

ORDINANCE NO. 75

AN ORDINANCE REGULATING THE PARKING OF RECREATIONAL VEHICLES, TRAILER HOUSES, TRAVEL TRAILERS, TRAILER COACHES, MOTOR HOMES, AND CAMPERS WITHIN THE CITY OF SWAN VALLEY, IDAHO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the unregulated parking and residential occupation of recreational vehicles within the City of Swan Valley, Idaho presents a threat to the public health and safety of the citizens of the City of Swan Valley; and

WHEREAS, the City is entitled to regulate the parking of the recreational vehicles pursuant to the City's police power; and

WHEREAS, the City of Swan Valley has determined the need to establish a policy to regulate the parking of recreational vehicles actively used as sleeping accommodations within the City of Swan Valley.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SWAN VALLEY, IDAHO:

SECTION 1: PURPOSE AND POLICY

The purpose of this ordinance is to regulate the parking of recreational vehicles actively used as sleeping accommodation, to discourage permanent or long-term use of recreational vehicles for living or sleeping accommodations and to provide for temporary or overnight parking of recreational vehicles within the city limits.

SECTION 2: DEFINITIONS – applies to this ordinance

- a) Mobile Home. Shall mean any manufactured housing designed or used as a permanent dwelling, with or without the wheels attached.
- b) Person. Shall mean any individual, firm, trust, partnership, association or corporation.
- c) Recreational Vehicle. A Vehicle used for recreational purposes, which contain sleeping facilities and are designed for short or long-term living accommodations. The term shall include, but not be limited to, trailer houses, travel trailers, trailer coaches, campers and motor homes. The term shall not apply to mobile homes which are designed for permanent living accommodations and attached to a foundation.
- d) Recreational Vehicles (RV) Park shall mean any area, owned by one or more persons, in which spaces are rented for parking of recreational vehicles, and which complies with state law and city ordinances, and is licensed for such business.

- e) RV Visitor means a temporary nonpaying guest of the property owner that is occupying an RV on the owner's property. For the purpose of this ordinance, the bartering of goods or services, in addition to legal tender, is considered payment.
- f) RV Visitor Days means each 24-hour period that a single RV Visitor is occupying an RV as a temporary nonpaying guest of the property owner. Each RV accounts for a separate visitor day. For example, if 2 guest RVs spend two nights on an owner's property that would account for four RV Visitor Days.

SECTION 3: RECREATIONAL VEHICLES

- a) Except as otherwise provided herein, it shall be lawful to continually park or place only one (1) RV on each property that is actively in use as sleeping or living accommodates, provided the RV is owned by the property owner. RV Visitors may be allowed to park a RV on the owner's property for a maximum of forty (40) RV Visitor Days during any calendar year. The owner may not exceed four (4) RVs on the property at one time, which includes the owner's RV.
- b) If occupation of the owner's RV will be for more than thirty (30) consecutive days in a calendar year, a permit will be required as set forth in Section 5.
- c) If the use of RVs on an owner's property will exceed 40 RV Visitor Day or if more than 4 RVs will be on the owner's at one time, a permit will be required as set forth in Section 5.

SECTION 4: LOCATION

Recreational Vehicles parked on residential property for the purpose of occupation shall comply with the following provisions:

- i) Located only in rear yards, side yards, or directly adjacent and parallel with an existing driveway.
- ii) Must be setback 3 feet from the property line.
- iii) Must be parked on a paved, graveled, or dirt area.

SECTION 5: PERMITS

All permits must be approved by the city council. The applications must be received five (5) days in advance to the next scheduled City Council meeting.

- a) Administrative permits will be required for property owners that intend to have RVs Visitors that exceeds the allowed days as described in section 3. The applicant must be the legal property owner. Said permit shall be valid upon approval for the period requested and may be renewed annually upon satisfactory review.

- b) Extended Administrative permits will be required for the placement of the owner's recreational vehicle will be required on an annual basis. For those that intend to live in, as a temporary dwelling unit and said RV for an extended period of time, more than thirty (30) days. Such permit may be issued only upon application and payment of a fee which shall be fifty dollars (\$50.00). The applicant must be the legal property owner. Said permit shall be valid upon approval for a period of up to one year and may be renewed annually upon satisfactory review and payment of applicable fees.

- c) Special Use Administrative permit will be required for all special events such as family reunions, weddings, large groups exceed more than twenty (20) individuals, for a period of more than twenty four (24) hours. The applicant must be the legal property owner. The permit shall be valid upon approval for the period requested on the application.

All applications must be approved at the city council

SECTION 6: MOBILE HOMES

Mobile homes may not be parked upon a City right of way or on private property except when in transit to a permanent location, and such parking shall not exceed 3 hours. The placement of mobile homes upon private property shall be comply with the City's ordinances.

SECTION 7: WASTEWATER DISPOSAL

Any on-site wastewater disposal shall comply with individual and subsurface sewage disposal guidelines as determined by the Eastern Idaho Public Health Department.

SECTION 8: PENALTIES

Any person, firm or corporation violating any of the provisions of this ordinance, or failing to comply therewith, shall upon conviction in municipal court, be subject upon the first offense to an infraction fine of \$150.00, not including court costs. A conviction of a second violation within the same calendar year, shall be subject to an infraction and subject to a fine of \$300.00, not including court costs. A conviction of a third violation within the same calendar year, shall be a misdemeanor, subject to a fine not to exceed \$1,000.00, not including court costs, and imprisonment for a period not to exceed six months. Each day of a provision being violated shall constitute a separate violation.

SECTION 9. SEVERABILITY AND REPEALER

The sections and subsections of this Ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections or subsections. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective upon its passage, execution and publication in the manner provided by law.

PASSED AND APPROVED by the City of Swan Valley this 20 day of April, 2019.

/s/ Janice Duncan

Janice Duncan, Mayor

ATTEST

/s/ DaNiel Jose

DaNiel Jose, City Clerk