

City of North Powder, Oregon

ORDINANCE NO. 2020 – 01

AN ORDINANCE AMENDING THE DEFINITIONS OF CITY OF NORTH POWDER ORDINANCE NO. 1997-1 AND REPEALING AND REPLACING SECTIONS 1.18 TO 1.21 OF THE SAME SAID ORDINANCE, ALL OF WHICH IMPACTS RECREATIONAL VEHICLES IN THE CITY OF NORTH POWDER

WHEREAS, Ordinance No. 1994-4 was adopted to regulate trailer parks, storage and parking of mobile homes and recreational vehicles, established fees and penalties for the same, and duplicated many parts of the City of North Powder’s Zoning Ordinance (Ordinance No. 1983-3), and was subsequently amended by Ordinance No. 1997-1; and

WHEREAS, the City Council of North Powder has determined that in order to preserve the health, safety and general welfare of the city of North Powder, the provisions of Ordinance 1997-1 relating to recreational vehicles require updating.

NOW THEREFORE, THE CITY OF NORTH POWDER ORDAINS AS FOLLOWS:

Section 1. Section 1.03 of the city of North Powder Ordinance No. 1997-1, entitled Definitions, is repealed and replaced with the following:

SECTION 1.03: DEFINITIONS

City means the city of North Powder, Oregon and its employees, representatives, elected officials, legal representation, and any additional individuals or groups designated by the City Council.

Manufactured dwelling park means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Manufactured home means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile home means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Mobile home park means any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Person means an individual(s), firm, trust, partnership, association, corporation, or L.L.C.

Recreational vehicle means

- (a) A vehicle, with or without motive power, that is designed for sport or recreational use, or human occupancy on an intermittent basis, such as motor homes, off-road vehicles, boats, and other similar devices; or
- (b) A portable vehicular structure designed for sport or recreation use, or for human occupancy on an intermittent basis, that is capable of being towed or transported on the highway by a motor vehicle, such as travel trailers, fifth-wheel trailers, campers, and other similar portable vehicle structures.

Recreational vehicle park means any place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Residential trailer means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Trailer means a non-motorized vehicle intended for and constructed to be towed directly by a motor vehicle.

Section 2. Section 1.18 of the City of North Powder Ordinance No. 1997-1 is hereby repealed and replaced with the following:

SECTION 1.18: Use of Recreational Vehicle, Residential Trailer or Trailer Outside of Recreational Vehicle Park

- A. Unlawful Habitation. Except as provided in subsection B of this section, it shall be unlawful for any person to use any recreational vehicle, residential trailer or trailer as a place of temporary or permanent habitation except in a licensed mobile home park, manufactured dwelling park, or recreational vehicle park.

- B. Temporary Habitation. A recreational vehicle, residential trailer or trailer may be used as a place of temporary habitation outside of a licensed mobile home park, manufactured dwelling park or recreational vehicle park if:
1. *14 Days or Less*. A recreational vehicle, residential trailer or trailer may be used, by right, as a place of temporary habitation outside of a licensed mobile home park, manufactured dwelling park or recreational park if:
 - a. The aggregate time it is so used in any 365-day period does not exceed 14 days;
 - b. It is located on private property with the express consent of the property owner or person in control of such property;
 - c. The provisions of ORS 446.345, related to kitchen and sanitary facilities, are not violated; and
 - d. Meets the requirements of Section 1.18 of this Ordinance.
 2. *15 Days or More*. A recreational vehicle, residential trailer or trailer may be used, upon the issuance of an extended stay permit by the City, as a place of temporary habitation outside of a licensed mobile home park, manufactured dwelling park or recreational park if:
 - a. The aggregate time it is so used in any 365-day period does not exceed 30 days (this is in addition to the 14 days permitted under Section 1.18(B)(1));
 - b. It is located on private property with the express consent of the property owner or person in control of such property;
 - c. The provisions of ORS 446.345, related to kitchen and sanitary facilities, are not violated; and
 - d. Meets the requirements of Section 1.18 of this Ordinance.

The extended stay permit required by this section shall be issued by the City before a recreational vehicle, residential trailer or trailer may be used pursuant to this section in excess of the 14 days outlined in Section 1.18(B)(1).

The original extended stay permit may be extended for a period not to exceed 90 days in any 365-day period via a Resolution adopted by the City Council. An application for any extension of the original temporary use permit must be filed at least 15 days prior to its expiration. If the City Council cannot meet before the original extended stay permit expires and application for extension has been filed, the recreational vehicle, residential trailer, or trailer is permitted to remain in its current location – provided it continues to have the consent of the property owner.

