

ORDINANCE NO. 9974 (N.S.)

AN ORDINANCE AMENDING TITLE 5 OF THE SAN DIEGO COUNTY CODE  
RELATING TO BUILDING, MOBILEHOME PARK AND  
SPECIAL OCCUPANCY PARK REGULATIONS AND TRAILER COACHES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Title 5 of the San Diego County Code is amended to read as follows:

**TITLE 5**

**REGULATION OF BUILDINGS, MOBILEHOME AND  
SPECIAL OCCUPANCY PARKS AND TRAILER COACHES**

**DIVISION 1. BUILDING REGULATIONS**

**CHAPTER 1. ERECTION OF SIGNS, MARQUEES AND AWNINGS**

**SEC. 51.101. PURPOSE.**

Signs, marquees, awnings and similar devices serve many purposes, including identifying businesses and other entities, advertising their products and services, providing hours of operation and other helpful information. These devices, when not constructed, installed, located or maintained properly, however, may present a hazard to life and property. The purpose of this chapter is to regulate signs, marquees, awnings and similar devices in the unincorporated area of the County to insure the public health and safety. This chapter does not apply to signs the County erects or installs.

**SEC. 51.102. APPLICABILITY.**

Signs, marquees, awnings and similar devices regulated by this chapter are also subject to regulations contained in: (a) the County Zoning Ordinance, (b) Title 5, Division 1, Chapter 2, regulating light pollution, (c) Title 9, Division 1, Chapters 1 and 2, relating to erection, construction and placement of structures and (d) other chapters in this code relating to specific types of signs. When more than one regulation applies to a device regulated by the Zoning Ordinance or this code the most restrictive regulation shall apply.

## **SEC. 51.103. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Awning" means an architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

(b) "Banner" means a sign usually made of a flexible material that has limited durability, such as paper, cloth or plastic.

(c) "Director DPLU" means the Director of the County Department of Planning and Land Use and any other person hired or appointed by the Director to enforce or administer this chapter.

(d) "Director DPW" means the Director of the County Department of Public Works and any other person hired or appointed by the Director to enforce or administer this chapter.

(e) "Marquee" means a permanent roofed structure attached to and supported by a building and includes a sign attached to it.

(f) "Parkway" means the distance measured from the curb face to the property line of a road right of way and includes the area normally set aside for sidewalks.

(g) "Projecting sign" means a sign other than a wall sign, which projects from and is supported by a wall of a building or other structure.

(h) "Road right of way" means the area designated for use as a street, including the travel portion of the street, the shoulders, curbs, gutters and parkways.

(i) "Sign" means a device which displays information with words, colors, shapes, lights or symbols to provide information that identifies, promotes, advertises or provides directions to a business or other organization, an event, an individual, a place, a product or service.

(j) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road or an alley which provides primary access to an abutting lot.

(k) "Vertical sign" means a sign where the horizontal dimension of the sign is less than its vertical dimension.

**SEC. 51.104. BUILDING PERMIT REQUIRED TO CONSTRUCT, ERECT OR INSTALL SIGNS, MARQUEES OR AWNINGS.**

(a) It shall be unlawful for a person to construct, erect or install or cause another person to construct, erect or install a sign, marquee or awning or other similar device without a building permit. It shall also be unlawful for a person to commence work to construct, erect or install or cause another person to commence work to construct, erect or install a sign, marquee or awning or other similar device without a building permit.

(b) An applicant for a building permit under this section shall submit an application for the permit on a form provided by the Director DPLU. The application shall be accompanied by the permit and plan check fees required by the County Administrative Code and contain all information requested on the form. When required by the Director, the application shall also be accompanied by a plot plan and other plans and information the Director deems necessary to determine whether the project as proposed complies with this code and any other applicable laws and requirements.

**SEC. 51.105. ENCROACHMENT PERMIT REQUIRED FOR SIGNS, MARQUEES OR AWNINGS OVERHANGING ROAD RIGHTS OF WAY.**

(a) It shall be unlawful for a person to construct, erect or install or cause another person to construct, erect or install a sign, marquee or awning or other or device where a portion of the device overhangs a road right of way, without an encroachment permit issued by the Director DPW. It shall also be unlawful for a person to commence work to construct, erect or install or cause another person to commence any work to construct, erect or install a sign, marquee or awning or other similar device where a portion of the device overhangs a road right of way, without an encroachment permit issued by the Director DPW.

(b) An applicant for an encroachment permit under this section shall submit an application for the permit on a form provided by the Director DPW. The application shall be accompanied by the permit and plan check fees required by the County Administrative Code and contain all information requested on the form. When required by the Director, the application shall also be accompanied by a plot plan and other plans and information the Director deems necessary to determine whether the project as proposed is safe and complies with this code and any other applicable laws and regulations.

**SEC. 51.106. CERTAIN PUBLIC AGENCIES NOT REQUIRED TO PAY PERMIT FEES.**

The United States, the State of California, a school district, a county or a city shall not be required to pay a permit fee under sections 51.104 and 51.105.

**SEC. 51.107. DOUBLE FEE WHERE WORK COMMENCED BEFORE PERMIT ISSUED.**

Where a person commences work to construct, erect or install, or constructs, erects or installs a sign, marquee or awning or other similar device without a building permit or an encroachment permit required by this chapter, the person shall pay a permit fee equal to double the cost of the permit had the person obtained the permit before commencing work. The purpose of the increased fee is not intended to be a penalty, but is intended to reimburse the County's for expenses incurred to enforce this chapter. The County may waive all or part of the fee at the sole discretion of the Director of the enforcing department. A person who is required to pay the extra fee shall not be excused from complying with all the requirements of this chapter and shall be subject to any other penalty prescribed by law.

**SEC. 51.108. HAZARDOUS CONDITION CAUSED BY OBSTRUCTED VIEW.**

No person shall place or maintain a sign, marquee awning or similar device above a road right of way that obstructs the view of a person traveling on the road right of way and creates a hazardous condition to the person traveling.

**SEC. 51.109. SIGNS ON MARQUEES.**

Whenever a sign is attached to, supported by or a part of a marquee, the sign and marquee shall comply with the requirements of this chapter.

**SEC. 51.110. SIGN TO DISPLAY SIGN MAKER'S NAME.**

A sign that requires a permit pursuant to this chapter shall display the sign maker's name. The name shall be clearly legible and displayed in a conspicuous place on the sign.

**SEC. 51.111. NO SIGNS, MARQUEES OR AWNINGS, TO OVERHANG ROAD RIGHT OF WAY UNLESS THERE IS A CURB AND A PARKWAY.**

No sign, marquee, awning or similar device shall overhang any portion of a road right of way unless there is a concrete curb and a ten foot parkway adjacent to the property, which extends the full length of the property on which the building or structure is or will be located and the curb meets the County Public Road Standards.

**SEC. 51.112. SIGNS, MARQUEES AND AWNINGS THAT INTERFERE WITH TRAVELERS VISION PROHIBITED.**

(a) No person shall install or maintain a sign, marquee, awning or other similar device that will interfere with the vision of a person traveling on a road right of way. An applicant for a permit for a sign, marquee, awning or other similar device that includes lighting that will be visible from a road right of way shall provide evidence from a California registered traffic engineer or other qualified professional that the lighting will not interfere with a traveler's vision.

(b) No person shall install or maintain a sign, marquee, awning or other similar device that contains the words, "stop here", "stop", "turn here", "slow", "detour" or other similar words or phrases that are likely to distract, confuse or mislead a person traveling on a road right of way.

