  (a) The federal government.  (b) The state.  (c) Any agency or political subdivision of the state.  (d) Any city, county, or city and county. |
| **15.40.090 Inspection requirements—Fees.**  The county shall make such inspections and charge such fees therefor as are provided in [Chapter 4](http://library.municode.com/HTML/16513/level1/TIT4RE.html#TIT4RE) of Part 2.1, Division 13 of the California Health and Safety Code, being within the Mobilehome Parks Act. |  |
| **15.40.100 Construction inspection and fees.**  At the time of construction of a new mobilehome park, or the expansion of an existing mobilehome park, road construction and drainage facilities shall be field inspected by the county engineer. To defray the cost of plan checking and field inspection, the developer shall pay a one-time fee equal to three percent of the estimated cost of road and drainage improvements. |  |
| **15.40.110 Location restrictions.**  A. Mobilehome parks shall be permitted in the Planned Development District (PD) and Affordable Housing Combination District (AH) subject to use permit approval. Mobilehome parks shall not be permitted in any other zoning district.  B. The application for a use permit hereunder shall not be deemed complete unless it is accompanied by a filed record of survey of the perimeter of the property which is the subject of the application, which shall indicate the gross acreage thereof. | Preempted – Nothing in HSC§18300 or other state regulations allows the County to require a park to join a county service area. See HSC§18300 *ante* at end of chart. |
| **15.40.120 Minimum park area.**  The minimum park area shall be twenty acres. |  |
|  | **15.40.130 Density of development.**  The maximum average density in a mobilehome park shall not be less than the density allowed in the PD and AH districts.  See HSC §18300(h)(i), *ante*, which requires density be no less than in underlying zoning district. |
|  | Preempted by HSC§183000(g), *ante*; and  CCR§ 1110. Occupied Area:  (a) The occupied area of a lot, consisting of the unit, and all accessory buildings and structures including, but not limited to awnings, stairways, ramps and storage cabinets, shall not exceed seventy-five (75) percent of the lot area.  (b) For purposes of this chapter, patios and paved or concrete areas on grade, and the area of accessory buildings or structures located under another accessory structure, such as a storage cabinet or porch under an awning or carport, are not included in the measurement of the occupied area. The occupied area shall be determined as if viewed from overhead looking directly down on the lot. CCR§1110, 1118.  Proposed:  **15.40.140 Occupied area.**  The occupied area of any lot within a mobile home park shall comply with Title 25 CCR §1110, or any successor regulation. |
|  | Setbacks preempted by HSC§18300(h), *ante;* and CCR§1330 . Unit Separation and Setback Requirements Within Parks.  (a) In parks, or portions of parks, constructed prior to September 15, 1961, units shall not be located closer than six (6) feet from any permanent building or another unit.  (b) In parks, or portions of parks, constructed on or after September 15, 1961, minimum separation distance shall be as follows:  (1) from a unit to any permanent building, not less than ten (10) feet.  (2) from a unit to any other unit, not less than:  (A) ten (10) feet from the side of one unit to the side of an adjacent unit;  (B) eight (8) feet from the side of one unit to the front or rear of an adjacent unit; and  (C) six (6) feet from the front or rear of one unit to the front or rear of an adjacent unit.  (c) A minimum setback of three (3) feet shall be maintained from the unit or the unit’s projection or eave overhang and the adjacent lot line or property line. However, a unit may be installed up to a park roadway or common area provided there is no combustible building or structure in the common area within six (6) feet, and  no building or structure of any kind within three (3) feet, of any portion of the unit. The maximum seventy-five percent (75%) lot coverage allowed by section 1110 of this chapter shall be maintained. Projections or eave overhangs shall not extend beyond a lot line bordering a roadway or common area.  (d) Unit projections or eave overhangs may intrude into the minimum distances required for separation where separation requirements between units, as defined in subsection (b) of this section, are greater than six (6) feet, provided not less than a six (6)-foot separation is maintained between the edge of any unit projection or eave  overhang, and an adjacent unit, permanent building, or combustible accessory building or structure and its projection, or eave overhang.  (e) Lot lines shall be identified as prescribed by section 1104.  (f) Units installed outside of parks shall comply with local requirements for setbacks and separations and shall not be required to have greater setbacks or separation than other similar dwellings within the local agency's jurisdiction.  (g) Setback and separation requirements for accessory buildings and structures or building components are contained in section 1428 of Article 9.  Proposed:  **15.40.150 Unit separation and setbacks.**  Unit separation and setbacks for each lot shall comply with Title 25 CCR §1330, or any successor regulation. |
|  | Preempted CCR§1110, 1330. See *supra.* |
|  | Per HSC§183000(h)(2), *ante*; recreational facilities can only be required to extent they'd be required of other residential developments of same size. But even then can't require a clubhouse. |
|  | Preempted by CCR§1106, though requirements seem similar.  CCR § 1106. Roadways.  All park roadways shall have a clear and unobstructed access to a public thoroughfare, except that a roadway may have security gates, if such security gates are not in violation of local government requirements.  (a) In parks, or portions thereof, constructed prior to September 15, l961:  (1) Each lot shall have access to a roadway of not less than fifteen (15) feet in unobstructed width.  (2) No vehicle parking shall be allowed on roadways less than twenty-two (22) feet in width. If vehicle parking is permitted on one side of the roadway, the roadway shall be a minimum of twenty-two (22) feet in width. If vehicle parking is permitted on both sides of the roadway, the roadway shall be not less than thirty (30) feet in width.  (b) In parks constructed on or after September 15, 1961:  (1) Each lot shall have access to a two-way roadway of not less than twenty-five (25) feet, or a one-lane, one-way roadway not less than fifteen (15) feet in unobstructed width.  (2) No vehicle parking shall be allowed on one-way, one-lane roadways less than twenty-two (22) feet in width. If vehicle parking is permitted on one side of a one-lane roadway, the roadway shall be a minimum of twenty-two (22) feet in width. If vehicle parking is permitted on both sides of a one-lane roadway, the roadway shall be at least thirty (30) feet in width.  (3) No vehicle parking shall be allowed on two-lane, two-way roadways less than thirty-two (32) feet in width. If vehicle parking is permitted on one side of a two-way roadway, the roadway shall be a minimum of thirty-two (32) feet in width. If vehicle parking is permitted on both sides of a two-way roadway, the roadway shall be at least forty (40) feet in width.  (c) Roadways designed for vehicle parking on one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway clearly visible at any given point of the roadway where parking is prohibited.  (d) A two-way roadway divided into separate, adjacent, one-way traffic lanes by a curbed divider or similar obstacle, shall be not less than fifteen (15) feet in unobstructed width on each side of the divider.  (e) In parks constructed after September 23, l974, which contain not more than three (3) lots, each lot shall abut a roadway that is not less than twenty (20) feet in unobstructed width.  (f) Paving is not required for roadways or driveways unless it is necessary for compliance with section 1116 of this chapter.  (g) At the request of the park owner/operator, the local fire protection agency may designate the sides or portions of roadways in a park as fire lanes provided those designations do not conflict with the roadway widths of this section.  h) If a park owner or operator proposes reducing the width, or changing the layout or configuration, of the park roadways from the way they were previously approved or constructed, local fire protection agency acknowledgment of the change shall be submitted to the enforcement agency.  **15.40.160 Roadways.**  All park roadways shall comply with Title 25 CCR §1106, or any successor regulation. |
