

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 380, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REPEALING ORDINANCE NO. 14 AND RELINQUISHING RESPONSIBILITY FOR THE ENFORCEMENT OF THE MOBILEHOME PARKS ACT AND THE SPECIAL OCCUPANCY PARKS ACT AND RELATED REGULATIONS TO THE STATE OF CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

Summary Statement:

On April 18, 1989, the Town of Apple Valley designated San Bernardino County Environmental Health Services as the agency responsible for the enforcement of the Mobilehome Parks Act (Health & Safety Code § 18200) and the Special Occupancy Parks Act (Health & Safety Code § 18860).

On February 6, 2008, the Division of Environmental Health Services (EHS) notified the Town of Apple Valley of its intention to seek approval from the County Board of Supervisors to relinquish this authority, effective July 1, 2008. Under Title 5 of the California Code of Regulations, once EHS relinquishes such enforcement authority, the responsibility devolves back to the Town. The Town has the option to accept the responsibility or to surrender the authority back to the State of California Housing and Community Development Department (HCD).

On April 8, 2008, the proposed ordinance was discussed by the Town Council during its regular meeting. Council subsequently voted 3-2 to adopt the ordinance and allow the state to assume responsibility for enforcement of regulations on mobilehome parks.

As part of the requirement for adopting a new ordinance, Ordinance No. 380 is scheduled for adoption at the April 22, 2008, Town Council meeting.

Recommended Action:

Adopt Ordinance No. 380, an Ordinance of the Town Council of the Town of Apple Valley, California, Repealing Ordinance No. 14 and Relinquishing Responsibility for the Enforcement of the Mobilehome Parks Act and the Special Occupancy Parks Act and Related Regulations to the State of California Housing and Community Development Department

Proposed by: Municipal Services **Item Number:** _____

Town Manager Approval: _____ **Budgeted Item:** Yes No N/A

ORDINANCE NO. 380

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REPEALING ORDINANCE NO. 14 AND RELINQUISHING RESPONSIBILITY FOR THE ENFORCEMENT OF THE MOBILEHOME PARKS ACT AND THE SPECIAL OCCUPANCY PARKS ACT AND RELATED REGULATIONS TO THE STATE OF CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Notification of Relinquishment of Responsibility for Town's Enforcement of Mobilehome Parks Act and Special Occupancy Parks Act.

Pursuant to Sections 18300(e) and 18865(e) of the California Health and Safety Code and Section 1006 of Title 25, Chapter 2 of the California Code of Regulations, the Town Council of the Town of Apple Valley does hereby provide notification to the State of California Department of Housing and Community Development of Town's relinquishment of and cancellation of its assumption of responsibility for enforcement of the Mobilehome Parks Act (Health & Safety Code Sections 18200 et seq.) and of the Special Occupancy Parks Act (Health & Safety Code Sections 18860 et seq.).

Section 2. Ordinance No. 14 Repealed. To further implement the notification and cancellation of assumption of enforcement responsibilities described in Section 1 of this Ordinance, Ordinance No. 14 of the Town of Apple Valley adopted on April 18, 1989, is hereby repealed.

Section 3. Transmittal of Notice to State. The Town Clerk of the Town of Apple Valley is hereby authorized and directed to transmit a certified copy of this Ordinance to the Administrative Office of the State of California Department of Housing and Community Development (Mobilehome Parks Program), as written notice of the election by the Town Council of the Town of Apple Valley to cancel the Town's assumption of enforcement responsibilities described in Section 1 of this Ordinance.

Section 4. Applicable Fees. The schedule of fees contained in Title 21, Division 13 of the California Code of Regulations, and all applicable provisions and regulations in the Mobilehome Parks Act and the Special Occupancy Parks Act and in the California Code of Regulations, shall be applicable within the Town of Apple Valley to provide for the cost of administration and enforcement of said Acts. The State of California Housing and Community Development Department shall administer and collect these fees to offset the costs of the enforcement responsibility.

Section 5. Invalidation. The repeal by this Ordinance of Ordinance No. 14 shall not be construed to invalidate any proceedings or actions taken pursuant to such Ordinance while the same was operative or in effect.

Section 6. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 7. Effective and Operative Dates. This Ordinance shall become effective thirty (30) days after the date of its adoption, but shall not be operative until thirty days after receipt by the said Department of Housing and Community Development of the written notice described in Section 3 of this Ordinance when the Department assumes enforcement responsibility of and under said Acts.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 22nd day of April, 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Neal Singer, Town Attorney

Jim Cox, Interim Town Manager