**SEC. 51.113. ADVERTISING ON SIGNS, MARQUEES AND AWNINGS.**

A sign, marquee, awning or similar device that overhangs a road right of way shall not advertise a business other than the business being conducted on the property to which the sign, marquee, awning or other similar device is attached. The only advertising matter that shall be allowed on an awning overhanging a street is the name of the owner of the facility and the name of the facility to which the awning is attached.

**SEC. 51.114. MARQUEES.**

A marquee may project over a portion of a road right of way as follows:

(a)		
	Overhead Clearance Between Marquee and Sidewalk Grade	Maximum Allowable Projection of Marquee Over Street Right-of-Way
	Less than 8 ft.	Not allowed
	8 ft.	1 ft.
	8 ft. to 16 ft.	1 ft. plus 6 inches for each foot of clearance in excess of 8 ft.
	Over 16 ft.	5 ft.

(b) There shall be a horizontal clearance of not less than five feet between the marquee and the street face of the curb directly below the marquee.

(c) No marquee shall project into a public alley below a height of 16 feet, nor project more than 12 inches where the marquee is located 16 feet to 18 feet above grade. A

marquee may project no more than 36 inches into the public alley where the marquee is located more than 18 feet above grade.

#### **SEC. 51.115. MARQUEES MAY OVERHANG FRONT YARD.**

Where allowed by the Zoning Ordinance, a marquee may overhang a portion of a front yard, provided that:

(a) Where the marquee projects more than eight feet from the building to which it is attached, there shall be at least a 12-foot clearance between the ground level directly below the marquee and the lowest point of the marquee.

(b) Where the marquee projects eight feet or less from the building to which it is attached, there shall be at least an eight-foot clearance between the ground directly below the marquee and the lowest point of the marquee.

(c) The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed three feet when the marquee projects more than eight feet from the building to which it is attached and shall not exceed nine feet when the marquee projects eight feet or less from the building to which it is attached.

#### **SEC. 51.116. MARQUEES, NEW CONSTRUCTION.**

A marquee constructed or installed after the effective date of this chapter shall meet the following requirements:

(a) A marquee shall be supported entirely from the building to which it is attached.

(b) The roof of a marquee or any part of the marquee may be a skylight, provided that wire glass not less than one-quarter inch thick, with no single pane more than 18 inches wide, is used.

(c) Every roof and skylight of a marquee shall be sloped to down-spouts, which shall conduct any drainage from the marquee over the sidewalk to the street face of the curb.

(d) Every marquee shall be located so as not to interfere with the operation of an exterior standpipe or obstruct the clear passage of a stairway or exit from the building or the installation or maintenance of an electrolier.

#### **SEC. 51.117. AWNINGS.**

An awning may overhang a portion of a road right of way subject to the same conditions and restrictions applicable to a marquee as provided in this chapter, as long as

the clearance between the sidewalk grade directly below the awning and the lowest part of any cloth or fringe attached to the awning is at least eight feet.

#### **SEC. 51.118. SIGNS.**

(a) A sign, other than a sign attached to, supported by or a part of a marquee, may overhang a portion of a street subject to the same conditions and restrictions applicable to a marquee, as provided in this chapter.

(b) A vertical sign placed at the corner of two intersecting streets shall be placed so as to make the same angle with both streets and shall lie along a line bisecting the angle made by the intersection of the property lines. A vertical sign shall not exceed 16 inches in thickness. The sign may extend vertically any safe distance.

#### **SEC. 51.119. SIGNS OR AWNINGS MAY OVERHANG FRONT YARD.**

Where authorized by the Zoning Ordinance, a sign, awning or other similar device, other than a marquee, may overhang a portion of a front yard under the same conditions that it may overhang a street, as provided in this chapter, except the required clearance above ground shall be made from the ground level rather than from the sidewalk grade and no curb or parkway is required in front of the property as required in section 51.111.

#### **SEC. 51.120. LOCATION OF SIGNS OVERHANGING STREETS.**

A sign projecting more than 12 inches over a road right of way shall be hung at right angles to the face of the building to which it is attached, subject to the requirements in section 51.118(b). This section shall not apply to a sign that is supported by, is attached to or is a part of a marquee.

#### **SEC. 51.121. ROOF SIGNS.**

A sign placed on top of parapet or fire wall of a building shall be constructed so as to leave a clear space of three feet between the ends of the sign and the parapet or fire wall, extending back from the wall of the building on which the sign is located.

#### **SEC. 51.122. BANNERS ANNOUNCING NONPROFIT EVENTS.**

The Director DPW may issue a permit authorizing a person to install and maintain one or more banners over a road right to way announcing a nonprofit event for up to 30 days before the event. No other advertising shall be allowed on the banners. The banners shall only be allowed within the community staging the event or in the area immediately adjacent to the site where the event will be held. The banners shall be installed a safe distance of above the road right of way, suspended securely from existing structures or

from structures constructed outside of the road right-of-way of any street or alley. No permit shall be issued for political sign over a road right of way.

#### **SEC. 51.123. SEASONAL DECORATIONS.**

The Director DPW may issue a permit authorizing a person to install and maintain seasonal decorations over or along a road right of way. The permit shall not authorize advertising matter as a part of the seasonal decorations.

#### **SEC. 51.124. DECORATIVE FEATURE OF BUILDINGS MAY PROJECT INTO STREET.**

Cornices, belt courses, water tables, sills, capitals, bases and other decorative features on a building may project over a road right of way provided there is adequate clearance between the lowest point of the projection and the sidewalk grade directly below, subject to approval of the Director DPW. The Director DPW shall use the following criteria to determine if the clearance is adequate:

- (a) If the clearance above grade is less than eight feet no projection is allowed.
- (b) If the clearance above grade is eight feet or more, one inch of projection is allowed for each inch of clearance over eight feet, but no projection shall exceed one foot.

#### **SEC. 51.125. REVOCATION OR SUSPENSION OF PERMIT.**

(a) The Director DPLU and the Director DPW may revoke a permit they issue pursuant to this chapter if the terms of the permit are violated or the person to whom the permit was issued violates this code or any County ordinance applicable to the device for which the permit was issued or when necessary to protect the public health or safety.

(b) The Director DPW may suspend a permit issued pursuant to this chapter for a device that overhangs a road right of way if it interferes with necessary maintenance or construction in a road right of way.

#### **SEC. 51.126. REMOVAL OF SIGN, MARQUEE OR AWNING AFTER REVOCATION OR SUSPENSION OF PERMIT.**

If the Director DPLU or the Director DPW revokes or suspends a permit pursuant to this chapter, the person to whom permit was issued shall remove the sign, marquee, awning or other similar device within the time period ordered in the notice of revocation or suspension. Failure to remove the device within the allowed time period is a violation of this chapter.



### **SEC. 51.127. VIOLATION OF PERMIT IS VIOLATION OF THIS CHAPTER.**

Violation of any term of a permit issued pursuant to this chapter is a violation of this chapter.

### **SEC. 51.128. MARQUEES, SIGNS, ETC., PROJECTING OVER STATE HIGHWAYS.**

No person shall be entitled to a permit authorizing the installation or erection of a sign, marquee, awning or other similar device projecting over a State highway unless the applicant has obtained an encroachment permit from the State Department of Transportation authorizing the construction or installation of the device.

### **SEC. 51.129. PUBLIC PROPERTY PROHIBITION.**

No person shall place or install any sign, marquee, awning or other similar device on or in any property owned or operated by the County without a permit or other written permission from the County. The County shall have the right to remove and dispose of any sign, marquee, awning or other similar device in or on property it owns or operates without notice.

### **SEC. 51.130. ENFORCEMENT.**

The Director DPLU shall enforce this chapter, except that the Director DPW shall enforce all provisions of this chapter that relate to encroachments in a road right of way. The Director DPLU may allow the Director DPW to enforce any violation of this chapter the Director DPLU enforces and the Director DPW may allow the Director DPLU to enforce any violation of this chapter the Director DPW enforces.

