

TITLE XV: LAND USAGE

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CHAPTER 150: GENERAL REGULATIONS

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GENERAL PROVISIONS

§ 150.01 ADOPTION OF BUILDING CODES AND SPECIALTY CODES.

(A) The following codes, as periodically amended and enacted by the Building Codes Division of the State of Oregon, shall be adopted and enforced within the jurisdictional limits of the city. These are amended by the state as “Specialty Codes.”

- (1) Oregon Structural Specialty Code;
- (2) Oregon Mechanical Specialty Code;
- (3) Oregon Plumbing Specialty Code;
- (4) National Electrical Code;
- (5) Uniform Fire Code;
- (6) Oregon One- and Two-Family Dwelling Specialty Code;

(7) Uniform Code – Abatement of Dangerous Buildings;

(8) Uniform Sign Code – as amended by the State of Oregon; and

(9) Oregon Manufactured Dwelling Standard.

(B) The erection, enlargement, alteration, repair, moving removal, conversion, demolition, occupancy, equipment, use, height, care and maintenance of building and structures within the city shall conform with the provisions of the codes and any future amendments to the codes by the state, which are referred to and made a part of hereof as if fully set out in this subchapter, with the following amendments to each respective code as indicated as follows:

1. Excavation and Grading. Chapter 33 of the appendix to the Uniform Building Code shall be in effect in this city.

(C) One copy of each code shall be kept on file in the office of the City Inspector and shall be kept for public use, inspection and plan review. (Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

§ 150.02 BUILDING OFFICIAL.

(A) The Building Official is authorized to enforce all of the provisions of this chapter and all other ordinances of the city pertaining to building and structures regulated by the specialty codes adopted herein. For these purposes, the Building Official shall have the powers of a law enforcement officer.

(B) The Building Official is also authorized to perform, fulfill and carry out duties and

responsibilities associated with the placement for occupancy of manufactured homes in accordance with all installation and siting requirements as adopted by the State of Oregon.

(C) The Building Official shall maintain and keep on file in his or her office a copy of the latest editions of the codes and regulations of the State of Oregon, which will be available for reference during regular business hours to all applicants for permit and to the general public.

(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

§ 150.03 PERMIT FEES.

(A) All applicants for building permits required to be issued in accordance with the specialty codes shall pay such fees as are stipulated in the building permit fee as promulgated by the Building Codes Division of the state. These fees shall be collected by the city or county and a receipt shall be issued for each remittance.

(B) When a plan review is required, plan review fees shall be paid at the time of submittal.

(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

§ 150.04 POWER TO ENTER INTO AGREEMENTS.

Pursuant to Oregon laws, Chapter 90, as amended, the city shall be empowered to enter into agreements for the acquisition or exchange of services with qualified government units for the purpose of providing and rendering services and enforcement of codes as they apply within the city. (Ord. 614, passed 9-12-2002)

§ 150.05 STOP WORK ORDERS.

Whenever any building work is done, contrary to the provisions of this chapter, the Building Official may order the work to be stopped, by notice in writing served on any persons engaged in doing or causing the work to be done, and the persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

COMPREHENSIVE PLAN

§ 150.15 COMPREHENSIVE LAND USE PLAN AND PLANNING ATLAS; ADOPTED.

The city's Comprehensive Land Use Plan and Planning Atlas are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 538, passed 5-14-1987; Am. Ord. 586, passed 2-27-1997; Am. Ord. 591, passed 8-13-1998; Am. Ord. 596, passed 6-24-1999; Am. Ord. 601, passed 7-8-1999; Am. Ord. 602, passed 8-10-2000)

Editor's note:

The amending ordinances here specified they amended Ord. 540, but that ordinance was not the Comprehensive Land Use Plan and its contents did not match what these amending ordinances adopted; therefore these ordinances were deemed to amend Ord. 538 and its successors.

§ 150.99 PENALTY.

(A) It is unlawful for any person, firm or corporation to do any act, or cause the same to be done in violation of or contrary to any provisions of this chapter.

