

City Council Work Session
RV Ordinance
June 11, 2020
5:30PM City Hall

Attendance: Mayor Mike Wisdom, Councilors Joyce Lawyer, David “Shorty” Schwehr, Logan McCrae, Dennis Lefever, Jeff Grende, Mike (Big Mike) Morse, and City Recorder Beth Wendt

Mayor Mike called the meeting to order. He noted that he has been working on a template for a citation book. We have an individual interest in being our Ordinance Officer but we need to figure out if we will contract for the job or pay an hourly wage. We have talked about \$2500 but we may have some room to negotiate.

Mayor Mike hoped to arrive at an agreement that can come before the Council on June 22nd to be approved. It can be declared an emergency and can be approved in a single meeting if read in full and by title if it is by unanimous vote. Logan wondered what would be considered the intent of an emergency. Mayor Mike thought in this case it would be so that we could act on it immediately because we have a problem. Beth added that the Charter says when the council deems it advisable, in the case of an emergency, it may take effect immediately.

Mayor Mike wanted to go through the proposed ordinance piece by piece. We don’t have definitions in our existing ordinance. Many of the definitions, such as “Human Occupancy” and “Recreational Structures” were in several ordinances from other towns. He thought it was better to have definitions than to not have them. Logan agreed that “Recreational Structures” should be covered to deal with unusual situations. Mayor Mike added that an RV can be a broad definition which should include campers. Removal of wheels doesn’t remove the meaning of RV. The ordinance touches on utility trailers. Logan suggested having one definition for RVs that includes everything, including campers, utility trailers, recreational structures, etc. It might simplify the ordinance. Mayor Mike agreed as long as it doesn’t lose the meanings. Logan thought it would include anything that is not a manufactured home, including a single wide. Mayor Mike felt stock trailers should be included. Shorty agreed. Beth clarified that an RV would be defined and things like camper, stock trailer, utility trailer, etc. would be defined in a sub section of RV. Shorty was concerned about people living in a utility trailer that is not designed for human occupancy. Dennis interjected that some utility trailers have been converted for that purpose. Mayor Mike felt the intent of the ordinance amendment was to get things back where they belong, like in the RV Park, and stop people from reading between the lines. He wanted to be pro-active moving forward. Logan didn’t care who got a permit for an RV. If it is not a house or a manufactured home, you need an RV permit. Mayor Mike wanted to be clear that somebody could live in a utility trailer if they have a permit. Shorty was concerned about safety and sanitation. Mayor Mike agreed that we don’t want to add new problems. Joyce thought with a \$300 fee, it wouldn’t be a problem. Mayor Mike added that the application asks for justification of sanitary facilities. Logan thought using the facilities of the house next to where the RV is parked or bringing in a porta-pottie would satisfy the problem. Mayor Mike added that “Tiny Homes” still need to be defined. Beth suggested if a porta-pottie is used, it should have to be emptied regularly. Mayor Mike thought that would come under the application. We could require that they be cleaned on a regular basis. Logan suggested we strike the definition for “trailer house”. It just causes confusion.

Mayor Mike reiterated that the very beginning of the ordinance states that RV owners are encouraged to stay in the RV Park. Because there is a gray area with zoning, the ordinance is for an RV on an individual lot in the designated or approved zone, so it could be more than one zone. There is a 14 day maximum stay before a permit is required. It covers how to contact City Hall after hours or when City