## **CHAPTER 2. LIGHT POLLUTION**

### **SEC. 51.201. PURPOSE.**

The purpose of this chapter is to minimize light pollution to allow citizens of the County to view and enjoy the night environment and to protect the Palomar and Mount Laguna observatories from the detrimental effect that light pollution has on astronomical research.

## **SEC. 51.202. GENERAL REQUIREMENTS FOR OUTDOOR LIGHTING FIXTURES.**

(a) All artificial outdoor luminaires installed or reinstalled after January 1, 1985 shall comply with this chapter.

(b) All artificial outdoor luminaires shall comply with the County Building and Electrical Codes and the Zoning Ordinance.

## **SEC. 51.203. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Outdoor luminaire" means an outdoor illuminating device, outdoor fixture, lamp and other similar device, whether permanently installed or portable, that produces artificial light.

(b) "Class I lighting" means outdoor lighting for an outdoor sales or eating area, vehicle fueling area, assembly or repair area, billboard or other sign, recreational facility or other similar application, where color rendition is important for commercial or safety purposes.

(c) "Class II lighting" means outdoor lighting for commercial, industrial and residential walkways, roadways and parking lots, equipment yards, outdoor security and residential entrance lighting.

(d) "Class III lighting" means outdoor lighting used for decorative effects such as architectural illumination, flag and monument lighting and landscape lighting.

(e) "Building official" means the Director of Planning and Land Use and any person appointed or hired by the Director to administer and enforce this chapter.

(f) "Residential entrance light" means an exterior lighting fixture mounted on a building required by the California Electrical Code or California Building Code to illuminate an outdoor entrance or exit with grade level access.

(g) "Zone A" means the area, within a 15 miles radius of the center of the Palomar Observatory and the area within a 15 miles radius of the center of Mount Laguna Observatory.

(h) "Zone B" means all areas within the unincorporated area of the County not included in Zone A.

(i) "Luminaire" means a complete lighting unit, including the lamp, the fixture and other parts.

(j) "Holiday decoration" means an outdoor luminaire that is used only for temporary decorative purposes, to celebrate a specific holiday.

(k) "Fully shielded" means a luminaire constructed in a manner that all light emitted by the fixture, either directly from the lamp or a defusing element, or indirectly by reflection or refraction from any part of the luminaire is projected below the horizontal plane, as determined by photometric test or certified by the manufacturer. Any structural part of the luminaire providing this shielding shall be permanently affixed so that no light is able to be emitted above the horizontal plane.

(l) "Luminous tube lighting" means gas-filled glass tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

(m) "On premises advertising sign" means a sign located on the premises of a facility that is open to the public, that advertises the name of the facility, the product or service the facility offers, the facility's hours of operation or some other fact related to the facility.

#### **SEC. 51.204. REQUIREMENTS FOR LAMP SOURCE AND SHIELDING.**

The requirements for lamp source and shielding of light emissions for outdoor luminaires shall be as provided in the following table:

##### LAMP TYPE AND SHIELDING REQUIREMENTS PER FIXTURE

##### CLASS I-COLOR RENDITION IMPORTANT

<u>LAMP TYPE</u>	<u>ZONE A (15 Mi.)</u>	<u>ZONE B</u>
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Fully Shielded
Others 4050 Lumens & Below	Fully Shielded <sup>1</sup>	Fully Shielded <sup>1</sup>

CLASS II-PARKING LOTS, SECURITY, ETC.

LAMP TYPE	ZONE A (15 Mi.)	ZONE B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited, except fully shielded HPS is allowed for private roadways
Others 4050 Lumens & Below	(a) Fully Shielded Fixture with motion sensor, or (b) Unshielded Luminaire, 2000 lumens maximum with motion sensor or (c) Residential Entrance Light, 2000 lumens maximum	(a) Fully Shielded Fixture, or (b) Unshielded Luminaire, 2000 lumens maximum with motion sensor or (c) Residential Entrance Light, 2000 lumens maximum

CLASS III-DECORATIVE

LAMP TYPE	ZONE A (15 Mi.)	ZONE B
Low Pressure Sodium	Fully Shielded	Fully Shielded
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Prohibited except if less than 2000 lumens per fixture
Luminous Tube	Prohibited	Fully Shielded

<sup>1</sup> Lighting for On-Premises Advertising Displays, as defined under Section 5490 of the Business and Professions Code, shall be shielded where feasible and focused to minimize spill light into the night sky or adjacent properties.

**SEC. 51.205. SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE.**

(a) An applicant for any permit required by the County for work involving an outdoor luminaire, unless the work is exempt as provided in this chapter, shall submit evidence with the permit application that the proposed work will comply with this chapter. The submission shall contain the following:

(1) A map or other drawing showing the location of the property where any outdoor luminaire will be installed.

(2) Plans indicating the location on the property where each type of outdoor luminaire will be installed, indicating the type of fixture.

(3) The specifications for each outdoor luminaire to be installed including but not limited to manufacturer's catalog cuts, photometric study and drawings.

(b) In order to be considered complete, the plans and descriptions shall enable the plans examiner to readily determine whether the work will comply with the requirements of this chapter. If the plans examiner cannot determine from the applicant's submission whether the proposed work complies with this chapter, the examiner may reject the application or allow the applicant to submit additional information.

#### **SEC. 51.206. HOURS OF OPERATION.**

(a) All Class I lighting shall be off between 11:00 p.m. and sunrise, except as follows:

(1) An "on premises" advertising sign may be illuminated while a facility is open to the public.

(2) A billboard may remain lighted until midnight.

(3) Outdoor illumination of a sales area, commercial area, assembly area, repair area or industrial area is allowed when the area is in use and the use is not prohibited by any permit issued by the County or by any law or regulation.

(4) Lighting at an outdoor recreational facility may remain on to allow an organized recreational event in progress to be completed, provided the event and the facility are not violating the terms of any permit issued by the County or any law or regulation.

(5) The lighting is exempt from this section as provided in section 51.207 or a temporary exemption has been granted under section 51.209.

(b) Operation of a searchlight for advertising purposes is prohibited between 11:00 p.m. and sunrise.

(c) Class III lighting shall be off between 11:00 p.m. and sunrise.

#### **SEC. 51.207. EXEMPTIONS.**

An outdoor luminaire in any of the following categories is exempt from the requirements of this chapter, except the requirements in section 51.202(b):

(a) The outdoor luminaire was legally installed prior to January 18, 1985 except that:

(1) When an existing luminaire becomes inoperable any replacement of the luminaire shall comply with this chapter.

(2) The exemption shall no longer apply when the property undergoes a change in use.

(b) An outdoor luminaire producing light directly by the combustion of a fossil fuel such as a kerosene lantern or gas lamp.

(c) An outdoor luminaire on, in or in connection with any facility or property owned or operated by the government of the United States of America or the State of California.

(d) A luminaire used for a holiday decoration, provided it is used for no more than 60 days in a 12 month period and is off between the hours of 11:00 p.m. and sunrise.

(e) Lighting that illuminates a United States or California Flag and the flagpole to which the flag is affixed. A luminaire or combination of luminaires with an output of more than 4050 lumens per flag, however, shall be fully shielded.

(f) Outdoor lighting for a facility required by State or federal law to have outdoor lighting that does not comply with this chapter. A person seeking an exemption under this subsection shall request an exemption at that time the person submits the application for the permit required by the County Electrical Code. The applicant shall submit proof along with the application for the permit that demonstrates the applicant is entitled to an exemption under this subsection.