|  | Preempted by CCR§1106(Roadways), *supra*, and 1116 (Grading).  CCR § 1116. Lot and Park Area Grading.  (a) The park area and park roadways shall be so graded that there will be no depressions in which surface water will accumulate and remain for a period of time that would constitute a health and safety violation as determined by the enforcement agency. The ground shall be sloped to provide storm drainage run-off by means of surface or subsurface drainage facility.  (b) Each lot shall be graded to prevent the migration of water to the underfloor area of a unit, or accessory building or structure, or building component. Other methods to prevent the migration of water beneath a unit, accessory building or structure, or building component may be approved by the department as alternates, in  accordance with section 1016 of this chapter.  (c) To provide for unanticipated water entering the area beneath a unit, accessory building or structure, or building component, that area shall be sloped to provide for drainage to an approved outside drainage way. Other positive passive drainage methods may be approved by the department as an alternate, in accordance with section 1016 of this chapter.  (d) Drainage from a lot, site, roadway or park area shall be directed to a surface or subsurface drainage way and shall not drain onto an adjacent lot, or site.  (e) All vegetation shall be cleared from the area of the lot beneath a unit or accessory building or structure.  (f) Fills necessary to meet the grading requirements of this subsection shall comply with section 1045 of this chapter.  (g) Minor load bearing grading and area fills that are made with a compacted class 2 aggregate and that do not exceed six (6) inches in depth, do not require additional approvals. |
| **15.40.170 Pedestrian circulation.**  Sidewalks and pedestrian pathways shall be incorporated into the park design to allow normal circulation patterns to take place between adjacent parcels and recreational areas. | Presumably this qualifies as "access" an area County can regulate under HSC§18300(g)(1), see *ante*. |
| **15.40.180 Access from internal private streets.**  All mobilehome spaces shall be served from internal private streets within the mobilehome park, and there shall be no direct access from a mobilehome space to a public street or alley. Driveways shall have a clear and unobstructed access to a public thoroughfare. | Presumably this qualifies as "access" an area County can regulate under HSC§18300(g)(1) ), see *ante*. |
| **15.40.190 Parking spaces.**  The developer shall provide two parking spaces for each mobilehome unit. One guest parking space for each two mobilehome units shall be provided.. | HSC§18300(g)(1), see *ante*, allows County to regulate parking, but Department of Housing and Community Development interprets this to mean only regulating number of parking spaces within boundaries of park (but can't require on lot), and not location. |
| **15.40.200 Boat and trailer storage.**  Developer shall provide a storage area within the park boundaries for pleasure boats, trailers, campers or motor coaches in an area set aside for such storage on the approved plans. Such area shall be screened from view and shall provide a minimum of one boat or trailer space for every five mobilehome sites. Such storage shall not be allowed on any street. | HSC§18300(g)(1), see *ante*, allows County to regulate parking, and allows us to prohibit or regulate certain uses (i.e., storage). But County can't restrict lot usage per CCR§1110 (*supra*), and CCR§1443 allows private garages and storage buildings.  CCR §1443 Private Garages and Storage Buildings.  (a) A private garage or storage building may be located immediately adjacent to a unit if the garage or storage building wall adjacent to the unit is constructed of materials approved for one (1) hour fire-resistant construction. If there are openings which are not one (1)-hour fire-rated in the unit wall adjacent to the garage or storage building wall, a minimum of three (3) feet of separation shall be maintained. A minimum of six (6) feet of separation shall be maintained between the unit and a private garage or storage building which does not meet the requirements  for one (1) hour fire-resistant construction.  (b) A three (3)-foot separation shall be maintained from a private garage or storage building and any lot line which does not border on a roadway.  (c) Garages shall be designed and constructed as freestanding structures. They shall not be attached to or supported by an MH-unit; however, to provide a weather seal, flashing or sealing materials may be affixed between the garage and the MH-unit. |
| **15.40.210 Drainage facilities—Plan review.**  Developers shall provide adequate drainage facilities to prevent damage by a one-hundred-year frequency storm, and shall dispose of drainage waters in a natural watercourse, all in accordance with plans reviewed and approved by the county engineer.  **15.40.220 Sewage disposal.**  Sewage disposal shall be provided in compliance with Division II of [Title 13](http://library.municode.com/HTML/16513/level1/TIT13WASEPUSE.html#TIT13WASEPUSE) of this code. | Note that CCR§1116 *(supra)* allows storm drainage runoff by means of surface or subsurface drainage facilities, and does not mention a 100 year flood. |
| **15.40.230 Water supply.**  All mobilehome parks shall procure water from an approved public water facility. |  |
|  | Preempted by Public Utility Code §2792, see ante; and CCR§1180 Lot Electrical Service.  (a) Lot electrical service and its equipment for a new lot shall be rated at not less than 100-amperes (24,000 volt-amperes) and shall be listed and labeled "Service Equipment", "Suitable for Use as Service Equipment" or “Suitable for Use as Service Equipment for Manufactured Homes or Mobilehomes". The rating of the overcurrent protection in the MH-unit lot service equipment shall not exceed the rating of the feeder assembly connected by a permanent wiring method. MH-unit lot service equipment may contain any or all of the approved receptacles conforming to section 1186 of this chapter.  (b) The lot service equipment for existing lots need not be upgraded to comply with the minimum standards contained in subsection (a). However, subject to the conditions and park approvals contained in section 1188, lot service must meet the rated load of the existing or proposed unit installed on the lot, including other attached  loads.  (c) MH-unit lot service equipment may also contain a means for supplying accessory buildings or structures or building components or other electrical equipment located on the lot, provided the MH-unit lot service equipment is designed and listed for such application.  (d) Only one power supply connection shall be made to a unit.  (e) Lot service equipment may also contain additional receptacles for supplying portable electrical equipment, provided that such receptacles are listed grounding type receptacles. All 120-volt, single-phase, 15- and 20-ampere receptacle outlets in lot service equipment shall be protected by ground-fault circuit protection. The requirement for ground-fault circuit protection shall not apply to equipment or installations constructed, installed, or approved for construction or installation prior to September 1, 1975.  (f) When an electrical meter is installed as an integral component of the lot service equipment, it shall be of a class or rating that will accurately measure all loads up to the rated ampacity of the lot service equipment.  (g) When the electrical meter-base equipment is to be attached to the MH-unit at the time of installation, an alteration permit for the unit is required pursuant to Section 18029 of the Health and Safety Code.  (h) Parks constructed after January 1, 1997, shall have individual electric meters for each lot and shall be served by electrical distribution facilities owned, operated, and maintained by the electrical corporation as defined in section 218 of the Public Utilities Code providing electric service in the area, in accordance with Public Utilities Code section 2791. |
| **15.40.240 Trash and garbage disposal.**  A trash and garbage disposal system shall be installed to the satisfaction of the county health officer. |  |
| **15.40.250 Fire protection.**  The developer shall comply with the fire protection standards set forth in Article 6, Chapter 2, Division 1 of Title 15 CCR, as the same may be amended. | The provisions of Article 6 are set forth *ante,* after HSC provisions. |