Hall is closed. There are exceptions to the 14 day limit for extenuating circumstances. There will be no more than 1 RV per city lot. In an emergency, an extension could be granted by an authorized City representative. An extended 30 day permit shall be submitted and granted to the property owner. An application has to contain detail with a paper trail for the occupant of the RV. A designated Property Manager can sign on behalf of the "property owner". The property owner will be the responsible party throughout the duration of the permit. A \$10 non-refundable application fee will be required. Details of the application include; property owner name, address, and phone number, who is parking the RV, details of the RV, where the RV will be parked, etc. The RV must be licensable and insured. The number of people occupying the RV cannot exceed the manufactures limit. Mayor Mike noted that it was not unusual in other towns to have a clause that allows someone from the city to enter the property to verify hook-ups are done properly. If permission is not given for such an inspection, a permit will not be issued. Every box has to be checked to be completed and approved. The RV must not have any leaks of gray water or sewage. It must remain mobile throughout the length of the stay with adequate parking and ingress and egress must be safe for the RV, other vehicles and pedestrians. The RV must not adversely impact neighbors with noise, lighting, odor, etc. There can be no illegal connections to services and no portion of a connection can extend over, across, or under a public right-of-way. The owner and occupant are responsible for cleanup at the termination of the permit. Logan wondered who would determine adverse impact to a neighbor. Joyce thought it would come from a complaint from a neighbor. It would then be turned over to the City Council. Mayor Mike remarked that the cost of the permit would include water and sewer where it's available but the fee wouldn't be adjusted if city services aren't used. Electrical connections must be properly grounded. Logan asked how you determine if something is grounded properly. Dennis said some older motor homes had wires that ran from the frame to a stake. Shorty added that newer RVs are internally grounded. Mayor Mike reiterated that all application requirements must be met as well as any State and County requirements. If the application is complete and there are no extenuating circumstances, the permit may be issued immediately upon completion. Otherwise, it will remain pending until addressed by the Council. If approved there will be a fee that will be set by Council resolution. According to the surveys that were sent out, it was really close between no renewals and renewing for a total of 3 times (90 days) in a 12 month period. Jeff thought it should be a total of 4 months. Mayor Mike noted there is leeway to consider extenuating circumstances. Logan added that the intent is to encourage people to stay in the RV Park. If there is no opening, there is a 14 day grace period plus the 90 days. Jeff thought the park was full most of the time. Mayor Mike thought there might even be a waiting list. Dennis remarked that if someone comes to town on a job it would fall under special circumstances. Logan thought 90 days would make people think about finding a better long term solution but agreed there could be a special circumstances. Jeff didn't see a downfall for the City to receive \$300 per month. Logan agreed but pointed out that the surveys were mostly in favor of 1 month or 3 months. Mayor Mike added that most of the other ordinances we looked at didn't go on forever. Instead of extending the number of days, he would rather leave room for extenuating circumstances and deal with them on a case by case basis. He also wants to get to the point where we don't have squatters. Another RV Park could be a good thing. Logan suggested we go with 90 days because that is the majority of responses from the community. Mayor Mike asked if there was problem with affixing a placard. There were no objections. If there is unused time on a 30 day permit, it is forfeited and the balance cannot be used by someone else or at a later time. An exception might be if an RV is sold and another one takes its place immediately but it has to be for the same occupants. Shorty suggested the City think about putting in an RV dumpsite. It could generate a little bit of income. Mayor Mike wondered if there should be a time frame before somebody can reapply if they are in violation. Logan felt if the violation was not corrected immediately, it should be at least 12 months before they can reapply. Shorty clarified that they could still do a 14 day visit. Logan thought the definition of violation needs to be clarified and tightened. A