#### **SEC. 51.208. SPECIAL REQUIREMENTS**

County airports and County correctional institutions located in the unincorporated area of the County shall be subject to the following special requirements:

(a). Outdoor lighting at a County airport in an area not regulated by State or federal law, such as a parking lot or outside building, shall be low-pressure sodium.

(b) Outdoor lighting at a County correctional institution in an area not regulated by State or federal law, such as a parking lot, shall be fully shielded.

#### **SEC. 51.209. TEMPORARY EXEMPTIONS.**

(a) A person may submit a written request to the building department for a temporary exemption from the requirements of this chapter. The request shall be submitted on a form provided by the building official. The fee for the temporary exemption shall be as provided in section 362 of the County Administrative Code.

(b) A temporary exemption under this section shall only be granted if the applicant is able to establish that: (1) an exemption is necessary during a community event or some other event that benefits the public and the public benefits outweighs any harm that might result to the public or any private person or (2) the exemption is necessary due to an emergency that is behind the control of the applicant and that no other reasonable alternative exists. No temporary exemption shall be granted when the outdoor lighting for which a temporary exemption is requested has been installed in violation of this chapter.

(c) The building official shall have ten days from the date the applicant submits a complete request for a temporary exemption to approve or disapprove the request. The building official shall notify the applicant of the decision in writing.

(d) The temporary exemption shall be valid for no more than 30 consecutive days from the date the County approves the request. Upon request from the applicant, the County, upon receipt of evidence that a condition justifying continuing the exemption exists, may extend the exemption for up to an additional 30 consecutive days. The request for renewal shall be processed in the same manner as an original request. No exemption for an outdoor luminaire shall be granted for more than 60 days during any 12 month period.

(e) If the building official denies the request for a temporary exemption the applicant may request that the chief of the Building Division review the denial. The applicant shall submit the request for review in writing within 15 days from the date of the denial. The fee for the review shall be the same as fee for the request for a temporary exemption. The decision by the chief of the Building Division shall be final.

### **CHAPTER 3. ROAD RIGHT OF WAY REQUIREMENTS, STREET IMPROVEMENT STANDARDS AND SETBACK REQUIREMENTS**

#### **SEC. 51.301. PURPOSE.**

The purpose of this chapter is to insure that adequate road rights of way are preserved for future public roads before a person constructs, erects or alters a structure on property zoned for commercial, manufacturing or multi-family use. This chapter also requires compliance with improvement standards and provides improvement security requirements for construction in these zones. This chapter also establishes street setbacks on property in all zones to bar the construction, erection or alteration of a structure that will interfere with current or future use of a road right of way.

## **SEC. 51.302. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Agricultural building" means a building located on property that allows an agricultural use and the building is used to store items used in a farming operation, including farm products, livestock, machinery or equipment, but is not used for residential purposes or open to the public.

(b) "Centerline" means an imaginary line on a street designated on an official survey, filed map or other document the County has approved that shows the center of a future or existing street.

(c) "Commercial zone" means property on which the Zoning Ordinance allows a commercial use.

(d) "Corner cut-off setback area" means any of the four triangular corner areas that begin 20 feet back from the setback lines of two intersecting streets that are established pursuant to section 51.307 of this chapter.

(e) "County Public Road Standards" (CPRS) means those standards for public roads approved by the Board of Supervisors and on file with the Clerk of the Board of Supervisors.

(f) "Director DPLU" means the Director of the County Department of Planning and Land Use or anyone to whom the Director has delegated the authority to perform the Director's duties in this chapter.

(g) "Director DPW" means the Director of the Department of Public Works or anyone to whom the Director has delegated the authority to perform the Director's duties in this chapter.

(h) "Dwelling" means a building or portion of a building used exclusively as a residence. A "dwelling" includes a single-family, two-family, multi-family unit or any other family residential use recognized by the Zoning Ordinance, but does not include a hotel, boarding house or other group residential use identified in the Zoning Ordinance.

(i) "General Plan highway" means a street identified on the Circulation Element of the County General Plan with an established centerline.

(j) "Improvement" means work a person installs or agrees to install as a condition of a permit issued pursuant to this chapter.



(k) "Manufacturing zone" means property on which the Zoning Ordinance allows a manufacturing or industrial use.

(l) "Multiple residential zone" means property on which the Zoning Ordinance allows one of the following building types: "Attached, Three-to-Eight Dwelling Units" or "Multi-Dwelling."

(m) "Road right of way" means the area designated for use as a street, including the travel portion of the street, the shoulders, curbs, gutters, sidewalks, utilities, drainage facilities, traffic signs and any other improvements required by the CPRS.

(n) "Setback line" means an imaginary line on property that is parallel to the centerline of an abutting street that indicates the area on property beyond which erection, construction or placement of a structure is prohibited.

(o) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road or an alley which affords primary access to an abutting lot.

(p) "Street setback line" is a setback determined by measuring the distance from the centerline.

(q) "Structure" has the same meaning as the term "structure" in the County Building Code and includes a building.

(r) "Zoning setback line" is a setback established by the County Zoning Ordinance.

### **SEC. 51.303. NO CONSTRUCTION WITHOUT ADEQUATE ROAD RIGHT-OF-WAY.**

(a) Unless an exception under section 51.305 applies, no person shall construct, erect or alter a structure for which a building permit is required, on any property zoned for commercial, manufacturing or multi-family use, unless adequate road rights of way abutting the property that comply with the CPRS and the Circulation Element, have been dedicated or offered to the County through an irrevocable offer of dedication.

(b) In addition to meeting the requirements in subsection (a) above, the dedicated or offered road rights of way shall connect to: (1) a street in the County maintained road system, (2) a dedicated and improved State highway, (3) a dedicated and improved city street or (4) when approved by the Director, a proposed street or highway in subsections (1)-(3) above for which road rights of way have been dedicated or offered to the applicable jurisdiction through an irrevocable offer of dedication.

#### **SEC. 51.304. MODIFICATIONS.**

The Director, DPW may modify a requirement of this chapter if the application of the requirement may result in the property owner being deprived of all reasonable economic use of the property in violation of Federal or State Constitutional prohibitions against taking property without just compensation.

#### **SEC. 51.305. EXCEPTIONS.**

Section 51.303 shall not apply to the following:

(a) A one-family or two-family dwelling unit and any structure accessory to the dwelling unit.

(b) The alteration of an existing building or accessory structure or the construction or erection of one or more buildings or accessory structures on the same property where the total value of the work to be completed within any one-year period will not exceed one-half of the current market value of all existing structures on that property and the alteration of any existing building on the property will not result in a "change of use" or "change of occupancy" as those terms are used in the County Building Code.

(c) An outdoor sign or other advertising display.

(d) An agricultural building.

(e) An oil well.

#### **SEC. 51.306. STREET SETBACK LINE REQUIREMENTS.**

(a) Each property boundary that is adjacent to a street shall be subject to a street setback line. The line shall be established depending on the classification of the street that the property is adjacent to and the zone in which the property is located. The distance in feet from the centerline of a street to the street setback line shall be as provided in the CPRS.

(b) No person shall erect, construct or alter a structure on any property abutting a general plan highway, without regard to how the property is zoned or on any property in a commercial, manufacturing or multiple residential zone if any portion of the structure protrudes or will protrude into the area between the street setback line and the centerline.