| **15.40.260 Fencing and enclosure.**  A. The planning commission may require that a park perimeter wall be constructed on public street frontages.  B. Fences on lots shall not exceed six feet in height, but shall not exceed forty-two inches in height when located parallel to, and no closer than, three fee to the unit, habitable accessory building or structure, or building component. | Partially preempted by HSC§18300(g)(1), see *ante*; and CCR§1514.  § 1514. Fence Height and Location.  (a) A fence located on a lot shall not exceed six (6) feet in height.  (b)A fence exceeding forty-two (42) inches in height, parallel to a unit or habitable accessory building or structure or building component, shall not be located closer than three (3) feet to that unit, habitable accessory building or structure, or building component. |
|  | Preempted by HSC§18300 (which deleted ability to regulate landscaping with 1981 amendment) |
| **15.40.270 Sign requirements.**  A. Park identification signs shall be subject to architectural review by the planning commission. No flashing or revolving signs will be permitted. Identification sighs shall be limited to one twenty-square-foot sign per park, not to exceed a height of six feet above ground.  B. Each mobilehome park shall maintain a directory sign showing the location and house number of each mobilehome unit.  C. Incidental signs may be permitted upon approval by the planning commission. |  |
| **15.40.280 Mobilehomes—Registration requirements.**  All mobilehomes located within unincorporated areas shall be registered with the county. |  |
| **15.40.290 Park occupancy conditions.**  No mobilehome park shall be occupied until all requirements of the planning commission, health, flood control, engineering and building inspections departments have been met. |  |
|  | Mobilehome Park Act precludes local height limitations and local regulation of the structures themselves. See *County of Santa Cruz v. Waterhouse* (2005) 127 Cal. App. 4th 1483. |
| **15.40.300 Retail sales prohibited—Exception.**  No retail sales, including mobilehomes, except from an approved sales location not a part of a mobilehome park, shall be permitted. This is not intended to prohibit the sale of a single mobilehome on an approved site. |  |
|  | Generally preempted by the Mobile Home Park Act and Title 25 CCR §1000 et seq. |
| **15.40.310 Variances.**  A. A variance from the terms of this Article II, if consistent with state law, may be granted and, once granted, may be revoked by the commission pursuant to the procedures set forth in Sections [18.128.020](http://library.municode.com/HTML/16513/level2/TIT18ZO_CH18.128VA.html#TIT18ZO_CH18.128VA_18.128.020AP), [18.128.030](http://library.municode.com/HTML/16513/level2/TIT18ZO_CH18.128VA.html#TIT18ZO_CH18.128VA_18.128.030APEE), [18.128.040](http://library.municode.com/HTML/16513/level2/TIT18ZO_CH18.128VA.html#TIT18ZO_CH18.128VA_18.128.040APUBHE) and [18.128.090](http://library.municode.com/HTML/16513/level2/TIT18ZO_CH18.128VA.html#TIT18ZO_CH18.128VA_18.128.090RE) of the county's zoning provisions.  B. Any variance granted pursuant to this section shall be subject to such conditions as shall assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations placed by this chapter upon other mobilehome parks.  C. Before issuing a variance, the commission shall make the following written findings:  1. The procedural requirements prescribed by this section have been met;  2. Special circumstances exist applicable to the property, including size, shape, topography, location, surroundings and available technology, because of which strict application of the requirements of this Article II defeats the purpose of such requirements, whereas the variance, as conditioned, will promote the purpose;  3. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;  4. Grant of the variance will not adversely affect the health, safety or welfare of the county. |  |
| **15.40.490 Variations from Standards [new]**  A. The planning commission may authorize variations to standards included within this chapter as part of a use permit, under the conditions provided for in this section.  B. The intent of this section is to encourage innovative and environmentally superior redesign and siting of mobilehome and recreational vehicle units within existing mobile home parks of five (5) acres or less established by use permit prior to 1970. To encourage such innovation, it is necessary to be flexible in the application of certain development standards so long as the intent of this chapter, the PD or AH zoning districts, any applicable general or specific plan and applicable state and federal law is maintained with respect to the overall project.  C. Development Standards. The planning commission may allow, as part of approval of a use permit, variations from the development standards contained in this chapter under the procedures defined in this section.  D. Procedure.  1. Filing of Variation Request. Applicants shall file a request for variation and pay those fees established by resolution of the board of supervisors relating to use permits. The variation request shall be processed as part of a use permit application pursuant to Chapter 18.124 of the Napa County Code.  2. Content of Variation Request. The request shall contain, at a minimum, the following information:  a. A legal description and assessor parcel map of all lands to be included in the use permit;  b. The existing topographical features of the property;  c. Land use and zoning of parcels contiguous to those proposed for development;  d. A mapping of environmentally-sensitive areas on both the subject parcel and parcels adjacent to those proposed for development;  e. A narrative statement of how the variation request is consistent with the goals and intent of the applicable general or specific plan, the PD or AH zoning district and applicable state and federal law, and how the variation request recognizes and treats the lands identified as being environmentally sensitive;  f. A detailed site plan identifying locations and uses of all structures, locations of all parking, landscape and common use areas, circulation and infrastructure alignment and setbacks;  g. A list of utility service providers serving the project, along with "will serve" statements from all service providers;  h. Proposed ownership and mechanism for improvement and maintenance of common areas, parking areas, landscaped areas, etc.  i. Conceptual landscaping and planting plans demonstrating that the project is being developed with a unified design theme;  j. Phasing plan detailing the order in which site improvements are to be completed and occupied;  k. Any additional information required by the director to demonstrate that the site will be developed under a unified development concept.  E. Findings Required.  1. In addition to findings required pursuant to Section 18.124.070, the commission shall make the following additional findings:  a. The variation request results in a project that is superior in terms of design and environmental impacts when compared to a project processed under the development standards specified by this chapter.  b. The development plan results in a cohesive design and treatment of the site, including architecture, landscaping, open space, signage and lighting.  c. The design, orientation and location of buildings, structures, open space and other features of the site plan protect and enhance existing natural resources or site features including significant existing vegetation and maintain and enhance existing views from and through the site.  d. The overall project is consistent with the intent, purpose and applicable standards of the applicable general or specific plan, the PD (Planned Development District) and applicable state and federal law.  e. The site plan minimizes the effect of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways.  f. The site plan shall encourage travel alternatives through the provision of facilities for the use of mobilehome park residents such as bicycle parking and electrical vehicle recharge stations. Public transit stops and facilities shall be accommodated as appropriate and other incentive provisions considered which encourage non-automotive travel.  g. The site shall provide open space and landscaping which complement building and structures. Said open space shall be provided in a manner so as to be useful to residents. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.  h. Design of the site plan and proposed structures shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures shall take into account maintenance of view. utility installations such as trash enclosures, storage units, traffic control devices, transformer vaults, and electrical meters shall be accessible and screened.  i. Provisions have been made for the permanent use and maintenance of parking areas and other common area improvements used jointly by mobilehome park residents. | Proposed new code section |