(B) A person violating any of the provisions of this chapter shall:

(1) Upon the first conviction thereof, be punishable by a fine not to exceed the sum of \$150;

(2) Upon the second conviction thereof, be punishable by a fine not to exceed the sum of \$300; and

(3) Upon the third or further conviction thereof, be punishable by a fine to exceed \$300, or by imprisonment for a period not to exceed 30 days, or both.

(C) Each day's violation of any provision of this chapter shall constitute a separate offense, punishable as set forth in this section.
(Ord. 595, passed 5-27-1999; Am. Ord. 614, passed 9-12-2002)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

- 151.01 Finding of fact; purpose and objectives
- 151.02 Definitions
- 151.03 General provisions
- 151.04 Administration
- 151.05 Provisions for flood hazard protection

Statutory reference:

Delegation of responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry, see O.R.S. 92.046

§ 151.01 FINDING OF FACT; PURPOSE AND OBJECTIVES.

(A) *Finding of fact.*

(1) The flood hazard areas of Willamina are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(B) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of specific flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(C) *Methods of reducing flood losses.* In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
(Ord. 513, passed 2-25-1982)

§ 151.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

APPEAL. A request for a review of the City Council interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into 2 or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk-premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

HABITABLE FLOOR. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a **HABITABLE FLOOR**.

MOBILE HOME. A trailer coach not less than 35 feet in length, exclusive of hitch, and containing not less than 400 square feet of living area, designed for long-term occupancy.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of this chapter.

START OF CONSTRUCTION. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the **START OF CONSTRUCTION** includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, **START OF CONSTRUCTION** means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, **START OF CONSTRUCTION** is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STRUCTURE. A walled and roofed building or mobile home that is principally above ground.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
(Ord. 513, passed 2-25-1982)

§ 151.03 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Willamina" dated September 15, 1981, with accompanying flood insurance maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Willamina City Hall, Willamina, Oregon.

(C) *Compliance.* No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. This chapter does not apply to existing structures in the floodplain where proposed alterations and improvements do not constitute substantial improvements as defined in § 151.02.

(D) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(E) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(F) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within these areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 513, passed 2-25-1982)

§ 151.04 ADMINISTRATION.

(A) *Establishment of development permit.* A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 151.03(B). The permit shall be for all structures, including mobile homes, as set forth in the definitions, and for all other development including fill and other activities, also as set forth in the definitions. Application for a development permit shall be made on forms furnished by the City Council and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 151.05(F); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) *Designation of the City Council.* The City Council is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(C) *Duties and responsibilities of the City Council.* Duties of the City Council shall include but not be limited to:

- (1) *Permit review.*
 - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 151.05(G) are met.

(2) *Use of other base flood data.* When base flood elevation data has not been provided on the FHBM, the City Council shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 151.05(F)(1) and (2).

(3) *Information to be obtained and maintained.*

(a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level); and

2. Maintain the floodproofing certifications required in division (A) of this section.

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) *Alteration of watercourses.*

(a) Notify adjacent communities and the Oregon State Water Resources Department prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

(5) *Interpretation of FHBM boundaries.*

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in division (D) below.

(D) *Boundary appeal.* Where a floodplain boundary crosses through an existing parcel, or where there appears to be a conflict between a mapped boundary and actual field conditions, an applicant may ask for a variance. The City Council may grant the variance, based upon record of the following findings:

(1) *Information to be considered.*

(a) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability to alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the

proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1. through 11. in division (D)(1)(a) above have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(c) Upon consideration of the factors of division (D)(1) and the purposes of this chapter, the City Council may attach any conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(d) The City Recorder shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(2) *Conditions for variances.*

(a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would

result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in division (D)(1) of this section, or conflict with existing local laws or ordinances.

(e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
(Ord. 513, passed 2-25-1982)

§ 151.05 PROVISIONS FOR FLOOD HAZARD PROTECTION.

