

Article 10. Violations, Complaints, Abatement, and Hearings.

§ 2600 Application and Scope.

(a) The substandard conditions and abatement requirements contained in this article shall apply to parks, permanent buildings or structures in parks, units, accessory buildings or structures, and building components wherever they are located within parks in all parts of the state.

(b) Existing construction, connections, and installations made before the effective date of the requirements of this chapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be unsafe or substandard.

NOTE: Authority cited: Sections 18865 and 18872, Health and Safety Code. Reference: Sections 18865, 18866.3, 18866.5 and 18872, Health and Safety Code.

§ 2605. Substandard Permanent Buildings.

Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation which include, but are not limited to, the following:

- (1) Where required, the lack of, inoperable, or defective water closet, lavatory, bathtub or shower.
- (2) Where required, the lack of, inoperable, or defective kitchen sink.
- (3) Lack of or inadequate hot and cold running water to plumbing fixtures.
- (4) Dampness of habitable rooms.
- (5) Infestation of insects, vermin or rodents.
- (6) General dilapidation or improper maintenance.
- (7) Lack of or defective connection of plumbing fixtures to a sewage disposal system.
- (8) Lack of adequate garbage and rubbish storage and removal facilities.

(b) Structural hazards, which include, but are not limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (10) Lack of minimum amounts of required natural light and ventilation.

(c) A Nuisance as defined in subsection 2002.

(d) Electrical hazards which include, but are not limited to, the following:

- (1) All electrical equipment or installations that either did not conform with all applicable laws and regulations in effect at the time of its installation, or has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Lack of, inoperable or defective required electrical lighting.

(e) Plumbing which did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, which did not conform with all applicable laws and regulations in effect at the time of its installation or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(1) Inoperable or defective heating facilities.

(2) Inoperable or defective ventilating equipment.

(g) Faulty weather protection, which includes, but is not limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All buildings or portions thereof not provided with adequate exit facilities as required by this chapter, except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations at the time of their construction.

(l) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws and regulations at the time of their construction.

(m) All buildings, structures, or portions thereof occupied for living sleeping, cooking, or dining purposes which are not designed or intended to be used for those occupancies.

(n) Room and space dimensions less than required by this chapter.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18863.4, 18866.3, 18866.5, 18873, 18873.1, 18873.2, 18873.3, 18873.4 and 18873.5, Health and Safety Code.

§ 2606. Substandard Manufactured Home or Mobilehome.

The provisions contained in section 1606 of chapter 2 of this division, are applicable to substandard manufactured homes and mobilehomes.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871, 18871.10 and 18872, Health and Safety Code.

§ 2607. Substandard Recreational Vehicle.

Any recreational vehicle shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation which include, but are not limited to, the following:

(1) Lack of adequate or defective ventilation.

(2) Dampness of habitable rooms.

(3) Infestation of insects, vermin or rodents.

(4) General dilapidation or improper maintenance.

(b) Structural hazards shall include, but are not limited to, the following:

(1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(c) Nuisance as defined in section 2002.

(d) Electrical hazards which shall include, but are not limited to, the following:

(1) All electrical equipment and installations that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Electrical conductors which are not protected by overcurrent protective devices designed to open the circuit when the current exceeds the ampacity of the conductor.

(3) Electrical conductors which do not have ampacity at least equal to the rating of outlet devices or equipment supplied.

(4) Electrical conductors which are not protected from physical damage.

(5) Metallic boxes, fittings, or equipment in an electrical wiring system which are not grounded to prevent shock.

(e) Plumbing hazards which include, but are not limited to, the following:

(1) Plumbing which did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and/or siphonage between fixtures.

(2) Lack of effective traps providing a water seal for each plumbing fixture.

(3) Lack of effective venting of plumbing drain piping.

(4) Broken, unsanitary or leaking plumbing, pipe or fixtures.

(5) Any fixture, fitting, device or connection installed in such a manner as to permit contamination of the potable water supply.

(f) Hazardous mechanical equipment which includes, but is not limited to, the following:

(1) Mechanical equipment, including all heating equipment and its vent, that did not conform with all applicable laws and regulations in effect at the time of its installation, or which has not been maintained in good and safe condition, or is not being used in a safe manner.

(2) Unvented fuel burning heating appliances.

(3) Heating or fuel burning equipment, including its vent, without adequate clearance from combustible material.

(4) Unsupported, loose, or leaking fuel supply piping.

(g) Faulty weather protection, which includes, but is not limited to deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

(h) Any recreational vehicle or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire or explosion.

(i) Materials or construction not allowed or approved by this chapter or those that have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All recreational vehicles or portions thereof not provided with adequate exit facilities which conformed to all applicable laws, regulations and standards in effect at the time of their construction, or those facilities that have not been adequately maintained.

(l) Any other components of recreational vehicles or portions thereof that did not conform with all applicable laws, regulations and standards in effect at the time of their construction, or those components that have not been adequately maintained.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871, 18871.10 and 18872, Health and Safety Code.

