

Draft RV Dwelling Ordinance

*(red underline indicates proposed language, black indicates existing ordinance language, ~~striketrough~~ indicates removed language)

Section 12.03.150 - Recreational Vehicle Uses and **Temporary** Occupancies.

A. *Purpose.* To provide for the temporary and long term occupancy of recreational vehicles on property not located within a mobile home park or a campground, and which are not subject to the Employee Housing regulations established in Section 12.03.100 of this Chapter-and to establish reasonable regulations regarding occupation of Recreational Vehicles to provide needed housing for County residents.

B. *Definitions.*

1. ~~Recreational Vehicle shall be as defined by Cal. Health & Safety Code § 18010.~~ Recreational Vehicle (RV) – A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy that is structurally sound, safe to occupy and protect occupants from the elements, which meets all of the following criteria:

- a. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
- b. It contains 400 square feet or less of gross area measured at maximum horizontal projections.
- c. It is built on a single chassis.
- d. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

This definition excludes a “Camping Cabin” as provided for in California Health and Safety Code (HSC) Sections 18862.5 and 18871.11 and Title 25 California Code of Regulations (CCR) Section 2327; or a Park Trailer, as defined by HSC Section 18009.3.

C. *Standards for RV Dwelling (Long Term Use):* an RV is allowed as a residential dwelling on private property, subject to zoning compliance and building permits as required and site inspection with renewal every two years and shall comply with the standards outlined below:

1. The tenant of an RV Dwelling for long term use must demonstrate that the household income does not exceed fifty percent (50%) of the Area Median Income (AMI) for Nevada County, adjusted for household size, as published annually by the U.S. Department of Housing and Urban Development or its successor agency.
 - a. Documentation of tenant’s household income, through verifiable financial records shall be provided.
 - b. The property owner shall sign a statement declaring to rent or provide the RV dwelling only to tenants that meet the income eligibility criteria.

2. Zoning, Density and Property Size. An RV may be allowed as an additional dwelling unit for density purposes as allowed for in this Code Section, exclusive of County Code Title 12, Chapter 3, Section 12.03.190 et. seq., on property that is three (3) acres or greater with a permitted single-family dwelling in the Residential Agricultural (RA), and all Rural (AG, AE, FR and TPZ) Zoning Districts.
 - a. No more than one RV may be occupied as a housing unit pursuant to this Code Section on any property.
 - b. An RV dwelling may be established provided that no other dwelling unit, other than a primary single-family dwelling, and/or second dwelling unit consistent with density as allowed for by County Code Title 12, Chapter 3, Section 12.03.192, is established on the parcel.
3. Permitting. A RV Dwelling Certificate of Use shall be valid for two years and may be renewed every two years, at a fee established by the Board of Supervisors, so long as the RV, upon site inspection meets the standards outlined below. The RV shall be unoccupied within ten (10) days of permit expiration.
4. Inspection. Prior to the initial issuance of a County Certificate of Use and renewal, the Fire Agency and Code Compliance shall perform an inspection of the site to ensure compliance with the standards contained herein. Further inspection by other regulatory agencies shall be required if necessary. An RV shall not be occupied until all relevant permits supporting the RV occupancy have received final from the appropriate agency or department and a County issued Certificate of Use is obtained.
5. Certifications. RVs constructed on or after January 1, 1999, but before July 14, 2005, must comply with the ANSI A119.5 standard. RVs manufactured on or after July 14, 2005, must be constructed in accordance with the NFPA 1192 standard. Compliance with these standards can be determined by an insignia similar to those issued by the Recreational Vehicle Industry Association (RVIA) that is permanently affixed to the RV. However, an insignia issued exclusively by RVIA is not required (HSC Section 18027.3, as may be amended).
 - a. Any recreational vehicle manufactured on or after January 1, 1999 shall bear a label or an insignia indicating the manufacturer's compliance with the American National Standards Institute or National Fire Protection Association standard as defined above.
 - b. Any recreational vehicle manufactured prior to January 1, 1999, shall bear a label or an insignia of approval indicating the manufacturer's compliance with the American National Standards Institute standard or a department insignia issued prior to January 1, 1999, indicating compliance with the state standard that was in effect pursuant to this chapter on the date of manufacture, including any modifications contained in regulations.
6. Deed Restriction. Prior to the issuance of the Certificate of Use for an RV dwelling, the owner shall record a deed restriction which addresses restrictions on the unit as follows:
 - a. An RV dwelling may be rented for long-term use only (30 consecutive calendar days or more); short-term rentals are prohibited.

