

**ORDINANCE NO. 2008-05**  
**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SALTON**  
**COMMUNITY SERVICES DISTRICT CONCERNING SEWER USER**  
**CHARGES APPLICABLE TO RECREATIONAL VEHICLES NOT USED**  
**FOR TRANSIENT OCCUPANCY**

WHEREAS, the SALTON COMMUNITY SERVICES DISTRICT adopted the SALTON CITY/DESERT SHORES SEWER USE ORDINANCE dated May 31, 1978, as subsequently amended (the "Sewer Ordinance");

WHEREAS, the Sewer Ordinance contains a list of charges entitled "UNITS OF SERVICE – SALTON COMMUNITY SERVICES DISTRICT SEWER SYSTEM" which provides for charges for different types of connections which includes, in pertinent part, the following:

<u>TYPE OF CONNECTION</u>	<u>UNITS OF SERVICE</u>
RV Trailer & Mobile Home Parks:	
Recreational Vehicles	.25 per dwelling space
Mobilehomes	1.0 per dwelling space

WHEREAS, the charge for Recreational Vehicles of .25% of a unit of service was intended to apply to Recreational Vehicles used for short term transient occupancy only; and

WHEREAS, it has come to the attention of the District that many Recreational Vehicles, such as trailers, campers and motorhomes, are being used as permanent dwellings within RV Trailer and Mobilehome Parks that are served by the District's sewer system; and

WHEREAS, nothing in this Ordinance shall be interpreted as an approval or acceptance by the District or other governmental entity of the permanent occupancy of Recreational Vehicles where such use may otherwise violate any state or local law; and

WHEREAS, a Recreational Vehicle that is maintained for non transient purposes places a similar demand on the District sewer system as a Mobile Home does and as a result should be subject to a sewer charge that is the same as the sewer charge for a Mobile Home under the Sewer Ordinance;

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

**Section 1.** The provisions of the Sewer Ordinance entitled "UNITS OF SERVICE – SALTON COMMUNITY SERVICES DISTRICT SEWAGE SYSTEM" are hereby amended to add the following final paragraphs:

***Non Transient Use of Recreational Vehicles.*** *If in respect to a RV Trailer and Mobile Home Park, the District should find that a Recreational Vehicle is occupying a space for other than*

*transient uses as determined by the District, the space so occupied shall be billed to the owner of the Park at the rate applicable to a Mobile Home from the date that the District learns of the use and until the end of the District fiscal year during which the Recreational Vehicle is permanently removed from the RV Trailer and Mobile Home Park and the District sewer system.*

**a. Definition of Non Transient Use of a Recreational Vehicle.** *Non Transient Use of a Recreational Vehicle shall be deemed to exist under any of the three following circumstances:*

*(i) The Recreational Vehicle occupies a space for nine or more consecutive months; or*

*(ii) The Recreational Vehicle cannot be removed from its space and transported legally on public roads and highways on short notice of approximately one hour without damage; or*

*(iii) if the Recreational Vehicle has permanent improvements attached to it or adjacent to it associated with non transient occupancy, including but not limited, patios, stoops, stairs, hard sewer lines, permanent awnings, carports, skirts, lattice work, gardens, landscaping, sheds, and appliances such a refrigerators, freezers and washers and dryers which are located outside of the Recreational Vehicle.*

**b. Mandatory Reporting by Owners of RV Trailer and Mobile Home Parks.** *Upon the written request of the District, but no more often than once each fiscal year of the District, the owner of an RV Trailer and Mobile Home Park will promptly investigate and disclose all non transient uses by Recreational Vehicles as provided in Paragraph “a” above within thirty (30) days of the date of the written request. If the owner of the RV Trailer and Mobile Home Park fails or refuses to respond accurately and completely in writing to the written request of the District in a timely manner, the District may estimate the number of such non transient uses based on such reasonable and reliable information that is available to the District. The District may from time to time, adjust the sewer use charges payable with respect to a RV Trailer and Mobile Home Park based on information gathered in accordance with this Paragraph after providing written notice to the owner of the RV Trailer and Mobile Home Park of the amount of the adjustment and the basis for the adjustment.*

**c. Appeal.** *The owner of the RV Trailer and Mobile Home Park shall have the right to appeal a determination of the District made under Paragraph “b” to the Board of Directors of the District by mailing or delivering a written appeal containing all relevant information and evidence to the District General Manager within 30 days of the date of the notice from the District. Upon receipt of such a timely filed appeal, the General Manager shall cause the appeal to be placed on the agenda for the next regularly scheduled meeting of the District Board of Directors. Only the information presented in the written appeal delivered to the General Manager shall be admissible at the Board of Directors meeting in which the appeal shall be heard. The Board of Directors shall consider the information in the appeal and thereafter approve or disapprove in whole or part the appeal. At the meeting the Board of Directors may direct staff to further review and investigate the issues raised on appeal and*

*continue the matter the next regularly scheduled meeting of the Board of Directors for a final determination.*

**Section 2.** *Severability.* Except as expressly amended by this Ordinance, the Sewer Ordinance, as amended, and the provisions of the Sewer Ordinance entitled “UNITS OF SERVICE – SALTON COMMUNITY SERVICES DISTRICT SEWER SYSTEM” remain unchanged and in full force and effect. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3.** *Effective Date; Transitional Clause.* This Ordinance shall take effect thirty days after adoption as provided by California Government Code Section 25123.

**Section 4.** *Certification.* The Secretary of the District shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to California Government Code section 25124.

Introduced at a regular meeting of the Board of Directors of the Salton Community Services District, Salton City, California, on November 18, 2008.

**PASSED, APPROVED AND ADOPTED**, this 16<sup>th</sup> day of December, 2008.

Ayes: James Barrett, Robert Butler, Darryel Neal, & Dr. Jerry Medders.  
Noes: None  
Absent: Shirley Palmer  
Abstain: None

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Shirley Palmer,  
President, Board of Directors

ATTEST:

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Rosa Reagles, Assistant General Manager &  
Secretary to the Board of Directors