Referenced HSC sections:

**HSC §18007**

(a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 ([42 U.S.C., Sec. 5401](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000546&cite=42USCAS5401&originatingDoc=N300A46707DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)), and following).[1](https://a.next.westlaw.com/Document/N300A46707DB311DC8B69829BAAB1B5B5/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)#co_footnote_IC1E00EE0018C11DF85DCEFADBAC57E55)

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “manufactured home,” and it clearly appears from the context that the term “manufactured home” should apply only to manufactured homes, as defined under subdivision (a), the codified provision shall apply only to those manufactured homes. If any codified provision of state law, by its context, requires that the term applies to manufactured homes or mobilehomes without regard to the date of construction, the codified provision shall apply to both manufactured homes, as defined under subdivision (a), and mobilehomes as defined under [Section 18008](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18008&originatingDoc=N300A46707DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)).

**HSC §18008**

(a) “Mobilehome,” for the purposes of this part, means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Mobilehome” includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. “Mobilehome” does not include a commercial modular, as defined in [Section 18001.8](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18001.8&originatingDoc=N3857FA207DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), factory-built housing, as defined in [Section 19971](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS19971&originatingDoc=N3857FA207DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), a manufactured home, as defined in [Section 18007](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18007&originatingDoc=N3857FA207DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), a multifamily manufactured home, as defined in [Section **18008**.7](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18008.7&originatingDoc=N3857FA207DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), or a recreational vehicle, as defined in [Section 18010](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18010&originatingDoc=N3857FA207DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)).

