

ORIGINAL

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1053**

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, RELATING TO THE DEFINITION OF RECREATIONAL VEHICLES, ADOPTING REGULATIONS FOR THE PARKING AND TEMPORARY OCCUPATION OF RECREATIONAL VEHICLES WITHIN THE CITY OF ORTING, AND ESTABLISHING A PERMIT AND FEE, AMENDING ORTING MUNICIPAL CODE TITLE 10, CHAPTER 14, SECTIONS 1 THROUGH 4; TITLE 13, CHAPTER 2, SECTIONS 14 AND 19; TITLE 13, CHAPTER 5, SECTION 6; TITLE 13, CHAPTER 6, SECTION 4; AND TITLE 14, CHAPTER 1, SECTION 5; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, in 1973 the City of Orting adopted regulations prohibiting the parking and occupation of a mobile, or factory-built homes anywhere in the City outside of an approved mobile home park; and

WHEREAS, the City of Orting currently forbids the use of a recreational vehicle (RV) or mobile home as dwelling units anywhere within the City; and

WHEREAS, in 2009 the Washington legislature adopted RCW 35.21.684, which prohibits cities in Washington from adopting regulations that prevent the entry or it requires the removal of a RV used as a primary residence in manufactured/mobile home parks, but allows cities to regulate the use of RVs in said parks, mandates RVs utilize utility hookups in said parks that meet state and federal building code standards, and requires an RV in a park contain both an internal toilet, and an internal shower; and

WHEREAS, the use of RVs outside of a secure manufactured/mobile home park without utility connections poses endangerments to the public health or safety as a result of unsanitary or unsafe conditions, and degradation of community standards; and

WHEREAS, the City of Orting desires to clarify its regulations pertaining the use and occupation of mobile homes and RVs, to remove antiquated provisions relating to mobile homes, and to allow the use of RVs as primary residences in manufactured/mobile home parks; and

WHEREAS, the City Council intends by this ordinance to protect the public health, safety, and welfare by clarifying the City of Orting's existing regulations related to the parking of recreational vehicles actively used as sleeping accommodations within the City, and to update the City's regulations to reflect current state law; and

WHEREAS, City Council has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. OMC Title 10, Chapter 14, Amended. Orting Municipal Code Title 10, Chapter 14, is hereby amended to read as follows:

Title 10 – BUILDING AND CONSTRUCTION
Chapter 14 - PARKING AND OCCUPYING MOBILE HOMES AND RECREATIONAL VEHICLES

- 10-14-1: UNLAWFUL PARKING OR OCCUPATION OF MOBILE HOME OR RECREATIONAL VEHICLES:
- 10-14-2: EMERGENCY OR TEMPORARY STOPPING OR PARKING:
- 10-14-3: PERMISSIBLE PARKING OF MOBILE HOMES AND RECREATIONAL VEHICLES:
- ~~10-14-4: FACTORY-BUILT HOUSING:~~
- ~~10-14-5: PERMIT TO PARK ON PRIVATE LAND; FEES:~~
- ~~10-14-6: VIOLATION; PENALTY:~~

- 10-14-1: UNLAWFUL PARKING OR OCCUPATION OF MOBILE HOME OR RECREATIONAL VEHICLE:

A. Prohibition: It is unlawful, within the City limits, for any person to park or occupy any mobile home or recreational vehicle ~~on any street, alley, highway or other public place or any tract of land~~ within the City except as provided in this Chapter.

B. Exception: This Section shall not apply to ~~factory-built housing~~ manufactured homes as defined in ~~Section 10-14-4~~ OMC 13-2-14.

- 10-14-2: EMERGENCY OR TEMPORARY STOPPING OR PARKING:

Emergency or temporary stopping or parking of a mobile home or recreational vehicle is permitted on any street, alley or highway for a period of no longer than 24 hours, and subject to any other regulation or ordinance prohibiting or restricting parking.