7. Accessory Structures: Accessory structures such as decks, porches, sheds, gazebos, and ramadas shall be designed to be detached from the RV. All accessory structure(s) shall be permitted, inspected and receive final inspection, if required for said structures.
8. Foundation. The RV shall not have its wheels/tires removed and the tires shall remain inflated. All wheels/tires and leveling/support jacks shall meet manufacturers specifications and shall sit on a surface sufficient to support its weight.
 - a. Parking areas for the RV and associated vehicle parking shall utilize a paved or gravel surface. For the purpose of this subsection, a paved surface shall be a minimum thickness of two inches of asphalt concrete or four inches of reinforced Portland cement concrete over four inches of Class II aggregate base. A chip seal surface shall be a double seal coat over four inches of Class II aggregate base. A gravel surface shall be four inches of Class II aggregate base. All base material shall have a 95 percent compaction over a subgrade compacted to 90 percent. The finish grade for the RV's parking area shall not exceed two percent slope in any direction.
 - b. The RV shall be stabilized as designed by the manufacturer and shall include using wheel chocks and jacks. Use of leveling blocks beyond those provided as standard equipment are prohibited.
9. Screening. The undercarriage, including wheels and axles shall be concealed from view by screening that is solid and fixed at all times during habitation.
10. Habitability. RV dwellings must comply with basic habitability standards such as those found in HSC Section 17920.3 as may be amended, and include but are not limited to the following:
 - a. The RV dwelling must include provisions for living and sleeping in the unit with heat and lighting.
 - b. The RV dwelling shall provide dedicated access separate from the primary dwelling to hot and cold potable water, a kitchen, toilet, bathing facilities, and a lavatory sink.
 - c. Street address numbers shall be visible from the street and meet Nevada County Addressing regulations pursuant to the County Code Title 16, Chapter 1.
 - d. Smoke and Carbon Monoxide Detectors: Every sleeping area and the hallway providing access to the sleeping area shall be provided with operable smoke detectors. A carbon monoxide detector shall be required for any unit that contains a carbon-fueled appliance or heating device. Said detectors must be maintained in good working condition at all times.
 - e. A portable fire extinguisher meeting Class 2A10BC requirements must be present and accessible within the RV at all times.
 - f. Solid waste management shall comply with local and state laws including but not limited to County Code Title 15, Chapter 13, Sections 15.13.060 and 15.13.070.
 - g. Utility Connections and Mechanical Equipment.

1. The RV shall be connected to either the existing permitted water supply that serves the onsite residential dwelling, a new permitted water supply, or public water supply subject to permitting and inspection by the Environmental Health Department and/or utility provider and must be maintained in good working order.
 - a) Potable water supply, if provided by a residential well, must be provided in accordance with Title 15 of the Nevada County Code, Chapter 5 Water Supply and Resources, General Provisions.
2. The RV shall be connected to either the existing permitted onsite sewage disposal facility that serves the onsite residential dwelling, a new permitted onsite sewage disposal facility, or public sewer system, subject to permitting and inspection by the Environmental Health Department and/or utility provider. All existing and new onsite wastewater sewage disposal infrastructure that serve the RV shall meet the requirements of the Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy as administered by the Department of Environmental Health and be maintained in good working order as originally designed and approved.
3. A building permit shall be obtained from the Building Department for the installation of dedicated electrical equipment, panels, meters, or devices required to power a recreational vehicle. These utility connection features may require protective bollards at the discretion of the Building Official. Properly sized extension cords (typically 30 or 50 amps) may be used to connect the RV to the dedicated electrical equipment. Conversely, the use of extension cords to supply power to an RV from non-dedicated electrical equipment is strictly prohibited. An RV may be connected to a permitted, dedicated off-grid electrical system consistent with the Building Department's off-grid policy. Use of a generator as the primary power source for an RV is strictly prohibited.
4. All fuel connections such as propane or natural gas shall be sufficient to meet the energy demands of the unit and shall meet the manufacturer's specifications. Ground mounted propane tanks require a building permit.
5. Any water, sewage drain, electrical, fuel supply or other utility connection and installation shall conform to State and local regulations and require inspection by the Building Department or Environmental Health Department and issuance of a permit.
6. Wood burning heat sources are prohibited.
- h. All recreational vehicles (RVs), including any modifications, attachments, appliances, mechanical equipment, utility connections, support systems, and associated components—whether temporary or permanent—must be installed, maintained, and operated in a safe manner that protects the health, safety, and welfare of occupants, neighboring properties, the environment, and the public and does not create a hazard or safety risk.

