

(O-86-27)

ORDINANCE NUMBER O-16511 (NEW SERIES)

ADOPTED ON SEPTEMBER 30, 1985

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 8,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
THREE DIVISION TITLES: DIVISION 1, HOUSING  
CODE; DIVISION 2, MOBILEHOME PARKS AND SPECIAL  
OCCUPANCY PARKS; AND DIVISION 3, SAN DIEGO  
HOUSING COMMISSION; BY RENUMBERING SECTIONS  
98.02.3, 98.04, 98.06, 98.29 AND 98.30; BY  
RENUMBERING AND AMENDING SECTIONS 98.01,  
98.02, 98.02.1, 98.02.2, 98.03, 98.05, 98.07,  
98.07.1, 98.10, 98.11, 98.15, AND 98.16; AND  
BY ADDING SECTIONS 98.0101, 98.0104, 98.0106,  
98.0114, 98.0116, 98.0117, 98.0118, 98.0119,  
98.0120, 98.0121, 98.0122, 98.0205 AND  
98.0206, RELATING TO HOUSING REQUIREMENTS.

WHEREAS, the Uniform Housing Code, 1982 Edition, has been  
published by the International Conference of Building Officials

and has been adopted, in part, in Title 25, Part I, Chapter 1, Subchapter 1, Article 5, California Administrative Code; and

WHEREAS, Sections 17922 and 17958 of the California Health and Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the Uniform Housing Code; and

WHEREAS, Sections 17958.5 and 17958.7 of the California Health and Safety Code provide that a city or county may make such changes or modifications in the requirements contained in the Uniform Housing Code as it determines are reasonably necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego finds and declares in accordance with Section 17958.5 of the California Health and Safety Code that the changes and modifications contained herein, are reasonably necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego expressly finds and declares that each amendment or change contained in this ordinance is needed to provide for local conditions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 8, of the San Diego

Municipal Code be and the same is hereby amended by adding three new division titles, to read as follows:

DIVISION 1

HOUSING CODE

DIVISION 2

MOBILEHOME PARKS AND SPECIAL OCCUPANCY PARKS

DIVISION 3

SAN DIEGO HOUSING COMMISSION

Section 2. That Chapter IX, Article 8, of the San Diego

Municipal Code be and the same is hereby amended by renumbering

Sections 98.02.3, 98.04, 98.06, 98.29 and 98.30, to read as

follows:

SEC. 98.02.3 LOCATION ON PROPERTY

Renumbered to SEC. 98.0113 LOCATION ON PROPERTY

SEC. 98.04 APPLICATIONS FOR HOUSING PERMIT

Renumbered to SEC. 98.0108 APPLICATIONS FOR HOUSING PERMIT

SEC. 98.06 HOUSING PERMITS, DURATION AND TRANSFER

Renumbered to SEC. 98.0110 HOUSING PERMITS, DURATION AND

TRANSFER

SEC. 98.29 SAN DIEGO HOUSING COMMISSION

Renumbered to SEC. 98.0301 SAN DIEGO HOUSING COMMISSION

SEC. 98.30 RELOCATION APPEALS BOARD

Renumbered to SEC. 98.0302 RELOCATION APPEALS BOARD

Section 3. That Chapter IX, Article 8, of the San Diego Municipal Code be and the same is hereby amended by renumbering and amending Sections 98.01, 98.02, 98.02.1, 98.02.2, 98.03, 98.05, 98.07, 98.07.1, 98.10, 98.11, 98.15, and 98.16 respectively, to read as follows:

**SEC. 98.0102 HOUSING DEPARTMENT AND DIRECTOR  
ESTABLISHED**

Pursuant to the provisions of Division 13, Part 1.5, Chapter 5, Article 1, Section 17964 of the Health and Safety Code of the State of California, the Building Inspection Department of The City of San Diego is designated as the Housing Department of The City of San Diego and is responsible for enforcing the provisions of Divisions 1 and 2 of this Article. The Director of the Building Inspection Department is designated as the Director of the Housing Department and the officer charged with the responsibility of enforcing the provisions of Divisions 1 and 2 of this Article.