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “mobilehome,” and it clearly appears from the context that the term “mobilehome” should apply only to mobilehomes, as defined under subdivision (a), the codified provision shall apply only to those mobilehomes. If any codified provision of state law, by its context, requires that the term applies to mobilehomes or manufactured homes without regard to the date of construction, the codified provision shall apply to both mobilehomes, as defined under subdivision (a), and manufactured homes, as defined under [Section 18007](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18007&originatingDoc=N3857FA207DB311DC8B69829BAAB1B5B5&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)).

**HSC §18008.7**

(a) “Multifamily manufactured home,” for the purposes of this part, means either of the following:

(1) A structure transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units, a dormitory, or an efficiency unit, to be used either with a support system pursuant to [Section 18613](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18613&originatingDoc=N3BD512F07DB311DC80FBFA8E75F85CB9&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)) or a foundation system pursuant to [subdivision (a) of Section 18551](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18551&originatingDoc=N3BD512F07DB311DC80FBFA8E75F85CB9&refType=SP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)#co_pp_8b3b0000958a4).

(2) A structure transportable under permit in one or more sections, designed to be used with a foundation system for three or more dwelling units, as defined by [Section 18003.3](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18003.3&originatingDoc=N3BD512F07DB311DC80FBFA8E75F85CB9&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)).

(b) Multifamily manufactured homes shall be constructed in compliance with applicable department regulations. The egress and fire separation requirements of Title 24 of the California Code of Regulations applicable to dormitories, hotels, apartment houses, and structures that contain two dwelling units shall also be applicable to all multifamily manufactured homes constructed for those purposes. The accessibility and adaptability requirements of Title 24 of the California Code of Regulations applicable to covered multifamily dwelling units shall also be applicable to multifamily manufactured homes containing three or more dwelling units.

(c) Notwithstanding any other provision of law, all provisions of law that apply to manufactured homes shall apply equally to multifamily manufactured homes, except as provided in this section.

(d) For purposes of this section:

(1) “Dormitory” means a room or rooms inhabited for the purposes of temporary residence by two or more persons.

(2) “Efficiency unit” has the same meaning as defined in [Section 17958.1](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS17958.1&originatingDoc=N3BD512F07DB311DC80FBFA8E75F85CB9&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)).

(3) “Multiunit manufactured housing” has the same meaning as “multifamily manufactured home,” as that term is defined in this section.

**HSC §18010**

“Recreational vehicle” means both of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer, as defined in [Section 18009.3](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18009.3&originatingDoc=NE7E57B90896811D881E9FEF4A4D44D69&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Category)).

**HSC §18300**

(a) This part applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to this part. Except as provided in [Section 18930](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18930&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), the department may adopt regulations to interpret and make specific this part and, when adopted, the regulations shall apply to all parts of the state.

(b) Upon 30 days' written notice from the governing body to the department, any city, county, or city and county may assume the responsibility for the enforcement of both this part and Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))) and the regulations adopted pursuant to this part and Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))) following approval by the department for the assumption.

(c) The department shall adopt regulations that set forth the conditions for assumption and may include required qualifications of local enforcement agencies. The conditions set forth and the qualifications required in the regulations shall relate solely to the ability of local agencies to enforce properly this part and the regulations adopted pursuant to this part. The regulations shall not set forth requirements for local agencies different than those that the state maintains for its own enforcement program. When assumption is approved, the department shall transfer the responsibility for enforcement to the city, county, or city and county, together with all records of parks within the jurisdiction of the city, county, or city and county.

(d)(1) In the event of nonenforcement of this part or the regulations adopted pursuant to this part by a city, county, or city and county, the department shall enforce both this part and Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))) and the regulations adopted pursuant to this part and Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))) in the city, county, or city and county, after the department has given written notice to the governing body of the city, county, or city and county, setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county, or city and county has failed to initiate corrective measures to carry out its responsibility within 30 days of the notice.

(2) Where the department determines that the local enforcement agency is not properly enforcing this part or Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))), the local enforcement agency may appeal the decision to the director of the department.

(e)(1) Any city, city and county, or county may cancel its assumption of responsibility for the enforcement of both this part and Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))) by providing written notice of the cancellation to the department. The department shall assume responsibility within 90 days after receipt of the notice.

(2) Any local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to [Section 18502](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18502&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)) that have not been expended for purposes of this part, except that, for fees collected pursuant to subdivision (c) of that section, the local enforcement agency shall pay to the department a sum that is equal to the percentage of the year remaining before outstanding permits to operate expire. In addition, the local enforcement agency that relinquishes enforcement authority to the department shall remit to the department any fees collected pursuant to this part for permits to construct or for plan review, or both, for which a final approval of the construction has not yet been issued.

(f) Every city, county, or city and county, within its jurisdiction, shall enforce this part and the regulations adopted pursuant to this part, as they relate to manufactured homes, mobilehomes, or recreational vehicles, and to accessory buildings or structures located in both of the following areas:

(1) Inside of parks while the city, county, or city and county has assumed responsibility for enforcement of both this part and Part 2.3 (commencing with [Section 18860](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18860&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))).

(2) Outside of parks.

(g) This part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers, from doing any of the following:

(1) From establishing, subject to the requirements of [Sections 65852.3](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000211&cite=CAGTS65852.3&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)) and [65852.7 of the Government Code](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000211&cite=CAGTS65852.7&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), certain zones for manufactured homes, mobilehomes, and mobilehome parks within the city, county, or city and county, or establishing types of uses and locations, including family mobilehome parks, senior mobilehome parks, mobilehome condominiums, mobilehome subdivisions, or mobilehome planned unit developments within the city, county, or city and county, as defined in the zoning ordinance, or from adopting rules and regulations by ordinance or resolution prescribing park perimeter walls or enclosures on public street frontage, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks.