- 10-14-3: PERMISSIBLE PARKING OF MOBILE HOMES AND RECREATIONAL VEHICLES:

No person shall park or occupy a mobile home or recreational vehicle ~~on any tract of ground~~ within the City outside of an approved ~~mobile home park,~~ manufactured home park, or recreational vehicle park/campground, except:

A. Within A Building: That the parking of one unoccupied mobile home or recreational vehicle in a private garage building is permitted, provided no living quarters shall be maintained or any business practiced in said mobile home or recreational vehicle;

B. Selling Or Renting: That the parking of an unoccupied mobile home or recreational vehicle in a lot devoted for the purpose of selling, renting or otherwise disposing of mobile homes is permitted provided the mobile home is ten feet (10') or more from any other mobile home, building or structure;

C. Temporary Parking Permit for Mobile Home or Recreational Vehicle:

1. Mobile Homes. That a mobile home may be parked and occupied for a period not to exceed 180 days on private property, provided the person desiring to so park and occupy the same shall first apply and obtain from the Code Enforcement Officer-Chief of Police, a permit to do so, which application shall state the location at which the mobile home is to be parked, the motor vehicle license number and a general description of the mobile home for which permission is requested, and shall pay a permit fee in an amount set by Resolution of the City Council; provided, further, that such occupancy shall at all times comply with all regulations relating to health and sanitation, and shall also comply with electrical requirements of applicable ordinances applicable. The permit to park and occupy the mobile home may be extended by the Code Enforcement Officer City Council upon written request setting forth the need of extending the time, but such extension shall not exceed one-hundred and eighty (180) ninety (90)-additional days. Parking and occupancy of recreational vehicles and mobile homes shall continue to be subject to restrictions set forth in OMC 13-5-3(k)(1)(a).

2. Recreational Vehicles on public property: No recreational vehicle shall stand or be parked on any street, right-of-way, alley or public place in the City for a period exceeding 72 hours in a one week period, provided that the Recreational Vehicle is parked in compliance with all provisions of the OMC, including but not limited to Title 7, and state law, including but not limited to WAC 308-330 et seq. No recreational vehicle shall stand or be parked for any period of time between sunset and sunrise in any City park or upon any other City-owned property, excluding a street or right-of-way, unless that area is posted granting permission to so use or as specified in the OMC.

3. Recreational Vehicles on private property: A recreational vehicle may stand or be parked and used or occupied on private property with the permission of the lawful occupant thereof for a period not to exceed 180 days within a twelve-month period; provided, that:

a. The lawful occupant of the premises shall register with the Code Enforcement Officer prior to occupying the recreational vehicle on the premises; and

b. The recreational vehicle shall be inspected by the City if connected to sewer or to a Tacoma-Pierce County health department approved septic system.

c. the recreational vehicle shall be located on the premises in accordance with the provisions of OMC Title 13, Chapter 5; and

d. such use or occupancy shall not create a public health hazard or nuisance, as determined by the City.

f. shall not be parked on or overhanging a public right of way (street or sidewalk).

Once a recreational vehicle is registered for occupation on private property for a period of 180 days, the 180 day period may be extended by the Code Enforcement Officer, upon written request setting forth the need of extending the time, but such extension shall not exceed 180 additional days.

D. Outdoor Storage of Recreational Vehicles: The outdoor storage of unoccupied recreational vehicles in the residential zones is permitted without a permit, pursuant to OMC 13-5-3.

~~10-14-4: FACTORY BUILT HOUSING:~~

~~A. Definition: "Factory built housing" means any structure designed primarily for residential occupaney other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.~~

~~B. Compliance With Standards: Factory built housing shall meet all U.S. Department of Housing and Urban Development (HUD) Standards and shall bear the seal or tag of the Washington State Department of Labor and Industries. Additionally, all requisite standards set forth in the Uniform Building Code must be met for installation, foundation and construction.~~

~~C. Permanent Installation: Factory built housing must be permanently installed and will be subject to all codes, laws and regulations applicable to single family dwellings in the City.~~

~~D. Remove Axles, Wheels: All axles, wheels, tongues or hitches shall be removed.~~

~~E. Roofs: Factory built housing must have a gable roof with eaves of not less than twelve inches (12"). Roof slope shall be not less than a three inch (3") rise for each twelve inches (12") and shall be constructed of composition shingle material, or better, and be equipped with gutters and downspouts.~~

~~10-14-5: PERMIT TO PARK ON PRIVATE LAND; FEES:~~

~~Permits for parking on private land shall cost such sum as provided by resolution of the Mayor and City Council for each trailer.~~

~~10-14-64: VIOLATION; PENALTY~~

~~A. Any person violating any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-4-1 of this Code civil infraction with penalties, plus statutory assessments, as follows:~~

~~1. The maximum penalty and the default amount for a first offense within a one year period, designated as a Class 4 civil infraction, shall be \$60.00, not including statutory assessments;~~

~~2. The maximum penalty and the default amount for a second offense within a one year period, designated as a Class 3 civil infraction, shall be \$120.00, not including statutory assessments;~~

3. The maximum penalty and the default amount for a third offense within a one year period, designated as a Class 2 civil infraction, shall be \$300.00, not including statutory assessments;

4. The maximum penalty and the default amount for a fourth offense and each additional offense within a one year period, designated as a Class 1 civil infraction, shall be \$600.00, not including statutory assessments.