§ 2608. Substandard Accessory Buildings and Structures and Building Components.

Any accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Health hazards or inadequate sanitation which include, but are not limited to, the following:

- (1) When installed, inoperable or defective water closet, lavatory, bathtub or shower.
- (2) When installed, inoperable or defective kitchen sink.
- (3) When installed, inadequate hot and cold running water to plumbing fixtures.
- (4) Dampness of habitable rooms.
- (5) Infestation of insects, vermin or rodents.
- (6) General dilapidation or improper maintenance.
- (7) When installed, defective connection of plumbing fixtures to a sewage disposal system.

(b) Structural hazards, which include, but are not limited to, the following:

- (1) Deteriorated or inadequate foundations or stabilizing devices.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (10) Lack of, inoperable, or defective required ventilating equipment.
- (11) Lack of minimum amounts of required natural light and ventilation.

(c) Nuisance as defined in section 2002.

(d) Electrical hazards include, but are not limited to, the following:

- (1) All electrical wiring that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good and safe condition, or is not being used in a safe manner.
- (2) Lack of, inoperable, or defective required electrical lighting.

(e) Plumbing that did not conform with all applicable laws and regulations in effect at the time of its installation, has not been maintained in good or safe condition, or has cross-connections and siphonage between fixtures.

(f) Mechanical equipment, including heating equipment and its vents, that did not conform with all applicable laws and regulations in effect at the time of its installation, which has not been maintained in good and safe condition, or is not being used in a safe manner.

- (1) Inoperable or defective heating facilities.

(g) Faulty weather protection includes, but is not be limited to, the following:

- (1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) Materials or construction not allowed or approved by this chapter or which have not been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.

(k) All accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(l) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(m) All accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.

(n) Room and space dimensions less than required by this chapter.

NOTE: Authority Cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3 and 18872, Health and Safety Code.

§ 2609. Substandard Camping Cabins.

Any camping cabin shall be deemed substandard and a nuisance when any of the following conditions exist that endanger the life, limb, health, property, safety, or welfare of the occupants or the public.

(a) Lack of an operational smoke detector.

(b) Dampness of habitable rooms.

(c) Infestation of insects, vermin or rodents.

(d) General dilapidation or improper maintenance.

(e) Structural hazards which include, but are not limited to, the following:

(1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(4) Lack of adequate or defective ventilation.

(f) Nuisance as defined in section 2002.

(g) Electrical hazards which include, but are not limited to, the following:

(1) All electrical equipment and installations except that which conformed with all applicable laws and regulations in effect at the time of initial installation and which has been maintained in good condition.

(2) Electrical conductors that are not protected by overcurrent protective devices.

(3) Electrical conductors that are not protected from physical damage.

- (4) Ungrounded metallic boxes, fittings, or equipment.
- (5) When provided, inoperable or defective electrical lighting.
- (h) Any plumbing installed in a camping cabin.
- (i) Any mechanical equipment, excluding electric heating.
- (j) Faulty weather protection which includes, but is not limited to deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.
- (k) Any camping cabin, or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire.
- (l) All materials or construction except those which are specifically allowed or approved by this chapter or applicable provisions of law which have not been adequately maintained in good and safe condition.
- (m) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (n) All camping cabins or portions thereof not provided with adequate exit facilities.
- (o) Improper or deteriorating support system.

NOTE: Authority Cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3 and 18872, Health and Safety Code.

§ 2610. Abatement.

- (a) The registered owner of a unit, or the owner of a camping cabin, accessory building or structure, or building component, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation.
- (b) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

NOTE: Authority cited: Section 18865 Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18867, 18871, 18871.3, 18871.10 and 18872 Health and Safety Code.

§ 2611. Notice of Violation, Complaints, and Orders to Correct.

- (a)(1) Whenever the enforcement agency finds a condition that constitutes a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, the enforcement agency shall provide a written notice to the person or entity responsible for correction of the violation.
- (2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated, and shall order its abatement or correction within five (5) days after the date of notice or a longer period of time as allowed by the enforcement agency.
- (3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park, the owner or operator of the park.
- (4) Whenever the enforcement agency determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent hazard representing an immediate risk to the life, health, or the safety of an occupant, the enforcement agency shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the enforcement agency. At the time of the posting, the enforcement agency shall issue a notice as described in this section. A copy of the notice shall be issued to the occupant of the unit, accessory building or structure, or permanent building, if different from the registered owner.

NOTE: Authority cited: Sections 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.10 and 18872, Health and Safety Code.

§ 2612. Final Notice Requirements and Appeals.

(a) If the initial notice from the enforcement agency has not been complied with on or before the date specified in the notice, the enforcement agency may institute proceedings against the cited person or entity.