(2) From regulating the construction and use of equipment and facilities located outside of a manufactured home or mobilehome used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when the facilities are located outside a park for which a permit is required by this part or the regulations adopted pursuant thereto.

(3) From requiring a permit to use a manufactured home or mobilehome outside a park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of manufactured homes and mobilehomes, which permit may be refused or revoked if the use violates this part or Part 2 (commencing with [Section 18000](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18000&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))), any regulations adopted pursuant thereto, or any local ordinance applicable to that use.

(4) From requiring a local building permit to construct an accessory structure for a manufactured home or mobilehome when the manufactured home or mobilehome is located outside a mobilehome park, under circumstances when this part or Part 2 (commencing with [Section 18000](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000213&cite=CAHSS18000&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))) and the regulations adopted pursuant thereto do not require the issuance of a permit therefor by the department.

(5) From prescribing and enforcing setback and separation requirements governing the installation of a manufactured home, mobilehome, or mobilehome accessory structure or building installed outside of a mobilehome park.

(h)(1) A city, including a charter city, county, or city and county, shall not require the average density in a new park to be less than that permitted by the applicable zoning ordinance, plus any density bonus, as defined in [Section 65915 of the Government Code](https://a.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000211&cite=CAGTS65915&originatingDoc=NDBA66A3064A911DD988DD5EF62C85108&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)), for other affordable housing forms.

(2) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of residential developments containing a like number of residential dwelling units.

(3) A city, including a charter city, county, or city and county, shall not require the setback and separation requirements authorized by paragraph (5) of subdivision (g) to be greater than those permitted by applicable ordinances for other housing forms.

**Public Utilities Code §2791**

(a) The owner of a master-metered mobilehome park or manufactured housing community that provides gas or electric service to residents may transfer ownership and operational responsibility to the gas or electric corporation providing service in the area in which the park or community is located pursuant to this chapter, or as the park or community owner and the serving gas or electric corporation mutually agree.

(b) Costs, including both costs related to transfer procedures and costs related to construction, related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the park or community residents. Costs related to the transfer of ownership process, whether or not resulting in a transfer of ownership to the serving gas or electric corporation, shall not be passed through to the gas or electric corporation, except as otherwise provided in this chapter.

(c) Residents of mobilehome parks and manufactured housing communities constructed after January 1, 1997, shall be individually metered and served by gas and electric distribution facilities owned, operated, and maintained by the gas or electric corporation providing the service in the area where the new park or community is located consistent with the commission's orders regarding unbundling, aggregation, master-metering, and selection of suppliers by residential customers. Each gas and electric corporation shall cooperate with the owner of any park or community constructed after January 1, 1997, to ensure timely and expeditious installation of the gas and electric distribution system and to eliminate any delay in the design, construction, permitting, and operation of the gas and electric system in the park or community.

92943

**Article 6, Chapter 2, Division 1 of Title 15 CCR Fire Protection Standards for Parks**

§ 1300. Application and Scope.

(a) For parks with a permit to construct dated on or after July 7, 2004, fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24, 1995 Edition, which is hereby incorporated by reference, shall be installed and maintained in every park consisting of fifteen (15) or more lots, or parks enlarged to consist of fifteen (15) or more lots. Installation of fire protection equipment is required only for the new lots added.

(b) For parks with a permit to construct dated between September 1, 1968, and July 7, 2004, Fire protection equipment meeting the requirements of the National Fire Protection Association (N.F.P.A.) Standard No. 24,1977 Edition, which is hereby incorporated by reference, shall be maintained in every park consisting of 15 or more lots.

(c) Testing of Private Fire Hydrants. Park owners and operators shall be responsible for the operation and water flow requirements of all private fire hydrants installed in any park, regardless of its age or number of lots in the park, and responsible for compliance with other applicable provisions of this article.

(d) Reciprocity of Enforcement Agencies. The provisions of section 1302 and sections 1316 through 1318 of this article, do not create any obligation for the enforcement agency to report violations to a fire agency, or for the fire agency to report violations to the enforcement agency. However, this subsection does not preclude either enforcement agencies or fire agencies from sharing information related to fire prevention or suppression in parks.

§1302. Local Fire Prevention Code Enforcement.

(a) When the department is the enforcement agency, a fire agency, as defined in this chapter, may elect to assume responsibility to enforce its fire prevention code in parks, within its jurisdictional boundaries, by providing the department with a written thirty (30) day notice pursuant to Health and Safety Code section 18691(d).

(b) The written notice assuming enforcement responsibilities for fire prevention shall clearly identify the

geographical boundaries of the jurisdiction of the fire agency and include the name and address of each park located within these geographical boundaries.

(c) The fire agency that has assumed responsibility to enforce its fire prevention code in parks within its

jurisdictional boundaries pursuant to this article, shall do all of the following:

(1) Enforce its fire prevention code as it applies to each of the following areas: fire hydrant systems, water supply, fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement and burglar bars.

(2) Apply its fire prevention code provisions only to conditions:

(A) that arise after the adoption of its fire prevention code;

(B) not legally in existence at the adoption of its fire prevention code; or

(C) that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

(3) Upon assuming responsibility to enforce its fire prevention code in parks within its jurisdictional

boundaries, the fire agency shall notify all park operators within thirty (30) days of the assumption of

enforcement responsibility.

(A) This notification shall include identification of the specific applicable codes that will be enforced, where copies of the identified codes may be obtained, and the scope and proposed time frame of any established or proposed inspection program.