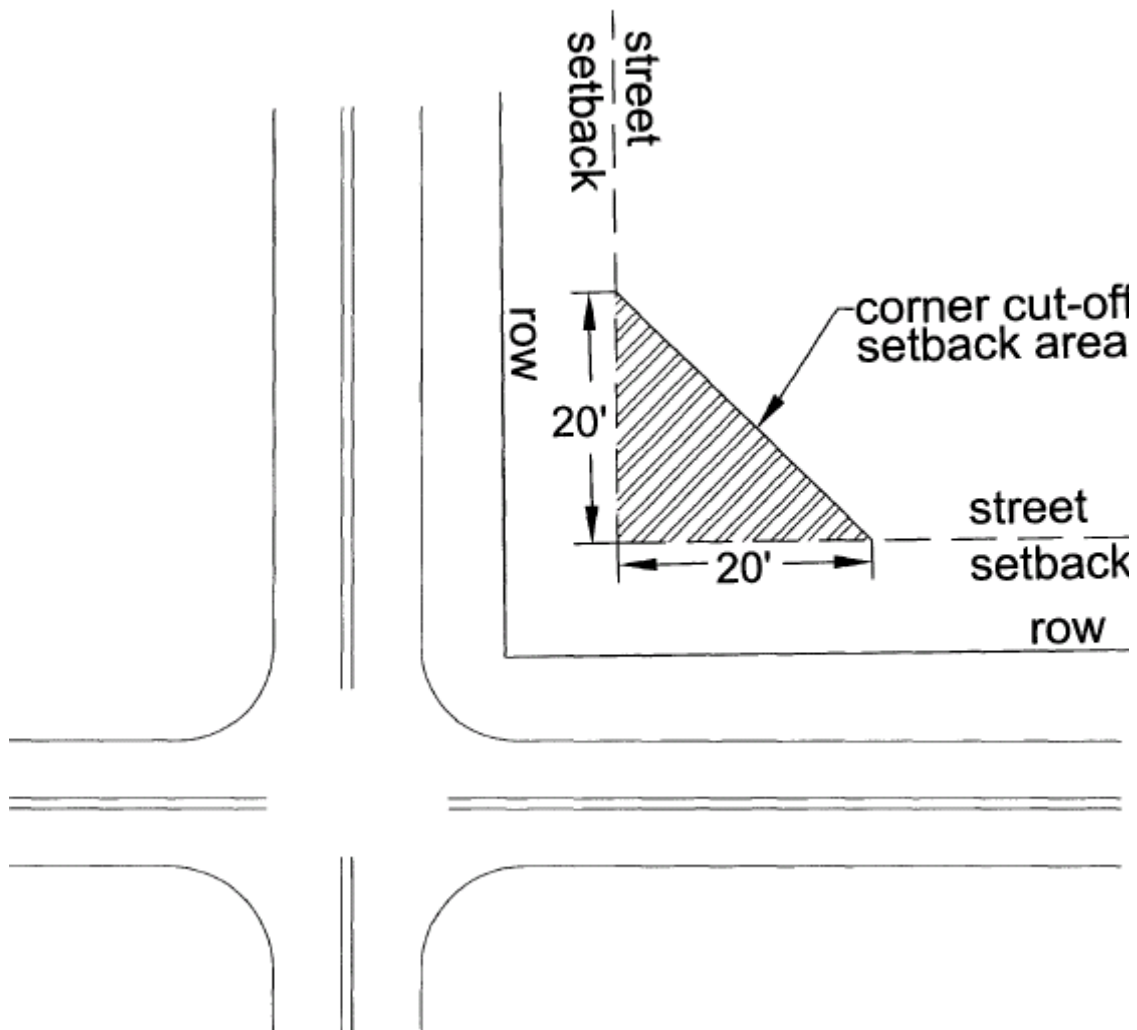
(c) No person shall change the use or occupancy of a building, within the meaning of County Building Code section 3406, if the building protrudes or will protrude into the area between the street setback line and the centerline.

(d) Whenever the Zoning Ordinance requires a greater zoning setback line for a front yard than the street setback line established by this chapter the front yard zoning setback line shall apply.

#### **SEC. 51.307. CORNER CUT-OFF SETBACK AREAS.**

(a) In order to preserve an area for sight distance, future road right of way or other traffic safety or improvement needs, this section establishes a corner cut-off setback area that is in addition to the setback line established by section 51.306. A corner cut-off setback area is established at the four corners formed where a general plan highway intersects with any other street, when the abutting property is zoned for commercial, manufacturing or multi-family use. The corner cut-off setback areas shall be determined by measuring 20 feet from the intersection of each of the street setback lines parallel to the intersecting streets and connecting the points by an imaginary line. If no street setback line has been established, the front yard zoning setback line established by the Zoning Ordinance for the zone in which the property is located shall apply. The triangle formed by the measured 20 foot portions of the street setback lines and the imaginary line shall be the corner cut-off area. The corner cut-off area established by this section is illustrated in Figure 51.307A below. ("row" in figure 51.307A means "right of way")

FIGURE 51.307A



(b) No person shall construct, erect or alter a structure, whether or not it requires a building permit, or change the use or occupancy of a building, as those terms are used in the County Building Code, in a corner cut-off area established pursuant to subsection (a) above.

**SEC. 51.308. ADEQUATE ROAD RIGHT OF WAY.**

(a) For purposes of this chapter, adequate road right of way means the owner or the owner's predecessor in title has dedicated or made an irrevocable offer to dedicate the amount of land for road right of way purposes that the CPRS requires, based on the classification of the future road in the Circulation Element, or if the road is not a Circulation Element Road, on the Director DPW's determination of the classification for the road.

(b) If the road right of way is on the Bicycle Element of the County General Plan, an additional five feet of road of right of way shall be dedicated for the construction of a bicycle lane. No additional dedication will be required, however, if the Director DPW determines that a "no-parking" restriction is more appropriate and the owner executes a covenant not to oppose a "no parking" restriction.

(c) If the Director DPW determines that the anticipated volume of traffic warrants a separate turn lane, acceleration or deceleration lane or any other additional area for right of way, an additional dedication of road right of way shall be required.

(d) If a property owner is required to dedicate one or more road rights of way pursuant to this chapter, the property owner shall furnish all information the Director DPW requires concerning the title to the property, property liens and encumbrances.

#### **SEC. 51.309. IMPROVEMENT STANDARDS.**

(a) A street improvement shall satisfy the County improvement standards if it complies with CPRS.

(b) When the Director DPW determines that the construction, erection or alteration of a structure that is subject to section 51.303 requires completion of road right of way improvements, the improvements shall be completed before the County issues a building permit, subject to section 51.315.

#### **SEC. 51.310. ANNEXATION REQUIRED.**

Unless an exception under section 51.304 applies, a person submitting an application for a building permit on any property zoned for commercial, manufacturing or multi-family use shall also request annexation of the property, without notice and hearing, into the San Diego County Street Light District. The person submitting the annexation request shall pay the cost of the annexation.

#### **SEC. 51.311. STREET LIGHT INSTALLATION REQUIRED.**

(a) A property owner constructing, erecting or altering a structure subject to section 51.303 shall submit plans and specifications to the Director DPW to install a street lighting system that provides the level of illumination specified in the current County Road Standards. The street light installation shall comply with the plans and specifications that the Director DPW approves.

(b) A property owner required to install streets light pursuant to this section shall deposit with the Director DPW fees sufficient to:

(1) Operate and maintain the street lights until the County accepts the street lights into the County street light system.

(2) Energize, maintain and operate the street lights after the County's acceptance, until benefit assessment revenues begin accruing from the property that are sufficient to pay the total cost to energize, maintain and operate the street lights.

(3) Comply with all other street light fees approved by the Board of Supervisors.

#### **SEC. 51.312. UTILITY FACILITIES TO BE PLACED UNDERGROUND.**

(a) A property owner subject to section 51.303 shall make arrangements with the serving utility companies for all existing utility distribution facilities, including cable television lines, to place the facilities underground along the frontage of the property. This section shall not apply to the installation and maintenance of overhead electric transmission lines in excess of 34,500 volts and long distance and trunk communications facilities.