B. Joint and Several Responsibility and Liability: Responsibility for violations subject to enforcement under this chapter is joint and several, and the city is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for compliance.

Section 2. OMC Chapter 13-2-14, Amended. Orting Municipal Code Title 13, Chapter 2, Section 14 is hereby amended to read as follows:

MANUFACTURED HOME PARK: A residential development in which the land is owned, operated, and maintained as a commercial business and the individual manufactured homes or recreational vehicles are either leased or are located on leased sites.

Section 3. OMC Chapter 13-2-19, Amended. Orting Municipal Code Title 13, Chapter 2, Section 19 is hereby amended to read as follows:

~~RECREATIONAL VEHICLE: A wheeled vehicle designed for recreational, camping, or travel uses that either has its own motive power or is mounted on or drawn by another vehicle, including, but not limited to, camping trailers, truck campers, motor homes, and fifth wheels; not designed or used as a dwelling unit.~~ A recreational vehicle is a factory built vehicular structure designed only for recreational use and not as a primary residence or for permanent occupancy, built and certified in accordance with NFPA 1192-15 or ANSI A119.5-09 consensus standards for recreational vehicles and not certified as a manufactured home.

RECREATIONAL VEHICLE PARK/CAMPGROUND: A recreational vehicle park/campground refers to any tract of land divided into lots or spaces, under the ownership or management of one person, firm or corporation for the purpose of locating three or more recreational vehicles for nightly or short-term use. Said park/campground shall have an on-site caretaker.

Section 4. OMC Chapter 13-5-6(C)(3), Amended. Orting Municipal Code Title 13, Chapter 5, Section 6, Subpart (C)(3) is hereby amended to read as follows:

2. Type of Unit:

- a. An ADU shall be permitted as a second dwelling unit attached to, or detached from the principal dwelling.
- b. A detached ADU may be any dwelling permitted in the applicable land use classification.
- c. A Recreational Vehicle or Mobile Home shall not be used as an ADU.

Section 5. OMC Chapter 13-6-4, Amended. Orting Municipal Code Title 13, Chapter 6, Section 4, Subsection N is hereby amended to read as follows:

13-6-4: PLANNED UNIT DEVELOPMENTS.

N. Manufactured Home Parks: Manufactured home parks operated as commercial enterprises leasing sites and/or homes without platting shall be subject to the following:

1. Density shall not exceed the densities established in section 13-5-1 of this title.
2. Only one manufactured home or recreational vehicle shall occupy any space in the park, subject to the following:
 - a. A recreational vehicle may stand or be parked for an indefinite period in a manufactured home park, provided the recreational vehicle is connected to sewer or a Tacoma-Pierce County health department approved septic system, water, and electricity, and the recreational vehicle contains at least one internal toilet and at least one internal shower; provided, that if this requirement is not met, a manufactured home park must provide toilets and showers in lieu of having the facilities within the recreational vehicle.
3. Setbacks shall conform to the underlying zoning and building code.
4. Storage areas comprising not more than ten percent (10%) of the total manufactured home park site for recreational vehicles, boats, and trailers shall be provided. Such areas shall be paved or surfaced with crushed rock and enclosed by a sight obscuring fence, wall or landscape visual buffer.

Section 6. OMC Chapter 14-1-5, Amended. Orting Municipal Code Title 14, Chapter 1, Section 5 is hereby amended to read as follows:

RECREATIONAL VEHICLE: A vehicle which is defined at OMC 13-2-19.:

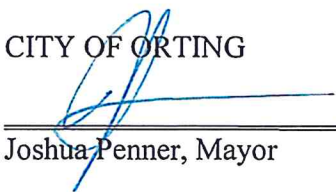
Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Codification. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the above, and publish the amended code.

Section 9. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 25TH
DAY OF NOVEMBER, 2019.**

CITY OF ORTING



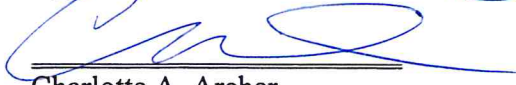
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk, CMC

Approved as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 10.8.10
Passed by the City Council: 11.25.19
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