(B) The park operator shall post a copy of the notification in the park as near as possible to the location

where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(d) A fire agency that has assumed responsibility for enforcement of its fire prevention code, pursuant to this article and Section 18691 of the Health and Safety Code, shall also be deemed to have assumed fire prevention enforcement responsibility within its jurisdictional boundaries for all special occupancy parks, as set forth in Title 25, California Code of Regulations, commencing with Section 2300 and Section 18873.5 of the Health and Safety Code,

(e) If a fire agency, that has assumed responsibility to enforce its fire prevention code in parks within its

jurisdictional boundaries, decides to cancel its responsibility, it shall provide the following:

(1) A written notice to the department not less than thirty (30) days prior to the proposed cancellation date.

(2) A written cancellation notice clearly identifying the geographical boundaries of the jurisdiction for which the fire agency is returning enforcement, and includes the name and address of each park located within these geographical boundaries.

(3) A written notification to all park operators within its jurisdictional boundaries of the cancellation of

enforcement responsibility prior to the date of cancellation of enforcement responsibility. The notice shall contain the date of transfer for enforcement responsibility and a statement to the park operator to post the notice.

(A) The park operator shall post a copy of the notification in the park as near as possible to the location

where the annual permit to operate is posted in order to advise the occupants of the park of the change in enforcement jurisdiction.

(B) Transfer all park records to the department on or before the effective date of the transfer of

enforcement responsibility.

(f) A fire agency canceling its responsibility for enforcement of its fire prevention code, according to this article and Section 18691 of the Health and Safety Code, shall also be deemed to have canceled its fire prevention enforcement responsibility, within its jurisdictional boundaries, for all special occupancy parks, as set forth in Title 25, California Code of Regulations, commencing with Section 2300 and Section 18873.5 of the Health and Safety Code,

§ 1304. Local Regulations.

(a) The provisions of this article are not applicable in parks located within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by this article.

(b) Any reporting requirements imposed by the local agency fire prevention code shall be in addition to, and shall not replace, the reporting requirements of this article.

§ 1304. Local Regulations.

(a) The provisions of this article are not applicable in parks located within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by this article.

(b) Any reporting requirements imposed by the local agency fire prevention code shall be in addition to, and shall not replace, the reporting requirements of this article.

§ 1305. Fire Fighting Instructions.

In areas where fire department services are not available, the park operator shall be responsible for the

instruction of park staff in the use of private park fire protection equipment and their specific duties in the event of fire.

§ 1306. Permits Required.

No person shall construct, reconstruct, modify, or alter any installations relating to fire protection equipment within a park unless a written permit has been obtained from the enforcement agency with written evidence of approval from the fire agency responsible for fire suppression in the park.

§ 1308. Lot Installations.

In addition to the water connection to the unit, each lot constructed shall have installed an accessible three-quarter (3/4)-inch valved water outlet, with an approved vacuum breaker installed, designed for connecting a three-quarter (3/4)-inch female swivel hose connection for fire suppression use.

§ 1310.Alternate Systems.

Where the required water supply is inadequate to comply with the provisions of this article and either outside protection, or local conditions justify reducing this requirement, other hydrant systems may be installed provided the alternate system is approved by the fire agency responsible for fire suppression in the park and by the enforcement agency.

§ 1312. Private Systems.

(a) In areas where fire department services are not available, as determined by the enforcement agency, a private fire protection system shall be installed and maintained consisting of hydrant or wet standpipe risers connected to the park water main or a separate system capable of delivering seventy-five (75) gallons per minute at thirty (30) psi with at least two lines open, in addition to the normal requirements of the park, and with the hydrants or wet standpipes located within seventy-five (75) feet of each lot. Each hydrant or wet standpipe shall be provided with an approved one-and-one-half (1 ½) inch hose valve and connection with one, one and one-half (1 ½) inch national standard male outlet and shall have connected thereto a minimum of seventy-five (75) feet of one and one-half (1 ½) inch cotton or Dacron jacketed rubber lined fire hose with an approved cone type nozzle with a minimum one-half (½) inch orifice. The fire hose shall be mounted on an approved hose rack or reel enclosed in a weather resistant cabinet which shall be painted red and marked "FIRE HOSE" in four (4) inch letters of contrasting color.

(b) In parks constructed prior to September 1, 1968 that have hydrants installed, the hydrants shall be

provided with not less than thirty-five (35) pounds water pressure. These hydrants must meet the hose

requirements contained in subsection (a) of this section, but are not required to meet the water flow requirements contained in subsection 1316(c) of this Article. In the event this water pressure is not available, seventy-five (75) feet of three-quarter (¾) inch hose with attached cast brass adjustable spray stream, shut-off nozzle, in a weather-protected cabinet which must deliver four and one-half (4.5) gallons of water per minute at any given point within the mobilehome park, may be substituted for one and one-half (1½) inch diameter hose as specified herein.

§ 1314. Care of Equipment.

All fire protection and suppression equipment shall be protected against freezing in any areas subject to

freezing.

§ 1316. Private Fire Hydrant Operation and Water Flow Requirements.

(a) Private fire hydrants, as defined in this article, shall meet the operational requirements as prescribed in subsection (b) of this section, and meet the water flow standards prescribed by subsection (c) of this section.

(b) Operation. Private fire hydrants shall have at least the following characteristics in order to be considered operational for the purposes of this article:

(1) valves that operate fully, freely and are properly lubricated,

(2) threads and caps that are undamaged,

(3) reasonable protection from vehicular damage,

(4) outlets on hydrants are fourteen (14) inches to twenty-four (24) inches above grade. Standpipes outlets need not be a specific height, but must be readily accessible.