Pursuant to the provisions of California Penal Code Section 836.5, the Director of the Housing Department, or specific individuals deputized by the Housing Director, shall have the powers of a public officer, and may arrest a person without a warrant whenever the

Housing Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, regulation, or statute which he or she has the duty to enforce.

**SEC. 98.0103 STATE HOUSING LAW REGULATIONS ADOPTED**

Articles 1, 2, 5 and 6, of Part I, Chapter 1, Subchapter 1, Title 25, California Administrative Code, (Register 83, No. 43-10-22-83), on file in the office of the City Clerk as Document No. OO-16511-1, the Uniform Housing Code, 1982 Edition, on file in the office of the City Clerk as Document No. OO-16511-2, to the extent it is adopted in Article 5 of the California Administrative Code therein, and Chapter 8 and Section 201(C) of the Uniform Housing Code, are hereby adopted and made a part of this Division as if fully set forth in this Division; provided, however, that if any of the provisions of said documents are in conflict with any of the provisions of this Division, they shall be superseded by the provisions of this Division.

**SEC. 98.0105 HOUSING ADVISORY AND APPEALS BOARD**

a) General Provisions. There is hereby created a Housing Advisory and Appeals Board consisting of five

members who are qualified by experience and training to pass upon matters pertaining to the safety and adequacy of housing. The members of the Board shall be appointed in accordance with Section 43 of the Charter of The City of San Diego, for two-year terms and until their successors have been appointed and qualified. The tenure of appointees shall be so scheduled that no more than three terms shall expire in any year. The Board shall select a chairperson from its membership annually, unless a chairperson is appointed by the Mayor. The Housing Director or his or her appointed representative shall act as secretary to the Board but shall have no vote.

b) Duties of the Board. The Board shall advise on reasonable interpretations of the provisions of this Division and shall hear appeals regarding the application of the provisions of this Division. The Board may recommend to the City Council such new legislation as is consistent with its purposes. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings and shall render all decisions and findings in writing to the appellant and to the City Manager.

## SEC. 98.0107 HOUSING PERMITS REQUIRED

a) No person or owner shall conduct, manage, operate, engage or work in any Housing Department regulated business or activity unless there shall have been procured and be then in effect, a Housing Permit therefor. A separate Housing Permit shall be required for each establishment in every calendar year. The Housing Permit may be issued to either the owner(s) or the operator, as permittee. When a condominium form of ownership exists the permittee shall be the home owner's association.

b) Housing Department regulated businesses and activities are defined as but not limited to the operation of buildings occupied or intended to be used for sleeping purposes by six or more persons, or any building or portion thereof which contains three or more dwelling units and hotels as defined in Chapter 4 of the Uniform Building Code as adopted herein.

## SEC. 98.0109 ISSUANCE OF HOUSING PERMITS

Upon receipt of the application and fee, the Housing Director shall issue a Housing Permit therefor if the Housing Department's investigation and inspection discloses that the facts set forth in such application

are true, the conditions in and about the place wherein and whereon it is proposed to conduct the Housing Department regulated business or activity, and the business or activity itself conforms to the requirements of this Code, to the rules and regulations of the Housing Department and to the requirements of the housing laws of the State of California and any regulations issued pursuant thereto pertaining to particular activities subject to regulation therein; that the activity shall not result in a violation of such codes, laws and regulations; otherwise, such Housing Permit shall be denied, or, if previously issued, shall be suspended or revoked.

#### SEC. 98.0111 HOUSING PERMIT FEES

a) The annual fee for a Housing Permit required by this Division shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

b) The fee for a Housing Permit shall be charged on a prorated, quarterly basis and shall run from the quarter of the year during which it is issued through December 31. The fee for a permit shall include the charge for the full quarter during which it is issued.

c) In any case, where the operator of a Housing Department regulated business or activity has failed, for a period of 30 days, to file the application and obtain a Housing Permit, there shall be added to and collected with the permit fee, a penalty determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

**SEC. 98.0112 HOUSING PERMITS AND FEES - POWER OF HOUSING DIRECTOR TO ADJUST**

The Housing Director shall have, in addition to all other powers conferred upon him or her, the power to extend the time for filing the application herein described for a period not to exceed 30 days, and in such case, waive any penalty that may have accrued; and with the written approval of the City Attorney in those cases in which good cause is shown to exist, to compromise any claim for housing fees amounting to less than \$100.00; and with the approval of the City Attorney and the City Council to compromise any claim for housing fees amounting to \$100.00 or more.

