

ORDINANCE BILL NO. 7 FOR 1989

ORDINANCE NO. 987

AN ORDINANCE AMENDING ORDINANCE NO. 873; PROVIDING FOR THE PARKING OF TRAVEL TRAILER OR RECREATIONAL VEHICLE; PROVIDING REMEDIES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sweet Home wishes to allow owners who are building new residences the option of living temporarily on their land in a travel trailer or recreational vehicle, so that their expense in time and money is lessened, does hereby amend Ordinance No. 873,

The City of Sweet Home does ordain as follows:

Section 1. Section 3 of Ordinance No. 873 is amended by adding subsections 4 and 5, to read as follows:

(4) The City shall create a Temporary Construction Residential Permit, herein called the TCR permit, to be of a form and content prescribed by the Building Official, and required by Subsection (5) hereof.

(5) Notwithstanding the provision of Subsection (1) of Section 2 that restricts the human occupancy of a recreational vehicle as not to exceed seven (7) days in any one calendar year, a person can occupy a travel trailer or recreational vehicle, herein referred to as a temporary construction residence, in conjunction with the building of a structure that is to be used as a residence, upon the following conditions and terms:

(a) The temporary construction residence shall be occupied by only the owner of the real property and his immediate family, and the owner shall state on the TCR permit the names and the number of family members to occupy the temporary construction residence.

(b) The owner shall have a valid building permit from the City of Sweet Home for the proposed residence before the TCR permit will be issued.

(c) The real property shall have an approved sewer system in place before the TCR permit will be issued. The temporary construction residence shall be connected with the sewer system at the time it is moved onto the real property, unless the temporary construction residence has an operable self-contained toilet and sewage system, which shall be shown on the TCR permit. The temporary

construction residence shall be equipped with and have an operable toilet at all times.

(d) The real property shall have an approved water source in place before the TCR permit will be issued. The temporary construction residence shall be connected with the water source at the time it is moved onto the real property. The temporary construction residence shall be equipped with and have an operable sink at all times.

(e) The temporary construction residence shall be placed on the real property in accordance with the yard set-backs, and parking standards for residences as required by the City zoning laws. If other options are not practicable, the temporary construction residence can be placed in the approved parking area for the residence. The owner shall indicate on the building plot plan where the temporary construction residence will be located during the construction period, before the TCR permit will be issued.

(f) A TCR permit is valid for six months from the date that it is issued. A one-time, six months TCR permit extension may be granted by the Building Official upon a showing of good cause.

(g) The owner shall pay an application fee of \$25.00 to the City of Sweet Home upon applying for the TCR permit, which is non-refundable.

(h) No person shall acquire a vested right to have the temporary construction residence on the real property arising out of or through the TCR permit, and shall verify notice of the same on the TCR permit form.

(i) The Building Official shall be given access into the temporary construction residence to inspect it, at reasonable times, for water and sewer hook-up compliance, as well as for other safety or health considerations, and the owner shall give his permission for the inspection upon the TCR permit form.

(j) The Building Official can revoke the TCR permit for the following reasons:

(1) No operating toilet and/or sink.

(2) The temporary construction residence has become unsafe structurally to occupy.

(3) The owner has permitted or allowed the temporary construction residence or area around it to become

a public nuisance, as defined by state law or city ordinance.

(4) The owner has allowed other people and/or more than the number of occupants stated on the TCR permit to occupy the temporary construction residence.

(5) The owner is not complying with a provision or term of this ordinance.

(k) At the expiration of the term of the TCR permit, including any extension thereof, the temporary construction residence shall be immediately brought into compliance with this ordinance, other applicable Sweet Home ordinances, and state law. The temporary construction residence shall be disconnected from any sewer system and water source, and no further occupation of the temporary construction residence shall be permitted, except as otherwise provided by this ordinance.

(l) The City of Sweet Home can cause the temporary construction residence to be removed from the real property, with the contents thereof (at which time a city lien is created on the temporary construction residence for the cost of the removal and storage), and stored for violating this ordinance, upon giving the owner written notice of the City's intent to remove the temporary construction residence on or after a date certain, not less than five days from the date on the notice. The owner shall be personally responsible for and pay any and all costs and expenses associated with the removal and storage of the temporary construction residence, and that if not duly paid, the temporary construction residence can be sold to pay the costs and expenses, and that if the sale proceeds do not cover the costs and expenses, including costs and expenses of sale, the remaining unpaid balance shall become a lien on the real property that the temporary construction residence was taken from by resolution of the City Council. The lien shall be entered on the City Lien Docket, and shall bear interest at 9% per annum, and be subject to collection and foreclosure in the same manner as is now or hereafter provided for the foreclosure of liens under ORS 223.505 to 223.595 on property within the City. Interest shall accrue from the date of the entry of the lien in the City Lien Docket. The owner, by his accepting the TCR permit, shall thereby agree, which agreement shall be made a part of the TCR permit, that the City can proceed to dispose of his property as set out above. Nothing herein shall limit the City from proceeding against the owner personally, or using any other remedy open to it to collect the costs and

expenses due. Any contents of the temporary construction residence taken by the City, pursuant to processes in this subsection in which the temporary construction residence is being disposed of under this subsection, shall be returned to the owner or person who has a right to possession thereof upon the request of said person, and no lien shall attach to said contents.

(m) The owner, by his acceptance of the TCR permit, agrees to abide by all the terms and conditions set out in this ordinance, a statement of which shall be made a part of the TCR permit form.

(n) The owner shall state on the TCR permit the name of all persons (including entities) that have an interest in the temporary construction residence, and the real property, and shall immediately inform the Building Official of any changes thereto during the temporary residence period.

Section 2. Section 6 of Ordinance No. 873 is amended to read as follows:

Section 6. Penalties and Remedies. Violation of this ordinance constitutes an infraction and may be prosecuted under the provisions of Ordinance No. 876, as now enacted or hereafter amended. The remedies, which include penalties herein, provided for in this ordinance or sections thereof, shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.

Abatement of the violations of this ordinance can be accomplished by any remedy open to the City, including using the procedures set out in Ordinance No. 955 as now enacted or hereafter amended, for abatement of nuisances. In addition, when abatement is performed by the City pursuant to Ordinance No. 955, the cost thereof shall become a lien on all the personal property taken, by the City pursuant to the abatement process. Said lien shall bear interest at 9% per annum, and be subject to collection and foreclosure by following the procedure set out in ORS 87.152, et al, as services performed, with all parties having the rights and duties thereof.


Section 3. Emergency. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare and an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after the passage and approval of the mayor.

PASSED by the Council and approved by the Mayor this 28th
day of February, 1989.



Mayor

ATTEST:



City Manager and ex-officio City
Recorder