(5) thirty-six (36) inches of unobstructed access around the hydrants ;and

(6) locators or markings to clearly identify their location ;and

(7) Each one and one-half (1 ½) inch hydrant meets the requirements for hoses, locations, storage and

storage cabinet marking as defined in section 1312 of this article.

(c) Water Flow. Private fire hydrants, as defined in this article, shall have water flow not less than any one of the following:

(1) five hundred (500) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire

hydrant with a four (4) inch or larger barrel or riser, or

(2) two hundred and fifty (250) gallons per minute with a minimum residual pressure of twenty (20) psi for a fire hydrant with a two and one-half (2½) inch barrel or riser, or

(3) seventy-five (75) gallons per minute with a minimum residual pressure of thirty (30) psi for a fire hydrant with a one and one-half (1½) inch outlet with an approved one and one half-inch (1½) hose as required in section 1312.

§ 1317. Private Fire Hydrant Test and Certification.

(a) Verification of Private Fire Hydrant Test and Certification. The Private Fire Hydrant Test and Certification Report, a form defined in section 1002 of this chapter, shall be used to verify that private fire hydrants have been tested and certified for operation and water flow. All park operators shall submit the form, including parks that qualify for testing exceptions, to the enforcement agency for the park.

(b) Annual Test and Certification of Operation. Private fire hydrants shall be tested annually in order to

determine that they are operational as specified in subsection 1316(b) of this article. Verification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park, as required in section 1319 of this article. The annual hydrant operational test may be performed and verified by a park operator for the years between the five-year water flow tests. However, the five-year test and certification of water flow and the operational test performed at that time shall not be certified by the park operator. The five-year test and certification of water flow and the operational test shall only be certified by one of the entities listed in subsection (c) of this section.

(c) Five-Year Test and Certification of Water Flow and Operational Test.

(1) Private fire hydrants shall be tested and certified at least once every five (5) years for minimum water flow as prescribed in section 1316 of this article, as well as for operation as specified in subsection 1316(b) of this article. Certification shall be submitted to the enforcement agency and to the fire agency responsible for fire suppression in the park as required in section 1319 of this article.

(2) Parks existing prior to December 31, 2002, shall submit verification of their five-year test and certification for minimum water flow, beginning with the permit to operate renewal year 2008, after the initial water flow test has been completed.

(3) The five-year test and certification of the required water flow and the operational test shall be conducted during the 12 months prior to the renewal of each fifth year park permit to operate. The previous five-year renewal for the prior permit to operate must have complied with the required water flow standards set forth in section 1316 of this article.

(4) Testing for the required water flow shall be conducted in such a manner as to ensure there is no pollution of the storm drain system or any other water or drainage systems within, or serving, the park, and no damage to structures or improvements within or outside of the park.

(5) The test results reported on the designated form shall only be certified by one of the following:

(A) the fire agency responsible for fire suppression in the park,

(B) a local water district,

(C) a licensed C-16 Fire Protection Contractor, or

(D) a licensed Fire Protection Engineer.

(6) In order to certify the test results reported on the form, the fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer shall witness the test. The fire agency responsible for fire suppression in the park, local water district, licensed C-16 fire protection contractor, or licensed Fire Protection Engineer, may also perform the test.

1318. Private Fire Hydrants With Violations.

(a) Correction of Violation. If, at any time, a test undertaken pursuant to this article, or any other test or event, indicates that a private fire hydrant is in violation of any provision of section 1316, within sixty (60) days of the date of the event or the test of the private fire hydrant, the park operator shall obtain a permit to construct from the park enforcement agency, and shall promptly begin and maintain activity to ensure the private fire hydrant meets the minimum requirements of this article. This timeframe may be extended for extenuating circumstances subject to approval by the enforcement agency.

(b) Approval to Use Existing Private Fire Hydrant. Where the water flow test of a private fire hydrant reveals a water flow less than that specified in subsection 1316(c) of this article, and it is determined that the private fire hydrant cannot be repaired to meet the water flow requirement, the park operator may request approval from the fire agency responsible for fire suppression in that park to continue using the existing private fire hydrant. Approval to use the existing private fire hydrant may be granted by an authorized agent for the fire agency responsible for fire suppression in the park, by signing Part VI on the form prescribed in subsection 1317(a).

1319. Private Fire Hydrant Compliance For Park Operation.

(a) Permits to operate shall not be issued for parks with private fire hydrants that do not meet the requirements of this article.

(b) When applying for or renewing a permit to operate, the park operator shall submit the original form

prescribed in subsection 1317(a) to the enforcement agency, as defined in this article, and a copy forwarded to the fire agency responsible for fire suppression in the park.

(c) Provided a park meets all other requirements for obtaining or renewing a permit to operate, a permit to operate may be issued to a park where the form prescribed in subsection 1317(a), has been submitted to the enforcement agency and one of the following options exists:

(1) the form shows no violations;

(2) the water flow test reveals a water flow less than that specified in subsection 1316(c) of this article, and the park operator has obtained an approval for the continued use of the existing private fire hydrant from the fire agency responsible for fire suppression in that park, pursuant to subsection 1318(b);

(3) a construction permit has been obtained and activity maintained to ensure the private fire hydrant meets the minimum requirements of this article;

(4) all violations of section 1316 are corrected, and a revised or final form as prescribed in subsection

1317(a), verifying the correction, has been submitted to the enforcement agency; or

(5) the system meets or exceeds the requirements approved at the time of its construction.

(d) Refusal to issue a permit to operate pursuant to this section shall not preclude a park enforcement agency from pursuing other enforcement remedies as provided by law, or the fire agency from pursuing enforcement remedies provided by applicable laws or ordinances.

(e) The enforcement agency shall maintain, for a minimum of six (6) years, all copies of the form prescribed in subsection 1317(a), which shall be available for review by the department.