3. *Conventions/Events*. Members of an established organization are permitted to occupy a recreational vehicle, residential trailer or trailer for temporary use on

private property during a convention or other like-activity subject to the following:

- a. The maximum length of stay shall be one week.
 - b. It is located on private property with the express consent of the property owner or person in control of such property;
 - c. The provisions of ORS 446.345, related to kitchen and sanitary facilities, are not violated;
 - d. Meets the requirements of Section 1.18 of this Ordinance; and
 - e. The members of the organization shall be responsible for policing the area used and for correcting any violation of State, County or City health or safety regulations.
4. *City-Sponsored Recreation Programs.* Recreational vehicles, residential trailers, or trailers utilized temporarily as part of a City-sponsored recreation program, such as athletic tournaments or festivals may be permitted.
- a. A recreational permit shall be obtained from the City pursuant to Section 1.18.
 - b. It is located on public or private property with the express consent of the property owner or person in control of such property;
 - c. The provisions of ORS 446.345, related to kitchen and sanitary facilities, are not violated; and
 - d. Meets the requirements of Section 1.18 of this Ordinance.

The recreational permit required by this section shall be issued by the City before a recreational vehicle, residential trailer or trailer may be used pursuant to this section.

5. *Construction of a New Dwelling.* Recreational vehicles, residential trailers, or trailers may be used during the construction of a single-family residence subject to the following:
- a. A temporary use permit shall be obtained from the City:
 - i. The maximum length of the temporary use permit shall be six months.
 - ii. The original temporary use permit may be extended for a period not to exceed six months in the event of circumstances beyond the control of the property owner. An application for any extension of the original temporary use permit must be filed at least 30 days prior to its expiration.

- b. All required building permits and approvals from the La Grande Building Department and the City for the construction of a new single-family dwelling have been obtained.
 - c. The provisions of ORS 446.345, related to kitchen and sanitary facilities, are not violated.
 - d. No more than one recreational vehicle, residential trailer or trailer is to be located on the property at any given time.
- C. Limit of One Per Property. At all times, other than those instances described in Section 1.18(B)(3) and (4), each property in the City is limited to only one recreational vehicle, residential trailer, and/or trailer. For clarity, if a property has one recreational vehicle parked on it, it cannot then also have one residential trailer, and one trailer. The maximum allowed is one.
- D. Time Computation for 14 Days or Less. The time limit described in Section 1.18(B)(1) will begin to run on the date a City official verifies that a recreational vehicle, residential trailer, or trailer, is being used as a place of temporary habitation outside of a licensed mobile home park, manufactured dwelling park or recreational park.
- E. Time Computation for Extended Stay Permit. The time limit described in Section 1.18(B)(2) will begin to run on the date indicated on the extended stay permit.
- F. Extended Stay Permit and Temporary User Permit, Application. An application for an extended stay permit or temporary use permit under this section shall, at a minimum, provide the following:
- a. *Names.* The full legal names of all adult property owners of the location where the recreational vehicle, residential trailer, or trailer is to be placed. Additionally, the names of any adult who will be occupying the recreational vehicle, residential trailer, or trailer shall also be supplied.
 - b. *Signatures.* Signatures, affixed under penalties of perjuries, of all adult property owners of the location where the recreational vehicle, residential trailer, or trailer is to be placed. Additionally, signatures, affixed under penalties of perjury, of all adults who will be occupying the recreational vehicle, residential trailer, or trailer shall also be supplied.
 - c. *Fees.* The following fees are applicable under this chapter.
 - i. *Application Fee.* A non-refundable application fee shall be due when an application for either an extended stay permit or a temporary use permit is submitted to the City. The amount of the fee will be set by Resolution of the City Council.
 - ii. *Extended Stay Permit Fee.* A non-refundable permit fee shall be due and payable before an extended stay permit fee is issued by the city. For each extension of an extended stay permit under Section 1.18(B)(2), an additional permit fee shall be due and payable before the extension is

granted. The amount of the fee will be set by Resolution of the City Council.