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(a) Over-the-top ties be provided at each of the 4 corners of the mobile home, with 2 additional ties per side at intermediate locations, with

mobile homes less than 50 feet long requiring 1 additional tie per side;

(b) Frame ties be provided at each corner of the home with 5 additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring 4 additional ties per side;

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(d) Any additions to the mobile home be similarly anchored.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to

flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

(E) *Review of building permits.* Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding and the like, where available.

(F) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 151.03(B) or § 151.04(C)(2), the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the standards of this division are satisfied. These certifications shall be provided to the official as set forth in § 151.04(C)(3).

(3) *Mobile homes.*

(a) Mobile homes shall be anchored

in accordance with division (A) of this section.

(b) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and

3. In the instance of elevation on pilings, that:

a. Lots are large enough to permit steps;

b. Piling foundations are placed in stable soil no more than 10 feet apart; and

c. Reinforcement is provided for pilings more than 6 feet above the ground level.

(c) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

(G) *Floodways*. Located within areas of special flood hazard established in § 151.03(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

(2) If division (G)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section; and

(3) Prohibit the placement of any mobile homes.

(Ord. 513, passed 2-25-1982)

CHAPTER 152: MOBILE HOME REGULATIONS

Section

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GENERAL PROVISIONS

§ 152.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED. Accepted by the regulating agency issuing authority or inspecting authority.

BOARD. The Mobile Home Parks Advisory Board created under O.R.S. 670.300 to 670.350.

BUILDING.

(1) Any permanent park structure such as washrooms, office building, recreation building and similar structures, owned by the park for the common use of all the tenants.

(2) Mobile home accessory buildings, awnings, cabanas, carports and ramadas as defined in O.R.S. 446.003 and other structures common to the tenants' lot such as greenhouses and storage sheds are not included in this definition.

COUNTIES. The Counties of Yamhill and Polk.

DEPARTMENT. The Department of Commerce.

DIRECTOR. The Director of Commerce.

IMMINENT SAFETY HAZARD. An imminent and unreasonable risk of death or severe personal injury.

INSPECTING AUTHORITY or INSPECTOR. With respect to mobile home parks, the Director of Commerce or his or her delegated agent authorized to administer and enforce parts of these administrative rules.

ISSUING AUTHORITY. The Director of Commerce or his or her delegated agent.

LOT. Any area or tract of land, portion of a mobile home park, which is designated or used for occupancy by 1 mobile home.

MOBILE HOME. A vehicle or structure constructed for movement on public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for

residential purposes.

MOBILE HOME PARK. Any place where 4 or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of that person.

MUNICIPALITY. A city, county or other unit of local government otherwise authorized by law to enact codes.

PARK ELECTRICAL WIRING SYSTEM. All of the electrical wiring, fixtures, equipment and appurtenances related to electrical installations within a mobile home park, including the mobile home service equipment.

PARK STREET or DRIVEWAYS. A private way which affords principal means of access to abutting individual mobile home lots and auxiliary buildings.

REGULATING AGENCY. The Department of Commerce.

SPECIAL PERMISSION. The written consent of the regulating agency, issuing authority or inspecting authority.

STAND. That portion of the mobile home lot reserved for the location of the mobile home. (Ord. 473, passed 5-17-1979)

Editor's note:

The definitions for director, imminent safety hazard, lot, mobile home, mobile home park, municipality and regulating agency are statutory definitions.

§ 152.002 PERMITS.

(A) (1) No person, firm or corporation shall establish, operate, manage, maintain, construct, enlarge or alter any mobile home park or cause the same to be done without first obtaining all required permits from the issuing authority and paying the prescribed permit fee specified in § 152.003.

(2) It is not the purpose of these rules to require that permits be obtained or fees be paid for repairs and maintenance which do not violate the intent of these rules, when the repair or maintenance is done on a mobile home, private garage, carport or storage shed that is accessory to a mobile home.

