

ORDINANCE NO. 308

AN ORDINANCE LIMITING PARKING OF MAJOR RECREATIONAL VEHICLES

WHEREAS, major recreational vehicles are used by visitors to the town; and

WHEREAS, major recreational vehicles are not connected to the town's water system and sanitary sewer system; and

WHEREAS, major recreational vehicles do not meet building, fire and safety codes required of other dwelling in the town; and

WHEREAS, regulation of the use of major recreational vehicles within the town for long term use is a matter of health, safety and welfare; and

WHEREAS, it is not in the best interest of the town of Sugar City to allow the use of major recreational vehicles as permanent or semi-permanent dwellings within the municipal limits.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUGAR CITY.

1. Definitions.

- a. "Major Recreational Vehicle" includes but is not limited to, boats, trailers, travel trailers, pickup campers or coaches designed to be mounted on automotive vehicles, motorized dwellings including but not limited to motor homes, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

2. Parking on Streets and Public Property.

- a. No major recreational vehicle shall be parked or stored more than seven (7) consecutive days or ten (10) days in any thirty (30) consecutive day period on any street, roadway, alley or other public property not designated for that specific purpose.
- b. No major recreational vehicle shall be parked on a street, roadway or alley in such a manner as to impair the view of drivers as they approach intersecting streets or alleys or to impair the view of the main traffic lanes of the street upon which the vehicle is parked, or to impede traffic in any manner.

3. Major Recreational Vehicle Parking Permit.

- a. No person shall reside in a major recreational vehicle on private property without a permit issued by the town clerk and posted by the applicant on or in the major recreational vehicle so as to allow the permit to be viewed from a public street or alley.

- b. A rebuttal presumption shall exist that a major recreational vehicle is being used as a residence where no other habitable dwelling exists on the property where the major recreational vehicle is located.
 - c. The town clerk shall not issue a major recreational vehicle permit where the proposed parking location would create a safety hazard by fully or partially blocking the view of vehicle drivers proceeding down a public street or alley of traffic on intersecting streets or alleys, or where the proposed location violates any fire safety code adopted by the town. Upon observation of a violation of this subsection "c", any town official may issue a written notice to the permit holder to be delivered by personal service, requiring the permit holder to move the vehicle within twenty-four hours so as to eliminate the safety hazard. Where the permit holder fails to comply with the warning within twenty-four hours, the town clerk shall revoke the permit and issue an order for the permit holder to remove the vehicle from the property within twenty-four hours. Failure to remove the vehicle from the property upon order of the town clerk shall constitute a violation of this ordinance.
 - d. In order to accommodate temporary housing needs for visitors, the town clerk shall issue a major recreational vehicle parking permit to allow temporary use of a major recreational vehicle on private property for a period not to exceed fourteen (14) days upon written request of the person residing in the major recreational vehicle on an application form provided by the town clerk and payment of a non-refundable permit application fee. The town clerk shall have authority to renew the initial period for a second period of fourteen (14) days upon written request within four days of the end of the first period. No permit application fee shall be assessed for the renewal.
 - e. Subsequent to the use of a permit and any extension the clerk shall not issue another permit for the same major recreational vehicle at the same address for a period of six (6) months.
4. The major recreational vehicle parking permit application fee shall be \$30.00. The board of trustees may modify this fee from time to time by resolution or ordinance.
5. The town clerk shall provide a major recreational vehicle parking permit application form which shall include the request for the permit, the current valid vehicle license plate number, owner's name and address, name and address of the person residing in the vehicle where the resident is not the owner, the private property address where the resident will park the vehicle, the permit start and end dates, the signature of the primary resident of the major recreational vehicle, the approval or disapproval of the permit and the signature of the town clerk. The form may include additional lines for the request of an extension, signature of the resident and approval or denial of the town clerk and any other information necessary in the opinion of the town clerk to determine whether the permit should be approved or denied.

6. Where the town clerk denies the permit, the town clerk shall place the specific reason for the denial on the permit application form and provide a copy to the applicant.

7. APPEAL.

- a. Upon denial of the permit, the applicant shall have ten calendar days from the issuance of the town clerk's decision to file an appeal to the board of trustees. The appeal may be made in the form of a letter addressed to the mayor setting forth the request for an appeal and the basis for the appeal.
 - b. The board of trustees shall consider the merit of the appeal at its next regular board of trustees meeting and may receive testimony from the applicant, the town clerk and witnesses for either party and receive any other relevant evidence.
 - c. The board of trustees shall apply the standards for issuance of a permit set forth in this Ordinance to the facts of the case.
 - d. Where the board of trustees finds that the town clerk failed to follow the standards set forth in this ordinance, the board of trustees shall overturn the town clerk's decision and order the permit to be issued. Where the board of trustees finds that the town clerk followed the standards set forth in this Ordinance, the board of trustees shall affirm the denial of the permit.
 - e. The decision of the board of trustees shall be issued in writing and delivered to the applicant by first class mail or in person within five business days of the appeal consideration.
8. Upon granting the major recreational vehicle parking permit request, the town clerk shall provide a printed parking permit that shall measure a minimum of 8.5 inches by 11" which shall state "R.V. PERMIT", the first day of the permit, the last day of the permit, and the address for which the permit is granted. The letters shall be as large as possible to allow viewing from a street or alley.
 9. Penalty. Any person convicted of violating any portion of this Ordinance shall be fined not to exceed \$300.00 per violation.

INTRODUCED, READ IN FULL, ADOPTED, APPROVED AND ORDERED
PUBLISHED on the 26th day of August, 2009