

AGENDA ITEM
12C

Date: April 6, 2020

Council Action Date: April 7, 2020

TO: Honorable Mayor and City Council

FROM: Gregory G. Diaz, City Attorney

SUBJECT: Consideration of Temporarily Permitting Use of Recreational Vehicles on Private Property in Residential Zones as Housing for Quarantined Persons Ordinance

SUMMARY

If approved, recreational vehicles may be temporarily occupied in residential zones by those who are quarantining due to COVID-19.

RECOMMENDATION

4/5 Vote is required for the Emergency Ordinance to Pass

Introduce and adopt as an Emergency Ordinance after making the findings required by the Charter the Emergency Ordinance, title as follows:

“AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, TEMPORARILY PERMITTING THE USE OF RECREATIONAL VEHICLES ON PRIVATE PROPERTY IN RESIDENTIAL ZONES AS HOUSING FOR QUARANTINED PERSONS AS A RESULT OF COVID-19”

DISCUSSION/ANALYSIS

In response to COVID-19,

- The Governor of the State of California proclaimed a state of emergency in California (March 4, 2020)
- The County of Ventura issued a declaration of emergency for Ventura County (March 12, 2020)

- The President of the United States declared a national emergency (March 13, 2020)
- The City Manager, acting as the Director of Disaster Services, proclaimed the existence of a local emergency (March 15, 2020)
- The City Council ratified the City Manager's proclamation (March 17, 2020)
- The Ventura County Health Officer issued an Order Directing Vulnerable Individuals Living in the County to Shelter at Their Place of Residence, Restrictions of Certain Businesses, Among Other Orders in Response to COVID-19 (March 17, 2020)
- The Governor of the State of California issued an executive order directing all residents of California to stay at their place of residence unless needed to maintain a continuity of operations of designated services (March 19, 2020)
- The Ventura County Health Officer issued an Order Directing Persons Living in the County of Ventura to Stay at Their Places of Residence and Restricting Non-Essential Activities in Response to COVID-19 imposing further stay-at-home directives in an effort to stop the spread of COVID-19 (March 20, 2020)
- The Ventura County Health Officer issued an Order Extending the Health Officer's Order Dated March 17, 2020, and Imposing Additional Limitations on Activities and Businesses (March 31, 2020)

City residents, and especially its health care workers, have been exposed to or contracted COVID-19 and have been directed to self-quarantine to avoid the spread of COVID-19 to others. Those City residents that live with others may be exposing them to COVID-19.

One way a resident can avoid exposing others to COVID-19 is to occupy a recreational vehicle while they quarantine, but the San Buenaventura Municipal Code does not permit the occupancy of recreational vehicles on private property within residential zones.

This action will allow the Community Development Director to issue a permit to any residents who (1) have been directly exposed to COVID-19, (2) have been ordered to quarantine due to a possible exposure to COVID-19, (3) are taking precautionary steps to avoid the possible exposure of members of their households to COVID-19, including but not limited to first-responders, health care workers, or others providing essential services, or (4) have contracted COVID-19, to temporarily occupy a recreational vehicle on residential property.

This emergency ordinance will only be effective until the last day of the local emergency. Quarantined individuals that have received a permit from the Community Development

Director to occupy a recreational vehicle may continue to stay in the recreational vehicle for 30 days after the ordinance has expired.

The City Council authorized a similar process for those impacted by the Thomas Fire. But this process is designed to be simpler, with fewer requirements, since it is not expected that the need to quarantine in recreational vehicles due to COVID-19 will be as long-term as it has been for those rebuilding after the Thomas Fire.

Emergency Findings Required to Adopt Ordinance

Under Section 706(c) of the City Charter, the City Council is authorized to adopt an “emergency” ordinance, which becomes effective immediately upon adoption, when the City Council determines that the ordinance is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency. Emergency ordinances are an extraordinary occurrence and require special findings to be made by the City Council as well as a supermajority in order to adopt them. The supermajority is four-fifths vote of the City Council. **With a seven-member City Council, six members must approve the ordinance unless members of the City Council are absent, in which case, the ordinance must be approved by a unanimous vote.**

Here, the emergency ordinance authorizing the use of recreational vehicles as quarantine housing for those who have been exposed to or contracted COVID-19 is a necessary step to immediately protect the health of City’s residents and prevent additional people from being unnecessarily exposed to COVID-19.