(B) Items, designated as follows, in or appurtenant to mobile homes and which do not encroach over subsurface disposal systems or into required yards are exempt from permits and fees in this division: concrete slabs, driveways, sidewalks, masonry repair, porches, painting, interior wall, floor or ceiling covering, non-bearing partitions, shelving, cabinet work, gutters, downspouts and plastic glazed storm windows, small accessory buildings not over 150 square feet or a height of 10 feet measured to the highest point, door and window replacements (where no structural member is changed), replacement or repair of siding not required to be fire-resistant and replacement or repair of roofing, the weight of which does not exceed 30% of the required live load design capacity and is not required to be fire-resistant. (Ord. 473, passed 5-17-1979)

§ 152.003 FEES; EXPIRATION; VALIDITY.

(A) *Construction permit and plan review fee.* A fee for each construction permit shall be paid to the issuing authority as set forth in Table A attached to Ord. 473 and hereby adopted by reference as if set out in full herein. Valuation of construction costs are to be determined by the issuing authority.

(1) The construction permit fee shall be 50% of the total fee as set forth in Table A.

(2) The construction permit does not include building permits, mobile home set-up permits, electrical permits or plumbing permits.

(B) *Return of plans.* The issuing authority shall, within 21 working days from the date of submission of a complete set of plans, approve or return the plans with noted modifications to the applicant; otherwise, the submitted plans shall be considered approved by the Department.

(C) *License required.*

(1) No person shall maintain or operate a mobile home park or trailer park within the city limits without first obtaining a license from the city. All these licenses shall be for the remainder of the year in which issued, and all shall expire at the close of December 31 of the year in which issued.

(2) Before a license is issued to operate a new mobile home park or to enlarge an existing mobile home park, the proposed use of the location shall be approved for the mobile home park purpose by the Planning Commission.

(3) The application for a license to operate a new mobile home park or to expand an existing park shall be accompanied by 10 copies of the plot plan for the proposed park. The plan shall be drawn on a sheet of 18 by 24 inches in size or a multiple thereof at a scale of 1 inch equals 100 feet, and shall show the following information:

(a) Proposed name of the mobile home park or trailer park;

(b) Name and address of the applicant;

(c) Name and address of the owner;

(d) Name and address of the contractor;

(e) Name and address of the engineer;

(f) Scale and north point of the plan;

(g) Vicinity map showing relationship of the mobile home park to adjacent properties;

(h) Boundaries and dimensions of the mobile home park;

(i) Location and dimensions of mobile home space;

(j) Location of existing and proposed buildings;

(k) Location and width of access roads;

(l) Location and width of walkways;
(m) Location of recreation areas and buildings;

(n) Location and type of fencing or screening;

(o) Location of telephone service for the park;

(p) Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk and utility connections drawn to a scale of 1 inch equals 10 feet;

(q) At the time of application for a license for a new mobile home park or the expansion of an existing park, the applicant shall submit 2 copies of the County Health Department's recommendation issued under the authority of the Oregon State Board of Health and, further, the applicant shall submit copies of detailed plans for the following:

1. New structures;
2. Water and sewer systems;
3. Electrical system;
4. Road, sidewalk, patio and mobile home stand construction;
5. Drainage system;
6. Recreation area improvements; and
7. Fire protection system.

(r) Plans and specifications must be stamped and signed by a registered engineer; and

(s) Plans and specifications must be approved and signed by the City Engineer prior to issuing any permit for construction in the mobile home park.

(4) Application for a license to operate a new mobile home park shall be filed with the City Recorder on forms provided by the city. An enlargement of a mobile home park site or an increase in the number of mobile home park spaces in an existing park shall be subject to the provisions of this chapter regulating new parks.

(5) After approval of the park under the provisions of the zoning ordinance, the applicant shall submit information required in this division (C), together with building and improvement plans, to the City Recorder with an application for a building permit. When the Building Official and City Engineer have approved the completed trailer park, as indicated by their final inspection, and upon issuance of a certificate of sanitation by the Health Officer, the city shall issue a license to the applicant.