**SEC. 98.0115 ABATEMENT OF SUBSTANDARD BUILDINGS**

a) All buildings or portions thereof which are

determined to be substandard as defined in Section 17920.3 of the California Health and Safety Code, may be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified herein.

b) Where the Housing Director determines that any existing building premises, or portion thereof, which is used, or designed, or intended to be used, for human habitation, is substandard, he or she shall initiate proceedings to cause the repair, rehabilitation, demolition, or removal of the building.

#### SEC. 98.0201 MOBILEHOME PARKS AND SPECIAL OCCUPANCY

##### PARKS - APPROVAL OF HOUSING DIRECTOR

##### REQUIRED

a) Prior to the issuance of a building permit the Housing Director shall determine that submitted plans, diagrams and specifications comply with the provisions of this Code and with the Health and Safety Code and Administrative Code of the State of California.

Noncompliance with these provisions shall be grounds for denying the approval of such plans, diagrams and specifications, or if previously approved, grounds for revocation of approval.

b) No person shall occupy or allow to be occupied

a mobilehome park or special occupancy park until a certificate of occupancy therefor has been issued by the Housing Director.

SEC. 98.0202 MOBILEHOMES, RECREATIONAL VEHICLES AND  
COMMERCIAL COACHES LOCATED OUTSIDE  
LICENSED MOBILEHOME AND SPECIAL OCCUPANCY  
PARKS - SPECIAL PERMIT - FEE

a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

1) For temporary construction offices or watchmen's quarters on any site for which application for a building permit or land development permit has been submitted to the City, or on any site incidental to construction authorized by subdivision work order, special permit, public improvement permit, City contract, or City franchise, for the period of construction.

2) For a temporary business establishment on or adjacent to any site for which application for a building permit has been submitted to the City, and provided such use is permitted by the zoning

regulations applicable to the site on which the commercial coach is to be located, for two years or the period of construction, whichever is shorter.

3) For a business establishment, provided (1) the use is permitted by the zoning regulations applicable to the site on which the commercial coach is to be located; (2) the commercial coach bears a California Insignia of Approval (issued pursuant to Section 18025 et seq., California Health and Safety Code) for the type of use involved; (3) the commercial coach is located from site property lines the distances specified in the Uniform Building Code for buildings based upon type of use, fire resistance of exterior walls, and openings in exterior walls.

4) For a temporary residence not to exceed 12 months on a residential lot while a house is being built or while the existing structure thereon is undergoing renovation, repair or improvements and after a building permit for said construction, renovation, repair or improvements has been secured and provided the applicant shall comply with all other regulations provided by law regarding

mobilehomes or recreational vehicles. Mobilehomes or recreational vehicles used for the limited purposes set forth herein need not comply with setback requirements as provided either by ordinance or by subdivision map.

5) For residential uses authorized by Conditional Use Permit pursuant to Sections 101.0503 through 101.0507 of this Code.

6) For strictly temporary and transient, nonresidential use limited to not more than 16 hours at any one location and not in violation of any other regulation provided by law regarding recreational vehicles, mobilehomes and commercial coaches.

b) An installation permit shall be obtained from the Housing Director for each mobilehome, recreational vehicle and commercial coach to be installed pursuant to paragraphs a2, a3, a4, and a5 of this Section. The application for such a permit shall include a plot plan which indicates the size and location of the mobilehome, recreational vehicle or commercial coach, the specifications or description of the utility services and connections, the California Insignia of Approval

numbers, and such other information as may be required to show compliance with the conditions in paragraph a3 of this Section. Fees for this permit shall be as required by Section 98.0204.

c) Interconnected mobilehomes and commercial coaches shall be provided with exit and sanitary facilities as required by the Housing Director.

d) Those departments responsible for the administration of this Section shall publish standards and criteria to be used in making staff determinations under this ordinance.