(b) The Director DPW may require the property owner to execute a lien contract to have the utility distribution facilities placed underground within 10 years from the date of the agreement if in the Director's opinion the immediate placement of the facilities underground would not be in the public interest.

(c) The Director DPW may waive the requirement of this section when authorized by this code or by a resolution of the Board of Supervisors.

#### **SEC. 51.313. REQUIREMENT FOR CONSTRUCTION PERMIT.**

(a) If a property owner is required to dedicate road right of way or install street improvements pursuant to this code or as a condition of approval of any permit or project, the owner shall obtain a construction permit from the Director DPW, who shall accept the dedication subject to the property owner installing the improvements that comply with this chapter.

(b) The construction permit application shall be in a form required by the Director DPW and include a street improvement plan prepared by a civil engineer registered in the State of California and all required deposits.

#### **SEC. 51.314. FULL COST RECOVERY AND DEPOSITS.**

(a) A property owner subject to section 51.303 shall pay the County the full costs the County incurs to process the improvement plans including: reviewing the site in the field,

preparing and processing documents, checking improvement plans, determining street light requirements, performing inspections and laboratory testing.

(b) The property owner shall deposit with the Department of Public Works an amount the Director DPW determines is sufficient to cover the department's costs to process the improvement plans.

(c) If the department's costs are less than the amount deposited, the Director DPW shall refund the excess deposit. If the deposit is insufficient to pay the department's costs the owner shall pay, when requested by the Director DPW, the amount of the deficiency or the amount the Director DPW estimates is necessary to complete processing the improvement plans. No person shall be entitled to a certificate of occupancy until the person pays all the department's costs.

#### **SEC. 51.315. AGREEMENTS TO SECURE INSTALLATION OF IMPROVEMENTS.**

(a) The Director DPW may, with the concurrence of the Director DPLU, allow a property owner to enter into one or more of the following agreements in lieu of requiring the property owner to install improvements before the County issues a building permit:

(1) An agreement secured by (A) a bond or bonds by one or more authorized corporate sureties, (B) an irrevocable letter of credit from a banking institution approved by the County or (C) a deposit of funds, negotiable securities or a combination of funds and securities. The Director may reject any security offered to secure an agreement if the Director determines that the security is not adequate to secure completion of the required improvements.

(2) A lien agreement for improvements required by this chapter which enters a lien in favor of the County in an amount that the Director DPW determines will be sufficient to complete the improvements. The lien amount shall be based upon the Director DPW's estimate of the future cost of completing the improvements at the time the County will require the improvements to be constructed. The lien shall be recorded against the property on which construction is proposed and shall not be subordinate to any other lien or encumbrance on the property.

(b) In lieu of an agreement under subsection (a)(1) above, the Director DPW, with the concurrence, may accept an agreement for which adequate security has been furnished, filed with the Clerk of the Board pursuant to Government Code sections 66410 et seq. (Subdivision Map Act) or County Code sections 81.101 et seq.

(c) An agreement under subsection (a) above shall require the improvements to be completed before any person shall occupy any building constructed, erected or altered

that is subject to this chapter or within two years from the date of the agreement, whichever comes first. If completion of the improvements secured by a lien in subsection (a)(2) above is not needed to comply with a requirement of the California Environmental Quality Act and the Director DPW determines that it would not be in the public interest to require completion of the improvements within two years, the Director DPW may allow a longer period for the duration of the lien agreement or may allow the agreement to provide that the improvements shall be completed after notice by the County.

#### **SEC. 51.316. EFFECTIVE DATE.**

The effective date of this chapter is January 1, 1972. It applies to a building permit issued on or after that date even if the building permit application was made prior to the effective date of the chapter.

### **CHAPTER 4. MITIGATION PROGRAM FOR POTENTIALLY HAZARDOUS BUILDINGS DUE TO EARTHQUAKES**

#### **SEC. 51.401. PURPOSE.**

Government Code sections 8875.1 et seq. provide that each county shall identify buildings within its jurisdiction constructed of unreinforced masonry wall construction before the adoption of local building codes requiring earthquake resistant construction and establish a mitigation program for those buildings. The purpose of this chapter is to implement the State law requirements and to promote the public health and safety by making property owners in the unincorporated area of the County aware of the risks presented by unreinforced masonry buildings on their property. This chapter provides a program to identify and inventory these buildings, notify property owners about the risks presented by their unreinforced buildings and make recommendations to the owners.

#### **SEC. 51.402. SCOPE.**

(a) This chapter applies to all buildings in the unincorporated area of the County, other than those listed in subsection (b) below, constructed before October 22, 1946 of unreinforced masonry wall construction, including, but not limited to: public and private schools, theaters, places for public assembly, apartment buildings, hotels, motels, fire stations, police stations and buildings housing emergency services, equipment or supplies, such as government buildings, disaster relief centers, communications facilities, hospitals, blood banks, pharmaceutical supply warehouses, plants and retail outlets.

(b) Subsection (a) above does not apply to (1) a warehouse or other structure not used for human habitation, except a structure housing emergency services equipment or supplies, (2) a building having five living units or less, (3) a building which qualifies as



historical property as defined in Health and Safety Code section 37602 or (4) a building owned by the State or federal government.

**SEC. 51.403. DIRECTOR OF THE DEPARTMENT OF PLANNING AND LAND USE TO IMPLEMENT THIS CHAPTER.**

The Director of the Department of Planning and Land Use (Director) shall implement this chapter. As used in this chapter, the Director means any person appointed or hired by the Director to implement this chapter.

**SEC. 51.404. DIRECTOR TO IDENTIFY EACH BUILDING SUBJECT TO THIS CHAPTER.**

The Director shall identify each building that falls within the scope of section 51.402(a) and maintain a list of each identified building until the building is demolished or reinforced to meet current building code standards.

**SEC. 51.405. DIRECTOR TO NOTIFY BUILDING OWNERS SUBJECT TO THIS CHAPTER.**

(a) The Director shall notify each building owner within the scope of section 51.402(a) that the subject building is located in Seismic Design Category D, E or F and was constructed before October 22, 1946 or a building permit was issued for the building before October 22, 1946. The notice shall also advise the building owner that the building is considered to be one of a general type of structure that historically has exhibited little resistance to earthquake motion. The notice shall recommend that the owner undertake structural improvements to the building or consider demolishing the building.

(b) The Director shall send a subsequent notice to the building owner every three years until the owner undertakes structural improvements to the building that bring the building up to current standards for earthquake readiness or until the building is demolished.

## **DIVISION 2. MOBILEHOME PARKS, SPECIAL OCCUPANCY PARKS AND TRAILER COACHES**

### **CHAPTER 1. MOBILEHOME PARKS AND SPECIAL OCCUPANCY PARKS**

#### **SEC. 52.101. PURPOSE.**

Health and Safety Code (H & S Code) sections 18200 et seq. regulate mobilehome parks throughout the State. H & S Code section 18300 provides that a county may assume responsibility for enforcing State regulations governing mobilehome parks and also allows a county that has assumed this responsibility to adopt certain rules and regulations governing mobilehome parks. H & S Code sections 18860 et seq. regulate special occupancy parks throughout the State. H & S Code section 18865 provides that a county may assume responsibility for enforcing State regulations governing special occupancy parks and also allows a county that has assumed this responsibility to adopt certain rules and regulations governing special occupancy parks. The County Zoning Ordinance contains some rules and regulations authorized by these H & S Code sections governing mobilehome parks and special occupancy parks. This chapter adopts and implements the additional rules and regulations authorized by these H & S Code sections governing mobilehome parks and special occupancy parks.