(D) *Limiting trailer parks to trailer park uses and requiring compliance with plans.* Except as set forth in this chapter, no building or land within the boundary of a trailer park shall be used for any other purpose. Trailer parks shall conform to plans as approved by the city. Any mobile home park (or trailer park) developed shall contain not less than 5 acres.

(E) *Enlargement of trailer park.* An enlargement of a trailer park site or an increase in the number of trailer spaces shall be subject to the provisions of this chapter regulating new trailer parks. (Ord. 473, passed 5-17-1979)

§ 152.004 TRANSFER OF LICENSE.

(A) If a transfer of license for a trailer park under the provisions of this chapter is desired, an application for transfer shall be filed with the City Recorder. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the Building Official, certifying that the trailer park conforms to all city regulations governing trailer parks. Upon receipt of approval, the City Recorder shall issue a new license to be valid until January 1 next following.

(B) If the application or transfer is disapproved, the City Recorder shall set forth in writing the

reasons therefor and state the action necessary to receive approval. The applicant may appeal the ruling to the City Council by filing a written notice of appeal with the City Recorder. (Ord. 473, passed 5-17-1979)

§ 152.005 DISPLAY OF LICENSE.

Any required trailer park license shall be displayed in a conspicuous place on the trailer park premises. (Ord. 473, passed 5-17-1979)

§ 152.006 REVOCATION OF LICENSE.

(A) The City Council may revoke any license to maintain and operate a trailer park if either of the following conditions occur:

(1) The certificate of sanitation for the park is revoked; or

(2) The park does not conform to the provisions of this chapter and other ordinances of the city relative thereto.

(B) Prior to revocation of a license, the licensee shall be given notice of a hearing before the City Council, at which time the revocation will be considered. The notice shall be before the hearing. For the purpose of the notice, the name and address that appears on the application for license or transfer of license shall be used.

(C) If the license is revoked, the Council may later authorize issuance of the license after the owner of the park has obtained a certificate of sanitation and conforms to the provisions of this chapter. (Ord. 473, passed 5-17-1979)

§ 152.007 AUTHORIZATION TO GRANT VARIANCES.

The City Planning Commission may recommend variances from the provisions of these regulations where the requirements are greater than those as set forth by state law and the rules and regulations of the Oregon State Board of Health. Variances may be granted according to the provisions of the zoning

ordinance.
(Ord. 473, passed 5-17-1979)

§ 152.008 PARTIAL LICENSING OF TRAILER PARKS.

If plumbing, paving, electrical, building and other municipal requirements have been fully met in any section of a proposed trailer park development, a temporary license may be granted for the portion so completed upon approval of the Building and Plumbing Inspectors, the City Engineer and the Sanitation Officer.
(Ord. 473, passed 5-17-1979)

§ 152.009 EXPIRATION AND VALIDITY OF PLANS AND PERMITS.

(A) *Expiration of plan approval.* Plan approval shall expire 1 year after the date of approval if no construction permit is issued. The issuing authority may extend the time for action by the applicant for a period of not exceeding 180 days, upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall re-submit plans and pay a new review fee.

(B) *Expiration of construction permits.* Construction permits issued by the issuing authority under the provisions of these administrative rules shall expire if the construction authorized by the permit is not commenced within 180 days from the date of the permit, or if the construction authorized by the permit is suspended for a period of 180 days or abandoned at any time after the work is commenced. Before the construction can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be 1/2 the amount required for a new permit for this work, provided no changes have been made or will be made in the original plans and specifications for the permitted work and provided, further, that the duration of the suspension of work or abandonment has not exceeded 1 year.

(C) *Validity.* The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of these administrative rules. The issuance of a permit based upon plans and specifications shall not prevent the regulating agency from thereafter requiring the correction of errors in the plans or construction.

(D) *Suspension or revocation.* The issuing authority may, in writing, suspend or revoke a permit issued under provisions of these administrative rules whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provisions of these administrative rules.
(Ord. 473, passed 5-17-1979)

§ 152.010 PLANS AND SPECIFICATIONS.

