

Chapter 9.60

SALE OF MOBILEHOME PARKS

Sections:

- 9.60.010 Definitions.
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9.60.010 Definitions.

Unless the context otherwise requires, the terms defined herein shall for all purposes pertaining to this section have the meanings defined herein:

A. "Mobilehome" shall mean a structure designed for human habitation and being moved on a street or highway under permit pursuant to Vehicle Code Section 35790.

B. "Mobilehome owner" or "homeowner" shall mean a person who has a tenancy in a mobilehome park under a rental agreement.

C. "Mobilehome park" or "park" is an area of land where five or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

D. "Mobilehome park owner" means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.

E. "Tenancy" is the right of a mobilehome owner to use of a site within a mobilehome park, on which to locate, maintain and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

F. "Notify" means the placing of a notice in the United States mail addressed to the mobilehome owners at the mobilehome owners' addresses within the park or as otherwise known to the park owner. Each such notice shall be deemed to be given upon the deposit of the notice in the United States mail.

G. "Offer" means any solicitation by the mobilehome park owner to the general public.

H. "Resident organization" means any organization formed pursuant to Health and Safety Code Section 50561. (Ord. 2268 § 1, 1988).

9.60.020 Mobilehome owners' right to purchase.

A. Any resident organization entitled to notice of a listing of a mobilehome park for sale or notice of any offer to sell the park to any party, pursuant to Civil Code Section 798.80, shall have the right to purchase the park; provided, the resident organization meets the price and terms and conditions of a purchase offer acceptable to the mobilehome park owner. The resident organization shall have the right to purchase the park by executing a contract with the mobilehome park owner within 45 days, unless agreed to otherwise, from the date that a notice required by Civil Code Section 798.80 has been delivered by first class mail or personal delivery to the president, secretary and treasurer of the resident organization. In the event that less than the entire mobilehome park is offered for sale or an acceptable offer to purchase less than the entire mobilehome park is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 days, unless agreed to otherwise, from the date of mailing to the resident organization a notice of the receipt of an acceptable offer to purchase a portion of the park. If a contract between the mobilehome park owner and the resident organization is not executed within the specified period, his only obligation shall be as set forth in subsection (B) of this section, unless the mobilehome park owner thereafter elects to accept a counteroffer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

B. If the mobilehome park owner thereafter elects to accept an offer at a lower price and/or under different terms and conditions than the price or terms and conditions as specified in his notice to the resident organization, the resident organization will have an additional 15 days to meet the price and terms and conditions of the mobilehome park owner by executing a contract. (Ord. 2268 § 1, 1988).

9.60.030 Exemption.

A. Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402.

B. Any transfer by gift, devise, or operation of law.

C. Any transfer by a corporation to an affiliate. As used in this subsection, "affiliate" means any shareholder of the transferring corporation; any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or

any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.

D. Any transfer by a partnership to any of its partners.

E. Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of such a foreclosure.

F. Any sale or transfer between or among joint tenants or tenants-in-common owning a mobilehome park.

G. The purchase of a mobilehome park by a government entity under its powers of eminent domain.

H. Any transfer between co-owners which results in a change in the method of holding title to the mobilehome park without changing the proportional ownership interest of the co-owners in said mobilehome park, such as a partition of a tenancy in common.

I. Any transfer between an individual or individuals and a legal entity, or between legal entities, such as a cotenancy to a partnership, a partnership to a corporation, a corporation to a partnership, or a trust to a cotenancy, which results solely in a change in the method of holding title to the mobilehome park and in which proportional ownership interests of the transferors and transferees, whether represented by stock, partnership interest, or otherwise, in the mobilehome park transferred, remain the same after the transfer. (Ord. 2300 § 1, 1989; Ord. 2268 § 1, 1988).

9.60.040 Mobilehome park owner affidavit of compliance.

A. A mobilehome park owner may, at any time, record in the official records of the county where a mobilehome park is situated an affidavit in which he or she certifies that:

1. With reference to an offer by him or her for the sale of such park, he or she has complied with the provisions of this chapter.

2. With reference to an offer received by him or her for the purchase of such park, or with reference to a counteroffer which he or she intends to make, or has made, for the sale of such park, he or she has complied with the provisions of this chapter.

3. Notwithstanding his compliance with the provisions of CVMC 9.60.020, no contract has been executed for the sale of such park between the owner and the resident organization.

4. The provisions of CVMC 9.60.020 are inapplicable to a particular sale or transfer of such park by him, and compliance with the provisions of this section is not required.

5. A particular sale or transfer of such park is exempted from the provisions of this section.

B. Any party acquiring an interest in a mobile-home park, and any and all title insurance companies and attorneys preparing, furnishing or examining any evidence of title, have the absolute right to rely on the truth and accuracy of all statements appearing in such affidavit and are under no obligation to inquire further as to any matter or fact relating to the park owner's compliance with the provisions herein.

C. It is the purpose and intention of this section to preserve the marketability of title to mobilehome parks, and accordingly, the provisions of this section shall be liberally construed in order that all persons may rely on the record title to mobilehome parks. (Ord. 2268 § 1, 1988).

9.60.050 Judicial rights.

A resident organization entitled to the right to purchase the mobilehome park which is not provided such right shall be entitled to such equitable relief and/or damages for such failure as deemed appropriate by a court of competent jurisdiction. (Ord. 2268 § 1, 1988).

X. Environmental Protection and Conservation

Chapter 9.70

WATER CONSERVATION MEASURES

Sections:

9.70.010 Regulation of sale and installation of high flow water fixtures.

9.70.010 Regulation of sale and installation of high flow water fixtures.

A. Definitions.

1. "High flow water fixture," for the purposes of this section, shall mean any of the following devices:

a. A toilet (also known as a water closet) which permits the usage of greater than 3.5 gallons per flush ("high flow toilet").

b. A shower nozzle which permits the usage of greater than 2.5 gallons per minute maximum volume ("high flow shower nozzle").

c. A urinal which permits the usage of greater than 1.0 gallons per flush ("high flow urinal").

d. A sink faucet which permits the usage of greater than 2.5 gallons per minute ("high flow sink faucet").

e. A lavatory faucet which permits the usage of greater than 2.0 gallons per minute ("high flow lavatory faucet").

2. "Retailer," for the purposes of this section, shall mean any person, including, but not limited to, an individual, firm, association, or corporation, licensed by the city to conduct, or conducting, a commercial retail business.

B. Installation of High Flow Water Fixtures Within City. It shall be illegal from and after April 15, 1991 for any person, including, but not limited to, any individual, partnership, firm, corporation, or association, to install a high flow water fixture in any building on property which, in whole or in part, is located within the city limits of the city of Chula Vista.

C. Marking of High Flow Water Fixtures.

1. No retailer in the city of Chula Vista shall offer a high flow toilet (or water closet) within the city limits without having clearly marked thereon, or if said toilet is presented for sale in a package, then on the package in which the said toilet is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, the number of gallons, measured to the