#### **SEC. 52.102. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Director DEH" means the Director of the Department of Environmental Health and any person appointed or hired by the Director to administer or enforce this chapter.

(b) "Director DPLU" means the Director of the Department of Planning and Land Use and any person appointed or hired by the Director to administer or enforce this chapter.

(c) "Mobilehome" has the same meaning as the term "mobilehome" in H & S Code section 18008.

(d) "Mobilehome park" has the same meaning as the term "mobilehome park" in H & S Code section 18214.

(e) "Special occupancy park" has the same meaning as the term "special occupancy park" in H & S code section 18862.43.

(f) "Street" has the same meaning as the term "street" in Vehicle Code section 590.

**SEC. 52.103. DIRECTOR, DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE.**

The Director DEH shall enforce H & S code sections 18200 applicable to mobilehome parks, H & S code section 18860 applicable to special occupancy parks and this chapter, in the unincorporated area of the County.

**SEC. 52.104. PARK AREA.**

Each mobilehome park and special occupancy park established in the unincorporated area of the County after January 1, 2003 shall contain a minimum of five acres of land. The land shall be properly graded to provide for adequate drainage and freedom from standing pools of water.

**SEC. 52.105. MOBILEHOME PARK IDENTIFYING SIGNS.**

A mobilehome park shall be identified by a sign displaying the name of the park. The sign shall be clearly visible and readable from street on which the mobilehome park fronts.

**SEC. 52.106. CONSTRUCTION PERMITS AND OPERATING PERMITS.**

(a) A permit to construct, reconstruct, alter or modify a mobilehome park required by H & S Code section 18500 or special occupancy park required by H & S Code section 18870 shall be processed by the Director DPLU. The permit fee for any of these permits shall be paid to the Director DPLU.

(b) No person shall operate a mobilehome park or special occupancy park except as provided in an operating permit issued by the Director DEH. To the extent allowed by State law, the Director may suspend or not renew the operating permit for a mobilehome park if that park has not been operated in substantial compliance with this chapter during the prior permit term.

(c) The fee for a mobilehome park construction permit shall be the applicable fee established pursuant to H & S Code sections 18502 and 18503. The fee for a special occupancy park construction permit shall be the applicable fee established pursuant to H & S Code sections 18870.2 and 18870.4.

(d) The fee for a mobilehome park operating permit shall be the annual operating permit fee established by H & S Code sections 18502 and 18502.5. The fee for a special occupancy park operating permit shall be the applicable fee established pursuant to H & S Code sections 18870.2 and 18870.4.

**SEC. 52.108. UNSOLICITED OFFER TO BUY MOBILEHOME PARK --  
NOTICE TO RESIDENT ORGANIZATION.**

(a) If the owner of a mobilehome park receives an acceptable unsolicited offer to buy the park, not less than 30 days prior to acceptance of the offer, the owner shall provide written notice of his or her intention to sell the mobilehome park to the president, secretary and treasurer of any resident organization formed by homeowners in the mobilehome park as a nonprofit corporation, stock cooperative corporation or other entity for purposes of converting the mobilehome park to condominium or stock cooperative ownership interests and for purchasing the mobilehome park from the management of the mobilehome park.

(b) An owner of a mobilehome park shall not be required to comply with subdivision (a) above unless the following conditions are met:

(1) The resident organization has first furnished the park owner and park manager written notice of the name and address of the president, secretary and treasurer of the resident organization to whom the notice of sale shall be given.

(2) The resident organization has first notified the park owner and manager in writing that the park residents are interested in purchasing the park. The initial notice by the resident organization shall be made prior to a written listing or offer to sell the park by the park owner and the resident organization shall give subsequent notice once each year thereafter that the park residents are interested in purchasing the park. The notice shall provide proof that a majority of the park residents have expressed interest in purchasing the mobilehome park.

(3) The resident organization has furnished the park owner and park manager a written notice, within five days of any change in the name or address of the officers of the resident organization to whom the notice of sale be given.

(4) All notices required by this section shall be by first-class certified mail, return receipt requested.

(c) Nothing in this section affects the validity of title to property transferred in violation of this section. This section, however, shall not be construed to restrict the rights of homeowner residents of the park or the resident organization to file a civil action for damages against the park owner.

(d) Nothing in this section affects the ability of a licensed real estate broker, as to collect a commission pursuant to an executed contract between the broker and the mobilehome park owner.

(e) Subdivision (a) does not apply to any of the following:

(1) Any sale or other transfer by a park owner who is a natural person to any relation specified in sections 6401 or 6402 of the Probate Code.

(2) Any transfer by gift, devise or operation of law.

(3) Any transfer by a corporation to an affiliate. As used in this paragraph, "affiliate" means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.

(4) Any transfer by a partnership to one or more of its partners.

(5) Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of a foreclosure.

(6) Any sale or transfer between or among joint tenants or tenants in common owning a mobilehome park.

(7) The purchase of a mobilehome park by a governmental entity under its powers of eminent domain.

## **CHAPTER 2. USE AND STORAGE OF TRAILER COACHES**

### **SEC. 52.201. PURPOSE.**

Trailer coaches are designed for temporary human occupancy for recreational, industrial, professional or commercial purposes. The County Zoning Ordinance allows temporary use and occupancy of trailer coaches on private property under certain circumstances. This chapter regulates permits for trailer coaches when the Zoning Ordinance allows their use and occupancy, but does not authorize use or occupancy of trailer coaches in addition to what the Zoning Ordinance allows. This chapter also regulates trailer coach storage on private property.

### **SEC. 52.202. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Agricultural employee" has the same meaning as the term "agricultural employee" in California Labor Code section 1140.4(b).

(b) "Director DEH" means the Director of the County Department of Environmental Health.

(c) "Director DPLU" means the Director of the County Department of Planning and Land Use.

(d) "Installation permit" means the permit issued by the Director DPLU that authorizes the installation of a trailer coach regulated by this chapter.

(e) "Trailer coach" means a vehicle designed for human habitation or human occupancy for recreational, industrial, professional or commercial purposes, for carrying property on its own structure or for being drawn by a motor vehicle and includes a camper, camp trailer, house car, mobilehome whose tongue and axle have not been removed, park trailer, recreational vehicle, trailer, trailer coach and travel trailer as these terms are defined in the Health and Safety Code and the Vehicle Code.

#### **SEC. 52.203. TRAILER COACHES REGULATED.**

No person shall use, occupy or store a trailer coach on any property in the unincorporated area of the County except as provided in this chapter and the County Zoning Ordinance. This chapter, however, shall not apply to the use, occupancy or storage of a trailer coach in an incidental camping area, mobilehome park, recreational vehicle park, temporary recreational vehicle park, special occupancy park subject to the State Mobilehome Park Act, labor camp subject to the State Housing Act, or in a supervised public park, public campground or picnic ground owned, operated and maintained by the Federal government, the State of California or any agency or political subdivision of the State.

#### **SEC. 52.204. DIRECTOR OF PLANNING AND LAND USE TO ENFORCE.**

The Director DPLU shall enforce this chapter.

#### **SEC. 52.205. WAIVER OF FEES FOR AGRICULTURAL EMPLOYEE HOUSING AND FARM LABOR CAMPS.**

Notwithstanding any other provision of this code, the fee for an operating permit provided in section 52.206 and the installation permit fees required by this chapter shall be waived for:

(a) Any agricultural employee housing or farm labor camp project for which (1) a complete application for an Administrative Permit or a Minor Use Permit was filed between: July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.),

between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.), between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.), between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.), between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.), between May 14, 1999 and June 30, 2004, pursuant to Ordinance No. 9021 (N.S.), or between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.) and (2) the application was approved.

