

FILED
YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

89-725

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of An Ordinance)
Adopting Mobile Home Placement)
and Storage Standards for) ORDINANCE NO. 493
Yamhill County, and Declaring)
an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on September 27, 1989, Commissioners Ted Lopuszynski, David E. Bishop, and Dennis L. Goecks being present.

WHEREAS, the Board finds it necessary to adopt standards beyond the scope of the Yamhill County zoning procedure for the placement and storage of mobile homes; NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. Title.

This ordinance shall be entitled and may be cited as the Yamhill County Mobile Home Ordinance.

Section 2. Purpose.

The purpose of this ordinance is to protect the public health, safety and welfare and to promote a variety of housing types in Yamhill County by requiring that mobile homes and associated buildings/structures of all types accessory to a mobile home, be placed and stored in accordance with the provisions in this Ordinance and State law. This ordinance is adopted as a general legislative enactment pursuant to ORS 203.035, 203.065, 203.111, 446.250 and 446.430. This ordinance is in addition to any regulations contained in the Yamhill County Zoning Ordinance or other county ordinances or state law.

Section 3. Definitions.

(a) Building Official shall mean the official designated by the Board of Commissioners as the County Building Official, or his duly authorized representative, and charged by the Board with the administration and enforcement of this ordinance.

(b) In this ordinance the term mobile home shall include:

(1) A "mobile home," which is a detached residential dwelling unit designed for transportation after fabrication, ready to be occupied as a dwelling upon being placed on a temporary or permanent foundation and connected to utilities and services. Such mobile home shall have met the construction requirements of Oregon mobile home law in effect at the time of construction. A travel trailer is not a mobile home.

(2) A "manufactured home," which is a structure built on a permanent chassis, transportable in one or more sections, and designed for use with or without a permanent foundation when connected to utilities and services. Such manufactured home shall have been constructed as required for movement on the public highways, and in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

(c) Mobile home accessory building or structure means any awning, cabana, ramada, carport, porch, skirting, steps or other appurtenances to the mobile home that are designed or intended to be attached to and depend upon the mobile home for structural support.

(d) Placement means the location of a mobile home on a site for use or occupancy.

(e) Storage means the location of a mobile home on a site for any purpose other than use or occupancy.

Section 4. General Mobile Home Construction Standards and Specifications.

Mobile homes built before 1969 shall have been built to the specifications and standards in Oregon law in effect at the time of construction. Mobile homes built between January 1, 1969, and June 15, 1976, shall have been built to the standards of the American National Standards Institute for Mobile Homes (ANSIA 119.1) in effect at the time of construction. Mobile homes or manufactured homes built after June 15, 1976, shall be built to comply with the Department of Housing and Urban Development (HUD) Federal Manufactured Home Construction and Safety Standards as

published in the December 18, 1975, Federal Register with the 1977-86 amendments.

Each mobile home or manufactured home built during or after 1969 shall bear either a State Of Oregon insignia or HUD label certifying compliance with the above standards.

Section 5. Mobile Home Installation Requirements.

Those provisions of the Oregon Administrative Rules for Safety and Construction Standards for Mobile Homes, Manufactured Homes, Recreational Vehicles and Accessory Buildings and Structures (June, 1987) Chapter 814, Division 23, to wit: 814-23-005(1), (3), (4), (6), (9), (10), (13), (15), (16), (17), (18), (21), (23), (27), (30), (33), (36), 814-23-050 through 814-23-070, 814-23-500 through 814-23-515, 814-23-605, and 814-23-700 through 814-23-715, and 814-23-725 and any amendments thereto are hereby adopted as part of the Mobile Home Ordinance of Yamhill County, Oregon.

Section 6. Administration.

(a) Placement Permit. A placement permit is required in all instances where the mobile home is intended to be occupied for any purpose. In the event that land use and/or sanitation approvals have not been completed, application for a placement permit may be made and the unit moved onto the property at the owner's risk that such approval may not be granted. However, it cannot be connected to any services or utilities or occupied for any purpose until such time as land use and sanitation approvals are satisfactorily completed, the mobile home placement permit has been issued, and the county mobile home sticker attached which signifies that all installation requirements have been satisfied. The procedure for obtaining a placement permit and the conditions related to its issuance are as follows:

1. Application. To obtain a placement permit, an applicant shall first obtain land use approval, if necessary, and sanitation approval, and thereafter, complete the application form for placement furnished by the Department of Planning and Development. Separate electrical and/or plumbing permits may also be required, depending upon conditions of the proposed development site.

2. Validity of Permit. The issuance of a placement permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of this Ordinance or other pertinent regulations. No permit presuming to give authority to violate or cancel these provisions shall be valid. The issuance of a placement permit based upon plans, specifications and other data provided by the applicant shall not

prevent the Building Official from requiring the correction of errors on said plans, specifications and other data, or from preventing installation, placement, storage or movement of a mobile home or accessory structure when in violation of this Ordinance or other pertinent regulations.

3. Expiration. A placement permit shall expire and become null and void, if the authorized work is not commenced within 180 days from the date of the permit, or if the work authorized is suspended or abandoned for a period of 180 days, once the work is commenced. A new placement permit shall be obtained before the work can be recommenced.

Any permittee holding an unexpired placement permit may apply in writing for an extension of the time within which he may commence work under that permit. The permittee shall state reasons beyond his control which prevent commencement of the work before the permit expires. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days. No permit shall be extended more than once.