#### SEC. 98.0203 MOBILEHOME PARKS AND SPECIAL OCCUPANCY

##### PARKS - PROXIMITY TO FIRE HYDRANTS

Every mobilehome and recreational vehicle in the mobilehome or special occupancy park shall be located not more than 500 feet from a fire hydrant. When necessary, fire hydrants approved by the Fire Department may be installed within the mobilehome park or special occupancy park.

#### SEC. 98.0204 MOBILEHOME INSTALLATION PERMIT FEES

The fees prescribed in this Section must be paid to the City of San Diego for each mobilehome installation for which a permit is required by Section 1026 et seq.

of Title 25, Part I, Chapter 2, Subchapter 1, Article 1, of the California Administrative Code, and must be paid before any such permit is issued. The fees for a mobilehome installation permit shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

Section 4. That Chapter IX, Article 8, of the San Diego Municipal Code, be and the same is hereby amended by adding Sections 98.0101, 98.0104, 98.0106, 98.0114, 98.0116, 98.0117, 98.0118, 98.0119, 98.0120, 98.0121, 98.0122, 98.0205 and 98.0206, to read as follows:

**SEC. 98.0101 SCOPE**

The requirements of this Division which relate to use, maintenance and occupancy shall apply to all hotels, motels, lodging houses, apartment houses, dwellings and other buildings or portions thereof used or intended to be used for human habitation, and structures accessory thereto, approved for construction before or after adoption of this Division.

**SEC. 98.0104 AUTHORITY OF THE HOUSING DIRECTOR**

a) The Housing Director shall have the right during reasonable hours or at any time extreme danger

exists to enter any building in the discharge of his or her official duties or for the purpose of making an inspection, reinspection or test of the electrical, plumbing or mechanical systems, devices, appliances or equipment therein. The Housing Director shall have the authority to turn off, cut, disconnect or otherwise discontinue the use of any wire, system or equipment in cases found to be dangerous to life or property because they are defective, defectively installed or installed in violation of applicable codes. The Housing Director shall have the authority to withhold gas and electric utilities to the building in which a hazard or violation of this Code exists until such hazard or violation is eliminated and the building reinspected.

b) The Housing Director may delegate any of his or her powers or duties to any of his or her assistants or subordinates.

#### SEC. 98.0106 VIOLATIONS

a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any

of the provisions of this Code.

b) Any violation of this Code shall be subject to the penalties as set forth in Section 11.12 of the San Diego Municipal Code.

#### SEC. 98.0114 MISCELLANEOUS MAINTENANCE REQUIREMENTS

Hotplates shall not be installed, maintained or used in any room other than a kitchen.

#### SEC. 98.0116 NOTICE AND ORDER

a) The Housing Director shall issue a notice and order directed to the record owner of the building. The notice and order shall:

1) State that the Housing Director has found the building or portion thereof to be substandard and list the conditions which render it substandard.

2) Require the owner to abate the substandard condition by repair, rehabilitation, demolition or removal. The order shall require that all required permits be obtained and the work physically commenced (not to exceed 60 days from the date of the order) and completed within such time as the Housing Director shall determine is reasonable under all of the circumstances.

3) Advise the owner that upon request, an administrative hearing with the Housing Director may be held within ten days of the date of the notice for the purpose of explaining the notice and the requirements of this Division.

4) Advise the owner that any person having any record title or legal interest in the building may appeal from the notice and order to the Housing Advisory and Appeals Board, provided the appeal is made in writing and filed with the Housing Director within 30 days from the date of service of such notice and order.

5) Advise the owner that if the building or portion thereof is not repaired, rehabilitated, demolished or removed within 60 days of the date of the notice and order or upon expiration of the period allowed for such correction if that be later, the Housing Director shall schedule a public hearing before the Housing Advisory and Appeals Board. The purpose of the hearing will be to request a finding and recommendation to the City Council that it declare the building to be substandard and a public nuisance and authorize

appropriate abatement action.

b) Service of Notice and Order. The notice and order and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof shall be served on each of the following if known to the Housing Director or a matter of record with the County Recorder: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the Housing Director to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this Division.

c) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person as known to the Housing Director. If no address of any such person is

known to the Housing Director, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Division. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

d) Recordation. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Housing Director shall file in the office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Housing Director shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

#### SEC. 98.0117 NOTICE TO TENANTS

Tenants in a residential building shall be provided notice of an order to demolish, of the enforcement agency's decision to demolish, or of the issuance of a demolition permit following upon an abatement order.