(A) *Plans.* With each application for a permit the applicant shall submit 10 sets of construction plans and specifications. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to these administrative rules and all relevant laws, rules and relations of the state pertaining to mobile home parks.

(B) *Design.*

(1) All plans shall be designed in accordance with the performance requirement of the various codes and administrative rules; or designed to the specifications of the codes.

(2) When designed to performance requirements, the plans shall be certified by an engineer registered in the state. Plans submitted without an engineer's certification shall comply with the following:

(a) Storm and sanitary sewers shall be designed in accordance with the Oregon Plumbing Specialty Code. Data may be required to show code compliance;

(b) Mobile home park water sources for domestic use shall be designed according to Health Division Regulations Chapter 333. Water distribution systems within mobile home parks shall be designed and installed in accordance with the Oregon Plumbing Specialty Code. Data may be required to show code compliance; and

(c) Roads shall be designed in accordance with the specifications for roads and driveways set forth in §§ 152.020 through 152.029.

(C) *Plan format and sequence.*

(1) *Cover sheet.* The cover sheet of each set of plans shall give the following:

(a) Name of mobile home park and location (vicinity map);

(b) Name of owner;

(c) Name of operator;

(d) Name of person who prepared or submitted plans;

(e) Scale used; and

(f) Symbols used.

(2) *The plot plan.* On separate sheet include:

(a) Both proposed and existing construction;

(b) The general layout of the entire mobile home park at a scale no smaller than 1 inch to 50 feet, showing the following:

1. Distances from park boundaries to public utilities located outside the park, when shown, may be indicated by arrows without reference to scale; and

2. The location of each of the following facilities must be clearly shown and clearly identified:

a. Play areas where required by statute;

b. Permanent buildings (washrooms, recreation and other similar type structures);

c. Location, size and materials of patio or slab for each mobile home;

d. Property line boundaries. When the construction involves an addition to or remodeling of an existing mobile home park, the plot plan need only show the facilities related to the addition and the facilities to be remodeled;

e. The designation of each mobile home lot by number, letter or name; and

f. Approximate location of each such mobile home lot by number, letter or name.

(3) *Park utilities systems.* On a separate sheet include:

(a) Location of mobile home sewer connections and service electrical outlets;

(b) Location of domestic water supply outlets;

(c) Location of water and sewer lines. Indicate type of material and construction;

(d) Water mains and fire hydrants on the interior of the mobile home park shall be installed by the park developer in size, make and location as required by the city's Fire Chief and City Engineer;

(e) Location of light fixtures for lighting the mobile home streets and walkways;

(f) Park streets layout, and how connected to outside street(s);

(g) Source of domestic water supply and private sewerage;

(h) Disposal system or public water supply and sewer connection;

(i) All street names shall be approved by the Planning Commission. Street name signs shall be erected by the developer and a street number may

be assigned to each lot on the city's master street numbering plan;

(j) All mobile home parks shall be landscaped in accordance with plans approved by the Planning Commission. Landscaping shall be designed to perform the following functions: screen the park from adjacent properties, reduce noise transmission between the park and adjacent properties, provide an attractive street frontage and provide dust control. Landscaping is required for a minimum of 15 feet along all property lines abutting public streets, except for the area required for private street openings;

(k) Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreation use;

(l) All boats, campers and trailers shall be stored in an area set aside for such storage on the approved plans. This storage area shall be located to avoid conflict with adjoining residential properties, and shall be screened from view from inside and outside the park by a fence, wall, or screen landscaping a minimum of 6 feet high; and

(m) Plans and specifications of all utilities (water, sewage, drainage, electrical, telephone, gas) "as constructed" shall be supplied the City Engineer on final completion and approval of the mobile home park.

(4) *Park topography.* Park topography shall be shown when any existing grade or slope exceeds 5%.
(Ord. 473, passed 5-17-1979)

DESIGN AND LAND USE

§ 152.020 SUITABILITY OF SITE.

