**ORDINANCE # 159**

**AN ORDINANCE REPEALING ORDINANCE NO. 157 AND PROVIDING RULES RELATING TO THE USE AND OCCUPANCY OF RECREATIONAL VEHICLES.**

 **SECTION 1. RECREATIONAL VEHICLES.** The following rules apply to the storage, parking, installation, and occupancy of recreational vehicles:

1. The installation of a recreational vehicle for use as a dwelling unit is not permitted except (a) within a mobile home park or (b) for the temporary period authorized by subsection (4) hereof.
2. No more than two recreational vehicles may be stored on a lot or parcel, without a permit from the City Council of the City of Lostine. Each such recreational vehicle must be (a) operable (i.e., mobile, and usable as a temporary dwelling unit) and (b) licensed, or if unlicensed, have been the subject of an Oregon Department of Motor Vehicles trip permit issued in the preceding twelve (12) months. Any person storing unlicensed recreational vehicle shall, upon request, provide City officials with proof of the issuance of any trip permits for such vehicles. The storage of unlicensed or inoperable recreational vehicles is not permitted. Storage of a recreational vehicle owned by a person, other than the owner of the lot or parcel on which it is stored, is permitted for a maximum period of two weeks.
3. No recreational vehicle shall be occupied, either temporarily or permanently, which is situated on a City right-of-way. The City may grant permission for such occupancy during the special events such as the annual Lostine flea market.
4. Except within a mobile home park, the occupancy of a recreational vehicle for a period on excess of two (2) weeks is not permitted without the permit provided by Section 5. Without limiting the foregoing, the term “occupancy” includes (a) use of a recreational vehicle as a guest house for use of guests of the lot or parcel owner
5. Occupancy of a recreational vehicle, for a period of the two (2) weeks permitted by subsection (4), may be permitted pursuant to a thirty (30) day special use permit, which may be issued by the Lostine City Recorder. The following rules apply to such special use permits:
	1. Special use permits may be issued for a maximum of six (6) months out of a single calendar year.
	2. Special use permits shall not issue for occupancy in excess of two (2) people, except in emergencies, or as provided in subsection (5)(g).
	3. The City Recorder may refuse to issue a special use permit if any aspect of the occupancy has been inappropriate for a residential neighborhood, has been unsightly or noisy or has failed to comply with the terms of the permit. The City Recorder may refer an application for a special use permit to the City Council for a decision.
	4. The City Recorder of City Council may impose any conditions on a special use permit deemed appropriate to secure the public welfare.
	5. At the time of the first special use permit in any calendar year, a fee shall be paid equal in amount to twice the City’s monthly base water fee. The fee for each successive special use permit shall be a sum equal to the City’s monthly base water fee. At the expiration of the last thirty (30) day special use permit, and upon cessation of occupancy, any fees paid in excess of $12.50 for each thirty (30) day occupancy permit shall be refunded.
	6. Each recreational vehicle which is connected to the City water system shall have an operational back-flow prevention device meeting the standards established by the City Water Department.
	7. A special use permit may issue for occupancy of a recreational vehicle in conjunction with the construction of a permanent dwelling on the premises or major renovations thereof. The initial special use permit may be for a period up to six (6) months and may be extended for an additional six (6) months upon demonstration that construction is progressing in a timely fashion. A permit may issue for an occupancy in excess of two (2) person for such purpose, if consistent with the health, safety, and welfare of the public and occupants.
6. No sewage or gray water from a recreational vehicle shall be discharged except to an approved subsurface sewage system. It is permissible to discharge the sewage and gray water to portable tanks to be transported and discharged in a public sewer system.
7. A new temporary fourteen (14) day period for occupancy, storage, or installation of a recreational vehicle, will be allowed only after a two-week period of non-occupancy, or non-storage has intervened, after the cessation of the prior period of occupancy, installation, or storage.
8. As used herein, “lot owner” means the person entitled to possession of the lot or parcel in questioned includes a tenant or lessee.

 **SECTION 2. REPEAL.** Ordinance No. 157 is hereby repealed.

 **SECTION 3. VIOLATION.**

1. Any person convicted of violation of this ordinance shall be fined a sum not less than $100.00 and not to exceed $2000.00. all or any portion or a fine imposed, in excess of the minimum fine or $100.00, may be suspended upon the condition that the defendant cease the violation, or correct the condition that constitutes the violation, within a specified time period.
2. The City may maintain a civil action in the Circuit Court of the State of Oregon for Wallowa County, or in any other court of competent jurisdiction, to obtain an injunction, enjoining violation of this ordinance or to obtain any other remedy provided by law. Such civil remedies shall be in addition to the criminal remedy provided in subsection (1) and said remedies may be pursued simultaneously.

 **SECTION 4. EMERGENCY CLAUSE.** Whereas it is necessary for the immediate preservation of the public health, peace, and safety that this ordinance take effect immediately, now, therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.