(b) Any agricultural employee housing or farm labor camp project where: (1) Health and Safety Code sections 17021.5 or 17021.6 apply, (2) the Agricultural Commissioner has issued a certificate of active agricultural enterprise, (3) the housing is not the subject of an active code enforcement action, (4) the applicant has entered into the contract required by Zoning Ordinance section 6156 u.11 or section 6906 d. and (5) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.), between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.), between May 14, 1999 and June 30, 2004, pursuant to Ordinance No. 9021 (N.S.) or between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.).

#### **SEC. 52.206. STORAGE ALLOWED.**

(a) A trailer coach shall only be stored as follows:

(1) Within an enclosed building.

(2) On a lot or parcel of property on which there exists a lawfully established and maintained dwelling which is occupied by the owner of the stored trailer coach. Trailer coach storage pursuant to this subsection after March 19, 1993 shall be limited to one trailer coach on the lot or parcel and the trailer coach shall not exceed 8 feet in width and 40 feet in length. No trailer coach shall be stored under this subsection if it is inoperative, dismantled, wrecked, creates a fire hazard, has been vandalized or is any other condition that is likely to reduce the value of private property.

(3) On a lot or parcel on which a person is conducting a lawfully operated business for the sale, rental, storage or repair of trailer coaches and the storage is incidental to the operation of the business.

(b) No stored trailer coach shall be used or occupied and all water, gas, electric and sewer lines shall be and remain disconnected from the trailer coach at all times it is stored except that a stored trailer coach may be connected to the aforementioned utilities for a 48-hour period for the purpose of maintenance and repairs or for servicing prior to or upon returning from travel.

**SEC. 52.207. USE OR OCCUPANCY ONLY WHEN AUTHORIZED BY THE ZONING ORDINANCE AND PERMIT ISSUED.**

(a) No person shall use or occupy a trailer coach in the unincorporated area of the County unless the use or occupancy is authorized by the Zoning Ordinance and the person is in possession of a valid, unexpired trailer coach installation permit issued by the Director DPLU.

(b) An applicant for a permit to install a trailer coach shall submit an application on a form provided by the Director DPLU and provide additional information when requested by that department. The applicant shall submit with the application the nonrefundable fee, which shall be the same as the fee authorized by 25 CCR section 1020.1 for the installation of a mobilehome.

**SEC. 52.208. PENALTY FEE FOR FAILURE TO OBTAIN INSTALLATION PERMIT.**

A person who uses or occupies a trailer coach without the permit required by this chapter shall pay a penalty fee at the time the person submits the permit application. The penalty fee for using or occupying a trailer coach without a permit during the first 30 days shall be 10 percent of the inspection fee. For each additional 30 day period of use or occupancy or fraction of the period, the penalty fee shall increase 10 percent, up to a maximum of 60 percent. The penalty imposed by this section is in addition to any other fines, penalties or punishment that may be imposed by law, including criminal prosecution for violating this chapter.

**SEC. 52.209. PERMIT NOT TRANSFERABLE.**

A permit issued pursuant to this chapter is not transferable from one location to another location and shall be deemed void if removed from the location specified in the permit.

**SEC. 52.210. MANDATORY CONDITIONS.**

No person using or occupying a trailer coach located outside a mobilehome park shall:

(a) Fail to comply with all conditions contained in Health and Safety Code section 18550 and all regulations adopted pursuant to that section that apply to a mobilehome or a recreational vehicle located in a mobilehome park.

(b) Erect, construct or maintain an accessory building, structure or external appurtenance used or designed to be used incidental to the use or occupancy of a trailer coach on the site on which the trailer coach is located, except that: (1) an awning, which



complies with the requirements of regulations adopted pursuant to Health and Safety Code section 18552 may be attached to a trailer coach and (2) an accessory building or structure allowed on property located in a zone subject to the S-87 Limited Control Use Regulations, may be erected, constructed or maintained on the same property where a trailer coach is located.

(c) Fail to establish a temporary connection to an onsite sewage disposal system which complies with the requirements of Health and Safety Code section 18554 and all regulations adopted pursuant to that section unless the trailer coach the person is occupying is equipped with self-contained sanitary facilities which the Director DEH has determined are adequate or unless sanitary facilities deemed adequate by the Director DEH are located within 200 feet of where a trailer coach is placed and are available for use by any occupant of the trailer coach. If the sanitary facilities cease being available, continued use or occupancy of a trailer coach on a site is unlawful.

(d) Establish a permanent connection to a water, gas or electricity source or to any sewer system or sewage disposal facility.

(e) Place or maintain a trailer coach at a location on property other than where designated on a plot plan approved by the Director DPLU.

(f) Engage in any conduct that violates State Law, this code or the Zoning Ordinance.

(g) Fail to have a Director DEH approved potable or domestic water supply when required by the Director DEH.

#### **SEC. 52.211. ADDITIONAL CONDITIONS.**

The Director DPLU may approve a trailer coach installation permit subject to additional conditions the Director deems necessary to protect the public health and safety.

#### **SEC. 52.212. EXPIRATION AND RENEWAL OF INSTALLATION PERMITS.**

A trailer coach installation permit issued pursuant to this chapter shall expire on the date provided in the permit. The permit may be renewed for an additional term when the Zoning Ordinance allows a trailer coach to remain on a site after the initial term provided in the permit.

#### **SEC. 52.213. REVOCATION OR SUSPENSION.**

(a) The Director DPLU may revoke an installation permit issued under this chapter if the person to whom the permission was issued is violating any condition of the permit, State law, any other provision of this code or the County Zoning Ordinance. In the

alternative, the Director may suspend the permit to give the permittee the opportunity to remedy the violation. If the permittee fails to remedy the violation during the suspension period, the Director may revoke the permit.

(b) It shall be unlawful for any person to use or occupy a trailer coach when the installation permit has been revoked or suspended.

#### **SEC. 52.214. NOTICE OF PROPOSED REVOCATION OR SUSPENSION.**

The Director DPLU shall give written notice to the permittee that the Director proposes to revoke or suspend the permit. The notice shall be served pursuant to section 11.112 of this code or by posting the property on which the trailer coach is located. The notice shall contain the following information:

(a) Each violation the Director has determined is grounds for revocation or suspension.

(b) Whether the Director proposes to revoke or suspend the permit.

(c) If the Director is proposing to suspend the permit, the period of time for which the permit will be suspended and each corrective action the permittee is required to complete during the period of suspension.

(d) That the revocation or suspension shall be effective 14 days from the date of the notice unless the person requests a hearing in writing within the 14 day period to contest whether a violation has occurred.

(e) The procedure the permittee is required to follow to request a hearing.

#### **SEC. 52.215. HEARING TO CONTEST REVOCATION OR SUSPENSION.**

If a permittee requests a hearing pursuant to section 52.214(d) the Director DPLU shall transmit the request for a hearing to the Clerk of the Board of Supervisors and request the Clerk assign the matter to a County Hearing Officer pursuant to sections 16.101 et seq. If the permittee requests a hearing the Director DPLU shall take no further action on the proposed revocation or suspension until the hearing is completed, except that the Director may retract the proposed revocation or suspension if the Director is satisfied that all violations have been corrected.

#### **SEC. 52.216. ORDER OF REVOCATION OR SUSPENSION.**

If the permittee fails to timely request a hearing to contest the revocation or suspension the Director DPLU may revoke or suspend the permit on the date provided in

the notice served under section 52.214. If a hearing is requested and the hearing officer issues a ruling sustaining the Director's determination that grounds for revocation or suspension exist, the Director may revoke or suspend the permit as provided in the hearing officer's ruling. The Director shall serve a written order of revocation or suspension pursuant to section 11.112 or by posting the property on which the trailer coach is located.

Section 2: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 4<sup>rd</sup> day March, 2009.