

ORDINANCE NO. 2020-013

**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.

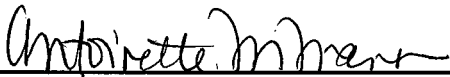
Section 8. Publication. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within fifteen days after its adoption showing the vote thereon.

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



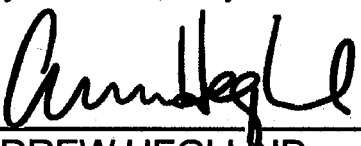
MATT LAVERE, Mayor

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 

ANDREW HEGLUND 4/6/2020
Senior Assistant City Attorney Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2020-013 that was introduced and adopted by said City Council at a special meeting held April 7, 2020, by the following vote:

AYES: Councilmembers Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

NOES: None

ABSENT: Councilmember Nasarenko

I further certify that said Ordinance No. 2020-013 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann
Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California

April 7, 2020
Date Attested