4. Suspension or Revocation. The Building Official may suspend or revoke a placement permit issued under these provisions whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation.

5. Investigation. Whenever any work, use, occupancy or storage requiring a building or placement permit has been commenced without such a permit, a special investigation may be made before a permit is issued for the activity.

6. Inspection. All work, use, occupancy or storage requiring a permit shall be subject to inspection by the Building Official. A survey of the lot may be required to verify that the mobile home, accessory building or structure is located in accordance with the approved plans. The permit applicant shall ensure that work is accessible and exposed for inspection purposes. Neither the Building Official nor this County shall be liable for any expense incurred in the removal or replacement of any material required to allow inspection. The Building Official may require that every request for inspection be submitted at least one working day before the inspection is desired. The person requesting any required inspections shall provide access to and means for proper inspection of the work or activity.

7. No person shall connect electrical or other service to any mobile home which is regulated by these provisions or other applicable codes and for which an installation permit is required by these provisions until approved by the Building Official.

8. If a land use approval has been denied, any mobile home stored on property pending such approval shall be removed within 60 days of notice of such disapproval, unless a temporary storage permit is obtained in accordance with the "Temporary use" provisions of the Yamhill County Zoning Ordinance.

(b) Temporary Storage.

Temporary storage of a mobile home shall only be allowed if a permit is obtained under this ordinance. A permit to store a mobile home shall be granted upon satisfaction of the "Temporary use" criteria of the Yamhill County Zoning Ordinance, and shall be subject to any conditions imposed by the Planning Director in accordance with those criteria. A placement permit is not required in order to obtain a temporary storage permit.

Section 7. Fees.

Fees shall be established by order of the Yamhill County Board of Commissioners. Fees shall be paid to and collected by Yamhill County for the issuance or renewal of permits, the conduct of inspections, the conduct of investigations, and other acts deemed necessary to administer and enforce this Ordinance. The investigation fee is in addition to the permit fee, and shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required. The minimum investigation fee shall be the same as the minimum permit fee established by order. The payment of the investigation fee shall not exempt any person from compliance with all provisions of this Ordinance, other pertinent regulations, and any penalty prescribed by law.

Section 8. General Applicability and Permit Requirements.

(a) After the effective date of this Ordinance, no person shall move, place or store a mobile home which does not have temporary storage approval, or a valid placement permit and evidence that the mobile home complies with the construction standards and specifications prescribed in Section 4 and the installation requirements prescribed in Section 5.

(b) A person shall not construct a building or structure accessory to a mobile home without first obtaining a permit.

(c) The Building Official may withhold issuance of a permit when the lot or parcel of land, or the use of the land on which a mobile home is to be placed or stored, or on which a building or structure accessory thereto is to be constructed, is in violation of any County or any other applicable land use law or regulation.

Section 9. Waste Disposal Approval.

No placement permit shall be issued until plans for sewage disposal have been approved by a certified sanitarian or the Oregon State Department of Environmental Quality. Further, no mobile home, accessory building or structure containing plumbing shall be occupied until connected to a sewage disposal system approved by a certified sanitarian or the Oregon State Department of Environmental Quality.

Section 10. Jurisdiction.

This ordinance shall be enforceable and enforced in all unincorporated areas of Yamhill County.

Section 11. Appeals.

Any person aggrieved by a decision made with respect to this ordinance may appeal the decision to the County Builders Board. Any appeal shall be filed in the Office of the Building Official, and shall be accompanied by a nonrefundable fee of \$50.00.

Section 12. Enforcement.

The Yamhill County Building Official is empowered to administer, interpret and enforce this Ordinance in any manner authorized by law. The Building Official may issue a "Stop Work" order for any violation of this Ordinance.

Whenever necessary to make an inspection or special investigation to enforce any provision of this Ordinance, the Building Official may enter the mobile home, accessory building or structure, or premises at all reasonable times to inspect the same or investigate violations of this Ordinance. The Building Official shall present proper credentials and request entry. If entry is refused or permission to enter cannot be obtained after reasonable efforts, the Building Official may obtain an inspection or search warrant or pursue any other remedy provided by law. Every owner, occupant, or any other person in charge or control of a premises or mobile home shall, after proper request is made, permit entry by the Building Official for the purposes of inspection or investigation. The Building Official may issue citations under Yamhill County Enforcement Ordinance No. 448, which shall apply in its entirety.

In determining the amount of the fine for any particular violation, the court shall take into account the mitigating and aggravating factors stated in OAR 340-12-045.

Section 13. Savings Clause.

If any provision of this ordinance is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not invalidate the remainder of this ordinance, it being the intent of the governing body to enact the remainder of this ordinance notwithstanding the parts declared unconstitutional and valid.

Section 14. Effective Date.

This ordinance being necessary for the public health, safety, and welfare of the citizens of Yamhill County, and an emergency being declared to exist, this ordinance shall become effective upon passage.

DONE this 27th day of September, 1989 at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

Ted Lopuszynski
Chairman TED LOPUSZYNSKI

BY Elaine Pearcey
Deputy CLERK ELAINE PEARCEY

DAVID E. BISHOP
Commissioner DAVID E. BISHOP

FORM APPROVED BY:
John M. Gray Jr.
JOHN M. GRAY JR.
Yamhill County Counsel

Dennis L. Goecks
Commissioner DENNIS L. GOECKS