FINANCIAL IMPACT

There is no fiscal impact associated with the recommendation.

Prepared by: Andrew Heglund, Senior Assistant City Attorney

ATTACHMENT:

- A. Emergency Ordinance

ATTACHMENT A

ORDINANCE NO. 2020-_____

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA,
TEMPORARILY PERMITTING THE USE OF
RECREATIONAL VEHICLES ON PRIVATE
PROPERTY IN RESIDENTIAL ZONES AS
HOUSING FOR QUARANTINED PERSONS
AS A RESULT OF COVID-19**

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency; and,

WHEREAS, On March 4, 2020, the Governor of the State of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; and,

WHEREAS, On March 12, 2020, the County of Ventura declared a state of emergency as a result of the threat of COVID-19; and,

WHEREAS, On March 13, 2020, the President of the United States declared a national emergency as a result of the threat of COVID-19; and,

WHEREAS, On March 15, 2020, as a result of this danger to the residents of Ventura, the City Manager, acting as the Director of Disaster Services under Chapter 2.370 of the San Buenaventura Municipal Code, proclaimed the existence of a local emergency; and,

WHEREAS, The City Council ratified the City Manager's proclamation on March 17, 2020; and,

WHEREAS, On March 17, 2020, the Ventura County Health Officer issued an Order Directing Vulnerable Individuals Living in the

County to Shelter at Their Place of Residence, Restrictions of Certain Businesses, Among Other Orders in Response to COVID-19; and,

WHEREAS, On March 19, 2020, the Governor of the State of California issued an executive order directing all residents of California to stay at their place of residence unless needed to maintain a continuity of operations of designated services; and,

WHEREAS, On March 20, 2020, the Ventura County Health Officer issued an Order Directing Persons Living in the County of Ventura to Stay at Their Places of Residence and Restricting Non-Essential Activities in Response to COVID-19, imposing further stay-at-home directives in an effort to stop the spread of COVID-19; and,

WHEREAS, On March 31, 2020, the Ventura County Health Officer issued an Order Extending the Health Officer's Order Dated March 17, 2020, and Imposing Additional Limitations on Activities and Businesses; and,

WHEREAS, City residents, and especially its health care workers, have been exposed to or have contracted COVID-19; and,

WHEREAS, Those City residents have been directed to self-quarantine to avoid the spread of COVID-19 to others; and,

WHEREAS, When those City residents live with others, they may be exposing them to COVID-19; and,

WHEREAS, Those City residents who have been exposed to or have contracted COVID-19 may have the ability to self-quarantine in a recreational vehicle located on their property; and,

WHEREAS, The San Buenaventura Municipal Code does not permit the occupancy of recreational vehicles on private property within residential zones; and,

WHEREAS, Without immediate action to authorize the use of recreational vehicles as quarantine housing for those who have been exposed to or have contracted COVID-19, additional people may be unnecessarily exposed to COVID-19; and,

WHEREAS, The City Council finds that this Emergency Ordinance is a necessary step to protect the health of the City's residents.

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Definitions. For purposes of this Ordinance:

- a. "Blackwater" means wastewater from toilets.
- b. "Director" means the City's Director of Community Development or his or her designee.
- c. "Graywater" means wastewater from household use other than toilets.
- d. "Quarantined Person" means a person who (1) has been directly exposed to COVID-19; (2) has been ordered to quarantine due to a possible exposure to COVID-19; (3) is taking precautionary steps to avoid the possible exposure of members of his/her household to COVID-19, including but not limited to first-responders, health care workers, or others providing essential services; or (4) has contracted COVID-19.
- e. "Recreational Vehicle" means a motor home, travel trailer, truck camper, or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; (3) a California Department of Motor Vehicles licensed vehicle; or (4) a similar vehicle or structure as determined by the Director.