The site shall be suitable for proper development of a mobile home park and meet all relevant land use requirements. Condition of soil, groundwater level, drainage and topography shall be suitable. No mobile home or other structure shall be located within an area designated as a 100-year floodplain by the Corps of Engineers, Oregon Water Resources Department or other approved agency unless the site will provide for a floor elevation that is at or above low flood level.

(Ord. 473, passed 5-17-1979)

§ 152.021 SPACE UTILIZATION.

Building separation in a mobile home park for each mobile home and its accessory structures shall be in accordance with the following:

(A) A mobile home shall not be located closer than 15 feet from any other mobile home, closer than 10 feet from a park building within the mobile home park or closer than 5 feet from a park property boundary line. The area occupied by the mobile home, accessory buildings and structures on a mobile home lot shall not exceed 75% of the lot area.

(B) To prevent the spread of fire from one mobile home to another (unless otherwise approved by the inspecting authority) the following separations shall apply:

(1) An accessory building shall not be located closer than 6 feet from any mobile home or other accessory building on an adjacent space, except that a double carport or garage may be built which serves 2 adjacent mobile homes; and

(2) When a double carport or garage is built to serve 2 adjacent mobile homes, a minimum 3-foot separation shall be provided between the double carport and any adjacent structure, mobile home or mobile home accessory structure. In the alternative, a 1-hour fire separation may be provided through the center of the double carport serving adjacent mobile homes.

(C) Mobile homes shall be set back a minimum distance of 5 feet from the edge of a park street or 2 feet from the edge of a sidewalk.

(D) Walkways not less than 3 feet in width shall

be provided from each trailer space to the service buildings, and from the patio to the surfaced part of the access way. The access way may be considered as part of the walkway to the service building.

(E) Mobile homes shall not be used for living purposes unless connected to the mobile home park water, sewer and electrical systems.
(Ord. 473, passed 5-17-1979)

§ 152.022 ACCESS.

Each mobile home lot within a mobile home park shall have direct access to a park street in order to allow individuals to escape in case of emergency. The access shall be an unobstructed area, not less than 14 feet in width.
(Ord. 473, passed 5-17-1979)

§ 152.023 STREET WIDTH.

Park streets shall be of adequate width to accommodate the contemplated parking and traffic load in accordance with the type of street. Traffic lanes shall be 10 feet minimum width. Where parking is permitted on park streets, the street shall be 30 feet minimum width, and all streets without parking shall be 20 feet minimum width.
(Ord. 473, passed 5-17-1979)

§ 152.024 CONNECTION TO PUBLIC WAY.

The park street system shall have direct connection to a public way which is not less than 60 feet in width and shall conform to standards established for residential streets.
(Ord. 473, passed 5-17-1979)

§ 152.025 LIGHTING.

Streets and walkways designed for the general use of the mobile home park residents shall be lighted during the hours of darkness. This lighting shall not be under control of the mobile home occupant. Lighting shall be designed to a minimum of 0.35 candlepower per square foot and a maximum of 0.1 watts per square foot energy use.
(Ord. 473, passed 5-17-1979)

§ 152.026 VEHICLE PARKING.

Mobile home parks shall be designed to include 2 automobile parking spaces for each mobile home lot. Spaces may be designed end to end, side to side, or 1 street space and 1 off-street space.
(Ord. 473, passed 5-17-1979)

§ 152.027 PARK ROADS AND STREETS.

(A) *Engineered streets.* Roads and streets shall be designed for a minimum 9-ton gross load (traffic coefficient 3.6–4.0) and both streets and walkways shall be well drained (furnish street profile, cross-section and grade). The street surface may be asphaltic-concrete, concrete or other approved hard-surfaced material.

(B) *Non-engineered streets.* Non-engineered streets, roads and driveways (as defined in O.R.S. 446.095) shall be constructed to but not limited to the following:

(1) *Wearing course.* The travelway (roads and streets) shall be surfaced with a wearing course of asphaltic concrete or portland cement concrete (unless otherwise approved by the Director) over a well-compacted base of minimum thickness as given in Table B.