permit could be revoked if it is found to be in violation and fines can be assigned. Jeff suggested the ordinance specify that the permit could be revoked for “uncorrected” violations. If the permit is revoked, the permittee will be given 72 hours to move off the property. Mayor Mike remarked that an RV may be stored on private property but the City may have to the right to require it to be moved if it is in a deteriorated or inoperable condition. Logan felt that should be addressed in another ordinance that includes cars and other junk. Camping in a RV will be allowed during an event. Appeals can be filed at City Hall. Exceptions could be considered on a case-by-case basis. Occupancy associated with construction of a new dwelling or repair of damaged dwelling may be permitted for up to 6 months but only one RV will be permitted per lot. RV occupancy associated with the construction of an accessory structure will not be allowed. Logan suggested charging \$150 instead of \$300 for a temporary construction permit. Shorty thought it should just be a \$10 application fee. Jeff thought as long as you were living in an RV during construction or major remodeling, there shouldn't be a charge. Mayor Mike added the current ordinance allows for a property owner to occupy your own RV for up to 6 months. Shorty thought if we were to allow up to 6 months, they should be required to have water, sewer, and electricity. Since they would be paying for utilities and limited to 6 months, he didn't think they should pay anything for a permit, other than the \$10 application fee. Logan disagreed. He felt that would incentivize people to not build if they can buy an empty lot and live in an RV for free for 6 months a year. Shorty argued that if there is water, sewer and electricity, it is an improved lot and they would pay taxes accordingly. Logan agreed, but the taxes are a lot less than if it has a house on it. Therefore, the city would be losing revenue. We are trying to incentivize people to live in an RV Park. Jeff felt we had two situations to deal with. One being a time line on how long someone can stay and what they should be charged. If there is water and sewer on the property, they will pay for that already. Beth interjected that snowbirds pay for water and sewer when they are here and not when they are gone. Jeff had a problem with a government trying to control what you do on your own property. Logan agreed that we don't like it but that is how the City has money to do things. As a responsible City Councilor, he felt the need to base decisions on what is best for the City and that is finding a way to gain revenue from someone choosing to live in an RV instead of a house in our town. Big Mike agreed that it doesn't work if someone is living in an RV to escape paying taxes. We need to do something to allow the City to operate. Dennis commented that there would be those that try to follow the rules and take care of things. But there are also those that will take advantage. We could have a group of people who all put their names on the title of a piece of property making them all property owners. Shorty thought limiting a permit to 6 months could take care of some of the problem. Logan added they could own more than one lot and just move to a different lot. He asked for clarification of what the General Fund is used for. Beth explained that money in the general fund comes primarily from taxes and revenue sharing and is funneled into the Library, streets, parks, roads, fire and QRT. A portion of the employee wages also comes out of the general fund. The only thing the General Fund doesn't pay for is water and sewer. Logan added that people in RV's are using all of the City services, like roads, parks, library, etc., but aren't pulling their weight for those services. Mayor Mike felt there would be a lot of push back to charging someone to park an RV on their own lot. Jeff suggested charging a smaller rate. Mayor Mike interjected that there are a lot of people in town that are utilizing all of the other services without even paying for water and sewer. Shorty didn't see how the City could force a landowner to pay to live on their property unless they build something. Logan reiterated they're forced to pay taxes every year. Shorty argued that they are paying for the value of the property. Jeff felt if they live on the property in an RV, they would be paying less for value but getting the same services. Mayor Mike wondered if the intent here was all about resources. If that is the case, charge \$300 per month and let them stay indefinitely. Joyce suggested a compromise and charge an owner \$100 plus sewer and water. Mayor Mike noted there would still be a \$10 application fee to get a permit. Logan proposed that we specify that it can be a landowner permit with a different rate. Joyce clarified that if the owner puts an RV on a

lot, they would have to pay \$300 per month if they let someone else live in it. Mayor Mike agreed that the property owner only gets the discount rate if he occupies his own RV. Dennis interjected that if someone is living in an RV during a remodel of a house, it should be different than someone living on a bare lot. Big Mike thought \$100 per month plus water and sewer was a good place to start for a property owner who occupies his own RV.

Mayor Mike continued to note that an unoccupied RV shall not be stored or parked on a city right-of-way and it cannot block a driveway. Nor can a wrecked or inoperable RV be on a city right-of-way. Storing or parking an RV on real property without the consent or knowledge of the property owner will be a violation. It was decided to strike the section regarding using an RV for storage purposes. Section 1.22 states that regardless of the preparation or improvements done to a site, it will not bind the City to issue a permit.

Mayor Mike reminded that the Union County Justice Court only meets 2 Mondays per month and we have to issue citations with a court date of at least 30 days out. So how do we handle accumulated fines? It was decided to impose a fine of \$100 per day with a \$600 cap. The notification of violation will be sent by regular mail, certified mail, and if possible, hand delivered to the property owner giving a total of 21 days from the date of the letter to respond and correct the violation. Fines will commence on the 22 day. Shorty noted that we started the process to get the land owner involved so a lien can be placed on the property. Mayor Mike thought that was something to bring up with LOC. Jeff added there is nothing about towing, either. He thought there should at least be a reference to another ordinance.

Mayor Mike will try to have the corrected ordinance in the Council packets for the Council to review before the June 22nd meeting.

Meeting adjourned at 8:12PM.

Respectfully submitted,

Attest:

Beth Wendt
City Recorder