

AMENDED IN ASSEMBLY AUGUST 27, 2007

AMENDED IN SENATE APRIL 9, 2007

AMENDED IN SENATE MARCH 29, 2007

SENATE BILL

No. 589

Introduced by Senator Correa

(Coauthor: Senator Alquist)

(Coauthors: Assembly Members Laird and Lieber)

February 22, 2007

An act to amend Section 18554 of, *and to repeal and add Section 18871.4 of*, the Health and Safety Code, relating to mobilehome *and special occupancy* parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Correa. Mobilehome *and special occupancy* parks: sewage disposal.

(1) ~~Existing law, the~~ *The Mobilehome Parks Act*, makes it unlawful to permit any ~~waste water~~ *wastewater* or material from a plumbing fixture in a manufactured home, mobilehome, or recreational vehicle to be deposited upon the surface of the ground and authorizes the Department of Housing and Community Development to adopt rules and regulations to carry out the purposes of this provision. Existing law makes it a misdemeanor to willfully violate a provision of the Mobilehome Parks Act.

The Special Occupancy Parks Act establishes a similar crime relating to recreational vehicle parks, temporary recreational vehicle parks, incidental camping areas, and tent camps.

This bill would include a plumbing fixture in a permanent building located within a mobilehome park *or special occupancy park*, within

the scope of the ~~prohibition~~ *prohibitions* described above and would revise the scope of the ~~prohibition~~ *prohibitions* to include sewage or waste material from any mobilehome park sewage or waste disposal system, thereby creating ~~a new~~ *crimes* and imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18554 of the Health and Safety Code is
2 amended to read:

3 18554. (a) It is unlawful to permit any ~~waste water~~ *wastewater*,
4 ~~sewage, or waste material from any mobilehome park sewage or~~
5 ~~waste disposal system, or from any plumbing fixtures in a~~
6 ~~manufactured home, mobilehome, recreational vehicle, or~~
7 ~~permanent building in the park to be deposited upon the surface~~
8 ~~of the ground. or waste material from any plumbing fixtures in a~~
9 ~~park, any park sewage or waste disposal system, or any plumbing~~
10 ~~fixtures in a manufactured home, mobilehome, recreational vehicle,~~
11 ~~accessory structure, or permanent building in the park, to be~~
12 ~~discharged onto or deposited upon the surface of the ground.~~

13 (b) The enforcement agency may order the removal, sanitation,
14 or both, of any wastewater, sewage, or waste material *discharged*
15 *onto or* deposited upon the surface of the ground, or may require
16 the removal, sanitation, or both, of the wastewater, sewage, or
17 waste material, in a manner consistent with the requirements of,
18 and in consultation with, the local health department or agency.

19 ~~(e) Pursuant to this section, a homeowner or recreational vehicle~~
20 ~~owner shall be responsible for complying with an order, or the~~
21 ~~correction of a citation, issued by the enforcement agency, and the~~
22 ~~costs thereof, where wastewater, sewage, or waste material is~~
23 ~~deposited on the surface of the ground as a result of leaks from~~
24 ~~plumbing fixtures in a manufactured home, mobilehome, or~~
25 ~~recreational vehicle, or where those leaks occur from plumbing~~

1 on the space or lot that connects the home or recreational vehicle
2 to the park's sewer, septic, or drain system on the homeowner's
3 or recreational vehicle owner's side of the connection, if the deposit
4 is determined by the enforcement agency to be the fault of the
5 homeowner or recreational vehicle owner.

6 (c) Pursuant to this section, the registered owner of a
7 mobilehome, manufactured home, or recreational vehicle shall be
8 responsible for complying with an order, or the correction of a
9 citation, issued by the enforcement agency, and the costs of that
10 order, whenever wastewater, sewage, or waste material is
11 discharged onto or deposited upon the surface of the ground as a
12 result of leaks from plumbing fixtures in a manufactured home,
13 mobilehome, or recreational vehicle, or accessory structure, or
14 whenever those leaks come from plumbing on the space or lot that
15 connects the home or recreational vehicle or accessory structure
16 to the park's sewer, septic, or drain system on the home or vehicle
17 registered owner's side of the connection, if the discharge or
18 deposit is determined by the enforcement agency to be the fault of
19 the registered owner of the home or recreational vehicle.

20 (d) Except as provided in Section 18930, the department may
21 adopt any rules and regulations that it determines are reasonably
22 necessary for the protection of life and property and to carry out
23 the purposes of this section.

24 *SEC. 2. Section 18871.4 of the Health and Safety Code is*
25 *repealed.*

26 ~~18871.4. It is unlawful to permit any wastewater or material~~
27 ~~from any plumbing fixtures in a manufactured home, mobilehome,~~
28 ~~or recreational vehicle to be deposited upon the surface of the~~
29 ~~ground. Except as provided in Section 18930, the department may~~
30 ~~adopt, amend, or repeal any rules and regulations that it determines~~
31 ~~are reasonably necessary for the protection of life and property~~
32 ~~and to carry out the purposes of this section.~~

33 *SEC. 3. Section 18871.4 is added to the Health and Safety*
34 *Code, to read:*

35 *18871.4. (a) It is unlawful to permit any wastewater, sewage,*
36 *or waste material from any plumbing fixtures in a park, any park*
37 *sewage or waste disposal system, or any plumbing fixtures in a*
38 *manufactured home, mobilehome, recreational vehicle, accessory*
39 *structure, or permanent building in the park, to be discharged onto*
40 *or deposited upon the ground.*

1 **(b)** *The enforcement agency may order the removal, sanitation,*
 2 *or both, of any wastewater, sewage, or waste material discharged*
 3 *onto or deposited upon the surface of the ground, or may require*
 4 *the removal, sanitation, or both, of the wastewater, sewage, or*
 5 *waste material, in a manner consistent with the requirements of,*
 6 *and in consultation with, the local health department or agency.*

7 **(c)** *Pursuant to this section, the registered owner of a*
 8 *mobilehome, manufactured home, or recreational vehicle shall be*
 9 *responsible for complying with an order, or the correction of a*
 10 *citation, issued by the enforcement agency, and the costs of that*
 11 *order, whenever wastewater, sewage, or waste material is*
 12 *discharged onto or deposited upon the surface of the ground as a*
 13 *result of leaks from plumbing fixtures in a manufactured home,*
 14 *mobilehome, or recreational vehicle, or accessory structure, or*
 15 *whenever those leaks come from plumbing on the space or lot that*
 16 *connects the home or recreational vehicle or accessory structure*
 17 *to the park's sewer, septic, or drain system on the home or vehicle*
 18 *registered owner's side of the connection, if the discharge or*
 19 *deposit is determined by the enforcement agency to be the fault of*
 20 *the registered owner of the home or recreational vehicle.*

21 **(d)** *Except as provided in Section 18930, the department may*
 22 *adopt any rules and regulations that it determines are reasonably*
 23 *necessary for the protection of life and property and to carry out*
 24 *the purposes of this section.*

25 ~~SEC. 2.~~

26 **SEC. 4.** *No reimbursement is required by this act pursuant to*
 27 *Section 6 of Article XIII B of the California Constitution because*
 28 *the only costs that may be incurred by a local agency or school*
 29 *district will be incurred because this act creates a new crime or*
 30 *infraction, eliminates a crime or infraction, or changes the penalty*
 31 *for a crime or infraction, within the meaning of Section 17556 of*
 32 *the Government Code, or changes the definition of a crime within*
 33 *the meaning of Section 6 of Article XIII B of the California*
 34 *Constitution.*