- iii. **Temporary Use Permit Fee.** Any fees required for temporary uses under the City's land development code shall be due and payable for any temporary use described in Section 1.18(B)(5).
 - d. **Contact Information.** The name, address of property owner where the recreational vehicle, residential trailer, or trailer is to be placed, phone number, and email address. The same shall also be required of all adults occupying the recreational vehicle, residential trailer, or trailer.
 - e. **Description of Vehicle or Trailer.** A detailed description of the recreational vehicle, residential trailer, or trailer shall be supplied. This is to include, at a minimum, the following: make; model; year; color; license plate number; copy of current title; copy of current registration; and proof of insurance as required by State law.
 - f. **Location.** The specific location of where the recreational vehicle, residential trailer, or trailer is to be placed upon the property. This is to include the legal physical description on a site map.
 - g. **Facilities.** The arrangement and location of sanitary, water, and electrical facilities provided to the recreational vehicle, residential trailer, or trailer.
 - i. Connections to electricity, water, and sewer cannot extend over, across, or under any public street, sidewalk, alley, or other public right-of-way or any portion thereof.
 - ii. Electrical connections to and from the vehicle or trailer will be weatherproofed and properly grounded.
 - h. **Dates of Stay.** The requested beginning and ending dates for the permit.
 - i. **Occupancy Count.** The number of persons intending to occupy the recreational vehicle, residential trailer, or trailer. The number of persons intending to occupy the vehicle or trailer may not exceed the manufacturer's guidelines.
- G. **Extended Stay Permit and Temporary User Permit, Issuance.** Provided all relevant terms and conditions described herein and in Section 1.18 generally, the City shall issue the extended stay permit or temporary use permit, whichever is applicable.
- a. **Setback Requirements.** The recreational vehicle, residential trailer, or trailer's placement on the property in question must meet all City setback requirements.
 - b. **Inspection.** The property owner has, prior to the permit being issued, granted the City permission to enter the property to inspect its suitability, under this Ordinance, to temporarily host a recreational vehicle, residential trailer, or trailer.
 - c. **Structural Soundness.** The recreational vehicle, residential trailer, or trailer must be structurally sound. It may not be in a state of disrepair, have any leaks

(especially for gray water and sewage purposes), and it must remain mobile throughout the duration of its placement on the property.

- d. *Safe Ingress and Egress.* The property is located, and the vehicle or trailer will be so placed on the property, to ensure safe ingress and egress.
 - e. *Parking.* The property can continue to provide adequate parking.
 - f. *Nuisance.* The vehicle or trailer can be so located on the property, and used by the occupants, to not adversely impact adjoining property owners or occupants in matters related to noise, glare, lighting, and odors.
- H. Conduct of Occupants and Expectation of Owners. If a permit is issued under Section 1.18 of this Ordinance, occupants of the vehicles or trailers, and the owners of the properties where said vehicles and trailers are located, are expected to conduct themselves in a manner that both ensures compliance with this Section and does not detract from the health, safety, peace and welfare of the city and its residents.
- a. *Nuisance.* The occupants of all vehicles and trailers shall not create a nuisance – they shall not make unreasonable noise, utilize light in a way that creates a glare or enters into adjoining properties, or create noxious odors.
 - b. *Cleanup.* In the event the vehicle or trailer leaks, regardless of what is leaked, the occupant and/or property owner have an affirmative duty to cleanup said leak promptly and in compliance with all relevant environmental protocols.
 - c. *County and State Standards.* During the duration of the permit, the occupants and property owners will ensure all standards and requirements of the Oregon Health Department, the Union County Health Department, and the City are met.
 - d. *Display.* Any permit issued by the City under Section 1.18 shall be properly displayed on the vehicle or trailer in question. The permit shall be displayed in a manner that makes it easily identifiable from a public right-of-way.
- I. Failure to Exhaust. If a person in receipt of a permit issued under Section 1.18 fails to utilize the full amount of days allotted therein, during the period of time in which the permit is valid, the additional days are forfeited by both the occupant of the vehicle/trailer and the property owner.
- J. Violations. Any violation of Section 1.18 shall result in the following:
- a. *Revocation.* The immediate revocation of any permit issued pursuant to Section 1.18. Upon revocation of a permit, the recreational vehicle, residential trailer, or trailer shall be removed from the city (unless it is placed in a licensed mobile home park, manufactured dwelling park, or recreational vehicle park) within 72 hours.
 - b. *Fines.* A violation of Section 1.18 may result in the assessment of penalties as described in Section 1.23 of this Ordinance.

- K. Appeal. If any person is aggrieved by a decision of a City official as it relates to the administration or enforcement of provisions identified in Section 1.18, they may file an appeal with the City Recorder. The City Recorder shall place the appeal on the agenda of the next regularly scheduled City Council meeting – except that if the next City Council meeting is scheduled to occur within ten days of the appeal being received, the appeal shall be heard at the next subsequent regularly scheduled City Council meeting. The decision of the City Council is final.
- L. No Extension for Violations. The city will not issue an extended stay permit or a temporary use permit, or any extensions thereof, wherein either the occupant or property owner in question has been found guilty of having previously violated this Ordinance. This refusal to issue or extend a permit is valid for 365 days past the date the violation was verified by the City.