(1) The enforcement agency shall issue to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property where the cited unit, structure, or property is located, a final notice to abate that shall contain at least the following:

(A) the date the notice is prepared;

(B) the name or names of the responsible person or entity;

(C) a list of the uncorrected violation(s) cited;

(D) final compliance date;

(E) right to request an informal conference pursuant to section 2752 of this chapter if one has not been requested previously with regard to the identified violations;

(F) right to request a hearing pursuant to section 2613 of this chapter;

(G) a statement that any willful violation is a misdemeanor under section 18874 of the Health and Safety Code.

(2) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, to the legal owner of the property as shown on the last equalized assessment roll and to the last known address of the last registered or legal owner of record of the cited unit, unless the unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served by personal service at the discretion of the enforcement agency.

(3) The officer or employee of the enforcement agency upon giving this final notice shall file an affidavit certifying to the time and the manner in which that notice was given. He or she shall also file with the affidavit, any receipt card which may have been returned to him or her in acknowledgment of the receipt of that notice by registered or certified mail.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3, and 18871.10, Health and Safety Code.

§ 2613 Request for Hearing, Notice of Time and Place for Hearing.

(a) Upon request for a hearing, the cited person or entity receiving a final notice of intention to abate a violation shall be granted a hearing on the matter before an authorized representative of the enforcement agency, or official authorized to conduct the hearing if:

(1) the request, pursuant to this article, is made to the enforcement agency within ten (10) days after personal service or acknowledgment of receipt by mail of the final notice to abate.

(b) Upon receipt of a request for hearing from the cited person or entity, the enforcement agency shall, within sixty (60) days of receipt, hold the hearing. The enforcement agency shall provide the time and place of the hearing in a written notice to the petitioner within twenty (20) days of receipt of the request. Receipt of the request for hearing from the cited person or entity, shall postpone any judicial or administrative action by the enforcement agency until after the hearing.

(c) All procedures governing hearings related to maintenance violations are contained in article 11, commencing with section 2750.

(d) In the event that a cited violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, a hearing shall not be permitted and a request for a hearing shall not extend the time for the correction of the violation.

(e) If the request for hearing is not received within ten (10) days from the date of personal service or acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

§ 2615. Hearing.

(a) At the time and place of the hearing, the hearing officer shall hear the testimony of and accept evidence from the legal owner of the property, or park owner or operator; the cited person; or their respective representative; and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to the condition of the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action to the hearing officer.

(b) If the petitioner does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with abatement procedures.

(c) Within ten (10) days after conclusion of that hearing, the hearing officer shall render a written decision in the matter which sustains, modifies, or overrules the final notice to abate and shall be reported to all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and schedules for compliance.

(d) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision in a conspicuous place on the property or unit.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

§ 2616. Time to Bring Action.

Any cited person, owner, or other interested person having any objections, or feeling aggrieved at any proceedings taken by the hearing officer conducting the hearing, or the enforcement agency in ordering abatement of any violation, shall bring an action in any court of competent jurisdiction within thirty (30) days after receipt of the decision.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

§ 2617. Consequences of Failure to Abate.

(a) It is unlawful for the person ordered to abate a violation to fail or refuse to remove and abate that violation within the time period allowed in the order after the date of posting of an order on the cited unit, structure, or property or receipt of an order. After the expiration of the time period allowed for an order related to a violation, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate the violation, including but not limited to seeking a court order for abatement by a receiver or other person.

(b) If, after the reinspections of an order to correct a violation, the enforcement agency determines that the cited person has made reasonable progress to abate the violation, or that circumstances beyond the control of the cited person have interfered with compliance or slowed compliance, the enforcement agency, in its sole discretion, may extend the period for compliance.

(c) Notwithstanding the provisions of subdivision (a), if a violation poses an imminent hazard representing an immediate risk to life, health, and safety and requires immediate correction, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate a violation if abatement is not complete within the time period allowed by the notice of violation and order.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.9, 18869, and 18871.10, Health and Safety Code.

§ 2618. Responsibility for Costs.

(a) The registered owner of the unit, or any other cited person or entity that fails to correct a violation within the time allotted in the original correction order, or any extension thereto, shall be held responsible for the costs of abatement of the violation. Costs of abatement, for purposes of this section, may include the enforcement agency's

investigative and case preparation costs, court costs and attorney fees, the cost associated with any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(b) If the unit, is in such condition that identification numbers are not available to determine ownership, or the enforcement agency is unable to locate the owner after making a reasonable effort to do so, the owner of the property on which the unit, is located shall be liable for such costs.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18866.5, 18869 and 18871.10, Health and Safety Code.

§ 2619. Removal.

(a) A unit, permanent building, accessory building or structure or building component which has been ordered to be removed due to the existence of violations or a nuisance shall be removed in a manner consistent with law.

(b) A copy of the order to remove a unit accompanied by the titles, registration cards, license plates or decals, and the insignias or federal labels, if available, shall be forwarded to the Department. The Department of Motor Vehicles shall be sent the order to remove a recreational vehicle with all indicia noted above. The enforcement agency shall send the required information and indicia within five (5) days after removal of a unit.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18869 and 18871.10, Health and Safety Code.