#### SEC. 98.0118 EXTREME HAZARD

In the event of extreme hazard, the Housing Director may require the structure to be vacated and posted as unsafe immediately, and not reoccupied until the required repair or rehabilitation is completed, inspected, and approved by the Housing Director. Where applicable, such information shall be included in the written notice and order.

#### SEC. 98.0119 INTERRUPTION OF THE ABATEMENT PROCESS

Any substantial action by the owner to rehabilitate any condition which renders a structure substandard or to remove or demolish the structure to the satisfaction of the Housing Director may be cause for interruption of the abatement procedure specified herein.

Rehabilitation, demolition, or removal of the structure shall be authorized by appropriate permits from the Housing Director, and all such work shall be diligently pursued to completion.

#### SEC. 98.0120 POSTING OF SIGNS

The Housing Director may cause to be posted at each entrance to every structure found to be substandard a notice to read "DO NOT ENTER. UNSAFE TO OCCUPY, Building Inspection Department, City of San Diego" or words to that effect. Such notice shall remain posted until the required repair, rehabilitation, demolition, or removal is completed and approved by the Housing Director. Such notice shall not be removed without written permission of the Housing Director, and no person shall enter the structure except for the purpose of repair, rehabilitation, demolition, or removal.

#### SEC. 98.0121 RIGHT TO ABATE

a) In the event of extreme hazard or in the event the owner shall fail, neglect, or refuse to remedy any condition which renders a structure substandard, the City Council may order the owner of such structure prosecuted as a violator of the provisions of this Code and/or may order the Housing Director to proceed to cause the accomplishment of the necessary remedial work or demolition. A record of the cost of all such work performed shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special

assessment against the property.

b) Costs. Costs incurred under this Section shall be paid from the City Treasury. Such costs shall be levied against the owner of the property as a special assessment on the land upon which the structure is located and shall be collected in the manner provided for special assessments.

c) The provisions of Sections 38773 and 38773.5 of the California Government Code are hereby incorporated by reference and made a part of this ordinance. The County Auditor shall enter each assessment in the County Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes; and if delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes.

#### SEC. 98.0122 MINIMUM REHABILITATION STANDARDS

Rehabilitation or repair shall require not less than complete remedy of the condition which renders a structure substandard.

#### SEC. 98.0205 MOBILEHOME LOT LINES DEFINED

a) Mobilehome lot lines shall be defined by corner

markers consisting of a minimum 3/4-inch galvanized iron pipe, embedded 18 inches in the ground with the top easily visible and capped to keep out moisture. Front markers may be surveyor's discs ramset in a concrete curb, in line with the side lot lines.

b) Irregularly shaped lots shall have markers provided at each turn or change of direction. A marker shall be located at the tangent point of a straight lot line with a curved perimeter.

c) The Housing Director may approve an alternate method of lot marking utilizing the inside surface of any permanent fence or windbreak erected parallel to and delineating the lot boundaries, or of any perimeter wall or enclosure of the park erected inside the property line.

## SEC. 98.0206 MECHANICAL PROTECTION OF GAS AND ELECTRIC EQUIPMENT

Where subject to physical damage from vehicular traffic or other causes, all gas or electric risers, regulators, meters, valves or other equipment shall be protected by concrete-filled three-inch galvanized steel pipe(s) encased in concrete to a minimum 30-inch depth below grade and extending to a minimum height of 42

inches above grade or three-inches above the highest equipment component, whichever is lower. The distance between the pipe(s) and closest component shall be not less than three inches. Posts shall be spaced to adequately protect the equipment; spacing shall not exceed 24 inches.

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By

Thomas F. Steinke

Deputy City Attorney

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Or.Dept:Bldg.Insp.

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