Section 2. Term of this Ordinance. This Ordinance will take effect immediately upon adoption and will remain in effect until and through the last day of the COVID-19 local emergency unless sooner terminated by action of the City Council. Notwithstanding this termination date, a permit issued during the term of this ordinance will not expire until 30 days after the date the permit is issued.

Section 3. Use of a Recreational Vehicle as Housing for a Quarantined Person. A Quarantined Person that wishes to occupy a Recreational Vehicle in any residential district within the City during the term of this Ordinance on their own property or property they have written permission from the owner thereof as provided herein must first do the following:

a. Submit an application, on a form approved by the Director, providing the following information:

(1) The Quarantined Person's name and a statement signed under penalty of perjury indicating why the Quarantined Person meets the definition in Section 1 hereof, which information shall not be considered a Public Record for purposes of the Public Records Act;

(2) The year, make, model, and license plate number of the Recreational Vehicle to be used;

(3) The location where the Recreational Vehicle will be used;

(4) Whether the Quarantined Person is the owner of the property where the Recreational Vehicle will be used;

(5) Written consent from the property where the Recreational Vehicle will be used if the applicant is not the owner of the property;

(6) A statement indicating that permission granted to occupy a Recreational Vehicle by the City does not abrogate any deed restrictions or Conditions, Covenants, and Restrictions ("CC&R's") that would prohibit the use of a Recreational Vehicle at the property where the Quarantined Person intends to occupy the Recreation Vehicle, unless waived by the entity imposing the deed restriction or CC&R's; and,

(7) Proof in the form of a contract for the removal of wastewater from the Recreational Vehicle's wastewater tank system or the business name, address, and phone number of a local wastewater disposal service where the Recreational Vehicle will be serviced for wastewater removal.

b. Receive a permit issued by the Director approving the use. The issuance of a permit under this Ordinance is subject to the Director's discretion.

Section 4. Standards. The following standards must be maintained while a Recreational Vehicle is used as housing for a Quarantined Person under this Ordinance:

a. Only the Quarantined Person may occupy the Recreational Vehicle.

b. Only a Recreational Vehicle not on a permanent foundation may be used to house a Quarantined Person.

c. Only one Recreational Vehicle may be used for housing a Quarantined Person per lot.

d. The Recreational Vehicle must be connected to an approved source of water with backflow prevention device.

e. The Recreational Vehicle must be connected to an approved sewage disposal system meeting the following criteria:

(1) All wastewater from toilets within the Recreational Vehicle must be stored in a Blackwater tank either within the Recreational Vehicle or in an external tank which shall be serviced by a licensed wastewater disposal service;

(2) All wastewater from any sources within the Recreational Vehicle other than toilets must be stored in either a

Blackwater tank or Graywater tank either within the Recreational Vehicle or an external tank which shall be serviced by a licensed wastewater disposal service;

(3) The wastewater tank(s) must be serviced by a licensed wastewater disposal service for the entire time that the Recreational Vehicle is utilized as housing for a Quarantined Person; and

(4) Composting toilets cannot substitute for toilets connected to a Blackwater tank.

f. The Recreational Vehicle must be connected to an approved source of electricity.

g. The Recreational Vehicle must not be occupied on any street.

h. The Recreational Vehicle must be located outside the boundaries of any recorded easements.

Section 5. Display of permit. The permit issued under this Ordinance must be displayed on the front windshield of the Recreational Vehicle and must be visible from outside the Recreational Vehicle at all times the vehicle is stationary and being used as housing for a Quarantined Person.

Section 6. CEQA Compliance. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 21080(b)(4) and CEQA Guidelines section 15269(c) regarding actions to mitigate or prevent an emergency.

Section 7. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that

it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 8. Publication. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within fifteen days after its adoption showing the vote thereon.

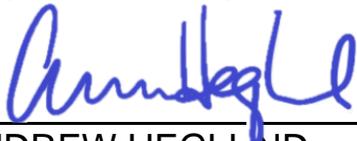
PASSED and ADOPTED this 7th day of April, 2020.

MATT LAVERE, Mayor

ATTEST:

ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  _____ 4/6/2020
ANDREW HEGLUND Date
Senior Assistant City Attorney