Any alterations, repairs, or modifications to an RV that, if performed on a conventional dwelling structure and would typically require a building permit, must be inspected and verified by either a certified ANSI (American National

Standards Institute) inspector or a qualified RV repair professional. Such verification must demonstrate that all work has been completed in accordance with applicable ANSI standards for recreational vehicles. Documentation verifying compliance of the work shall be provided to the County.

i. Wind and Snow Loads. The RV shall be constructed to meet the snow load requirements of Title 25 of the Code of Regulations, Chapter 3, § 208.305(c)(3)(1) and to have the snow load capacity to resist the roof live load applicable to the site where the unit is placed.

1. If located at or above 3,200 feet in elevation, the RV shall be placed under an approved engineered protecting ramada or snow shelter, unless it can be demonstrated that the RV itself meets the required minimum load standards.

2. An RV located at or above 3,200 feet in elevation, for purposes of this ordinance, are required to provide a signed maintenance agreement with the Building Department concerning the removal of snow from the top of the RV.

11. Driveways. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to County Code Title 4. Fire Safety Regulations, Chapter 3. Driveways.

12. Fire Protection Plan. Prior to approval and issuance of the RV Dwelling Certificate of Use the applicant shall submit a Fire Protection Plan approved by the County Fire Marshal and/or their designee. The approved original shall be kept on file with the Planning Department and an approved copy shall be provided to and kept on file with the appropriate fire district. The Fire Protection Plan shall be site specific and address the following issues identified in Section 12.04.218.C.4:

a. The proximity to emergency responders and estimated emergency response times.

b. Describe the primary (and secondary if applicable) access road conditions.

c. Verification that no combustible material is allowed to be stored under the unit.

d. Identify the project's emergency water supply or emergency water storage facilities consistent with Nevada County Code Title 4. Fire Safe Regulations, Chapter 4. Emergency Water Supply.

e. Location of the required fire extinguisher.

f. Identification of a feasible evacuation plan and/or safe evacuation routes for future occupants of the project; and

g. Provide a Fuels Management Plan that requires:

1) Defensible space design consistent with Public Resources Code 4291 and the County's local Hazardous Vegetation and Combustible Material Abatement Ordinance.

2) Identification of high fuel load areas.

3) How adequate defensible space will be ensured.

4) The mechanism for maintaining defensible space; and

5) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project.

D. Standards for Temporary RV Use. A Recreational Vehicle may be used for temporary occupancy (subsections E, F, G and H below) subject to zoning compliance and building permit issuance, if necessary, based on the following standards, which shall be met before any temporary occupancy of a recreational vehicle, occurs or is allowed to continue pursuant to this Subsection:

1. Unless specifically exempted by this Section, a Temporary Residence Permit shall be obtained from the Building Department upon proof of compliance with applicable standards. A reasonable fee may be collected for issuance of the Permit, and renewals thereof. Said fee shall be as established pursuant to the latest adopted resolution of the Nevada County Board of Supervisors.
2. No more than one (1) recreational vehicle may be occupied per parcel for any and all permitted occupancies except for resource based seasonal agricultural employee housing as allowed by Section 12.03.100 of this Code.
3. All site development standards and separation requirements applicable to single-family dwellings shall apply to placement of the Recreational Vehicle to be occupied.
4. Sewage disposal and water for service supply shall be approved by the Department of Environmental Health.
5. A Recreational Vehicle used for temporary occupancy shall be structurally sound and protect its occupants against the elements.
6. The County Fire Marshal, or their designee, shall inspect the site to ensure that the placement of the Recreational Vehicle complies with the flammable vegetation clearance requirements of Cal. Pub. Res. Code § 4291.
7. *Smoke and Carbon Monoxide Detectors.* Every sleeping area and the hallway providing access to the sleeping area shall be provided with operable smoke detectors. If an internal combustion generator powers the Recreational Vehicle, and such generator is incorporated into or within ten (10') feet of the qualified Recreational Vehicle, a minimum of one (1) carbon monoxide monitor/alarm shall be required. A carbon monoxide detector shall be required for any unit that contains a carbon-fueled appliance or heating device.
8. *Heating Systems.* Heating systems shall be maintained in accordance with the manufacturer's requirements. Any additional or new solid- or liquid-fuel burning appliances to be used in a Recreational Vehicle shall be installed, used and maintained in accordance with the listing for the appliance and the manufacturer's requirements, including provisions allowing their use in Recreational Vehicles.
9. *LP-Gas System.* LP-gas storage and delivery system shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply

with the current editions of California Building and Fire Codes as adopted in Title 14 governing Building in this Code.

10. Any water, sewage drain, electrical, fuel supply or other utility connection and installation shall conform to State and local regulations and require inspection by the Building Department and a permit.
11. A current DMV registration and operating permit shall be required and maintained on the Recreational Vehicle at all times.
12. The recreational vehicle shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures (except ramadas where necessary to meet the applicable snow load requirements) may be permitted with regard thereto for the temporary occupancies provided for herein.
13. No rent may be charged or collected for any of the temporary occupancies provided for herein.
14. Upon request of a County code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

E. *Security Housing (Temporary Use)*. Security personnel may occupy a recreational vehicle on the site of a church or other community facility or public use land requiring on-site security, for a maximum three-year period, subject to the issuance of a Use Permit. Pursuant to Permit Time Limits, security housing approved through a Use Permit is eligible for two-year (2) extension of times for the Use Permit, for length of occupancy.

F. *Temporary Urgent Medical Care*. A recreational vehicle may be used as a temporary residence, in addition to a legally established permanent dwelling existing on any parcel, when one (1) is occupied by a person in serious medical need of 24-hour on-site care, and the other is occupied by a qualified person providing such care, subject to issuance of an Administrative Development permit from the Planning Department, if all the general criteria established in Subsection C of this Section are complied with, and so long as the following special criteria are also met:

1. There shall be no other available accommodations (i.e. second units, guest houses) on the property that could be utilized for the purpose of providing urgent medical care, and evidence of such shall be submitted to the satisfaction of the Planning Department;
2. Permits shall be valid for six (6) months, renewable every six (6) months, at an at-cost hourly planning fee, so long as the serious urgent medical need continues, and require current confirmation of a licensed physician of the medical need for continual care. The Permit shall expire and the use discontinued when the need ceases. The Recreational Vehicle shall be unoccupied within ten (10) days of permit expiration;
3. Where the unit is to be placed on property subject to recorded deed restrictions or CC&R provisions, not required by the County, that may preclude such a unit, any approval shall not become effective until thirty (30) days after the applicant has given written notice thereof to the active Homeowners' Association or other entity entitled to enforce such restrictions or CC&Rs. If no such entity can reasonably be located, the applicant shall provide notice to all property owners subject to same restrictions or CC&Rs. The applicant shall provide the County with proof of notice to be included in the Building Department file.

G. *Seasonal Use* (Temporary Use). Seasonal stays in a Recreational Vehicle are permitted for the owners of any parcel with no permanent dwelling thereon, not to exceed a total of ninety (90) days between April 15th and October 15th of any one (1) calendar year. Seasonal use is not subject to a Temporary Residence Permit, provided that:

1. The Recreational Vehicle must be currently licensed;
2. Siting of the Recreational Vehicle must satisfy Cal. Pub. Res. Code § 4291 for vegetation clearance around the Recreational Vehicle.
3. The property owner is required to notify their Fire District, or the California Department of Forestry where there is no local Fire District, of the location of, and access to, the Recreational Vehicle, and to obtain Ca. Pub. Res. Code § 4291 regulations.
4. The property owner must have an operating 2A10BC fire extinguisher available within or on the Recreational Vehicle at all times.

H. *Overnight Guest Stays* (Temporary Use). Overnight stays in a Recreational Vehicle are permitted for non-paying guests of the occupants of any legally established permanent dwelling on the parcel, not to exceed a total of ninety (90) days per parcel in any calendar year, without a Temporary Residence Permit, provided that standards of Section G.1 through Section G.4, above, are satisfied.