Section 3. Section 1.19 of the City of North Powder Ordinance No. 1997-1 is hereby repealed and replaced with the following:

SECTION 1.19: UNOCCUPIED MANUFACTURED HOME, MOBILE HOME, RECREATIONAL VEHICLE, RESIDENTIAL TRAILER, OR TRAILER

- A. City Property. Unless a permit has been issued pursuant to Section 1.18 of this Ordinance, no occupied or unoccupied manufactured home, mobile home, recreational vehicle, residential trailer, or trailer shall not be stored, parked, located, kept or maintained on any property owned by the City, which is to include, but not be limited to: streets, alleys, rights-of-way (as defined in the Traffic Code Ordinance); driveways; service entries; parking lots; parks; or sidewalks.
- B. Unoccupied. An unoccupied manufactured home, mobile home, recreational vehicle, residential trailer, or trailer shall be stored, parked, located, kept or maintained on any private street, private alley, private driveway, private service entry, or private sidewalk.
- C. Wrecked, Inoperable, or Unlicensed. A wrecked, inoperable, or unlicensed recreational vehicle, residential trailer, or trailer is prohibited from being stored, parked, located, kept or maintained on any street, alley, driveway, service entry, or sidewalk.

Section 4. Section 1.20 of the City of North Powder Ordinance No. 1997-1 is hereby repealed and replaced with the following:

SECTION 1.20: LACK OF CONSENT

Any person storing, parking, locating, keeping or maintaining a manufactured home, mobile home, recreational vehicle, residential trailer or trailer on real property without the consent or knowledge of the property owner, lessee, or occupancy of said real property is in violation of this Ordinance and subject to the penalties provided herein.

Section 5. Section 1.21 of the City of North Powder Ordinance No. 1997-1 is hereby repealed.

Section 6. Section 1.22 of the City of North Powder Ordinance No. 1997-1 is hereby repealed and replaced with the following:

SECTION 1.22: SITE PREPARATION PRIOR TO ISSUANCE OF PERMIT

No site preparation or improvement, regardless of the amount or extent thereof, made by any property owner prior to the issuance of any permit authorized by this Ordinance, will in and of itself, require the City to issue any such permit or bar the City from refusing to issue any such permit.

Section 7. Section 1.23 of the City of North Powder Ordinance no. 1997-1 is hereby repealed and replaced with the following:

SECTION 1.23: PENALTIES FOR VIOLATION OF ORDINANCE 1997-1, AS AMENDED BY ORDINANCE 2020-01

Anyone found to be in violation of the requirements and regulations of this Ordinance shall be subject to fines and other civil penalties permitted by law. The assessment of a fine or civil penalty does not relieve the property owner, or the person responsible for any such violation under this Ordinance, from correcting the violation.

- A. Minimum Daily Fine. A fine shall not be less than one hundred dollars (\$100.00) for each day the violation occurs.
- B. Maximum Fine. A fine shall not exceed six hundred dollars (\$600.00).
- C. Separate Offense. For each day there is a violation under this Ordinance, it shall be considered a separate offense. In addition, each incident of a violation under this Ordinance, regardless of the length of time from one to the next, shall also be treated as a new and unrelated violation.
- D. Enforcement. This Ordinance shall be enforced by the Ordinance Enforcement Officer, authorized City official, or other appropriate law enforcement agency – all of whom have authority to issue the penalties described in this Section and throughout the Ordinance.
- E. Notification of Violation. A notification of violation shall be sent by regular mail, certified mail, and if possible, hand delivered to the property owner or person responsible for any such violation of this Ordinance. The occupant of the manufactured home, mobile home, recreational vehicle, residential trailer, or trailer may also receive courtesy copies of the notification of violation.
- F. Response to Notification of Violation. The property owner or person responsible for any such violation of this Ordinance has 21 days from the date of the notification of violation to respond to, comply with, or appeal the violation (refer to Section 1.18 K).

- G. Commencement of Fines. The fines identified in Section 1.23(A) and (B) will commence 22 days after the notice of violation was issued. Fines will increase daily until either the maximum fine has been reached, the violation has been resolved, an appeal hearing has been scheduled, or a court hearing date has been scheduled.

- H. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance

- I. Effective Date. This ordinance shall be in full force and effective 30 days after passage by the City Council and approved by the Mayor of the City of North Powder, Oregon,

PASSED AND ADOPTED THIS ____ 14th _____ DAY OF ____ September _____, 2020.

Mayor, Michael D. Wisdom

Date _____

Attest: _____
City Recorder, Beth Wendt

Date _____