(2) *Base.* All asphaltic concrete surfaced roads and streets shall have a well-graded base consisting of minimum 4 inches of 1-1/2-inch minus crushed rock and 2 inches of leveling course consisting of 3/4-inch minus crushed rock. The total thickness of the base course shall not be less than 6 inches (or a thickness approved by the issuing authority) or, if portland cement concrete surfaced, the base shall consist of sand as shown in Table B below. All base materials shall be clean and free from organic materials. All surfaces and materials on which the base is to be constructed shall be firm and free from soft spots at the time the base materials are placed. Base materials shall be thoroughly compacted before pavement surface is placed.

(3) *Exception.* Lime treatment of native soils (pH greater than 10, cement treatment if pH is less than 10) may be substituted for base rock or sand, inch for inch, with application of not less than

25 pounds of slacked lime (or portland cement) per square yard to be mixed thoroughly (rototilled) to the specified depth.

(4) (a) *Table B.*

TABLE B	
<i>Asphaltic Concrete</i>	<i>Portland Cement Concrete</i>
2 inches asphaltic concrete surface	4 inches PCC wearing surface
6 inches rock base	2-4 inches sand base

(b) *Exception.* A wearing surface of well-graded crushed rock or clean well-graded quarry or pit-run material may be substituted east of the Cascade Summit when hard surface walkways are provided on at least 1 side of the street.

(c) *Note.* Two inches of rock or gravel is considered equivalent to 1 inch of asphaltic concrete.

(C) *Geometrics.*

(1) The cross-slope of the roadway or street (crown or inverted crown) shall not be less than 2%.

(2) The minimum grade of a travelway without curbs and gutters shall be 0.50% of the road crown and 1.0 % on inverted crowns.

(3) The maximum grade on a travelway shall not exceed 15%.
(Ord. 473, passed 5-17-1979)

§ 152.028 MOBILE HOME DECKS.

Each mobile home stand shall be provided with 1 or more slab(s) or deck(s) adjacent to the mobile home, constructed of concrete, asphalt, flagstone, wood or other equivalent surface material which, singly or in combination, total 120 square feet of area and are not less than 4 feet wide in its least dimension.
(Ord. 473, passed 5-17-1979)

§ 152.029 PLAY AREAS.

(A) (1) A separate play area shall be provided in all mobile home parks that accommodate children under 14 years of age unless each space has a minimum size of 4,000 square feet. This play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each mobile home lot occupied by children. In determining whether or not plans should be approved, the issuing authority shall require that suitable separations or other safeguards be provided if the play area abuts upon a railroad, a public street, a sharp declivity or other similar hazard.

(2) Separate play areas are not required if mobile home parks are restricted, as shown on their license, to children over the age of 14 years.

(B) Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreation use.
(Ord. 473, passed 5-17-1979)

FEES

§ 152.045 SPECIAL INSPECTION FEE.

An inspecting authority may charge \$20 per hour or any part thereof, for any special inspection.
(Ord. 473, passed 5-17-1979)

§ 152.046 PLAN REVIEW FEE.

When the valuation of the construction cost of a proposed mobile home park, addition or remodeling of an existing park exceeds \$5,000, the plan review fee set forth in Table A adopted above shall be paid to the issuing authority at the time of submitting plans and specifications for review.
(Ord. 473, passed 5-17-1979)

§ 152.047 OTHER PERMIT FEES.

Fees for building, plumbing, electrical and mechanical permits shall be as prescribed in the State Building Code.
(Ord. 473, passed 5-17-1979)

PARK SAFETY AND SANITATION

§ 152.060 FIRE SAFETY FACILITIES.

(A) *Access to mobile homes for fire protection services.* Access to a mobile home for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each mobile home.

(B) *Incinerators.* Where provision is made for the burning of rubbish in the park, incinerators shall be constructed in accordance with the NFPA standard for incinerators.

(C) *Outside hazards.* The park area shall be maintained free of dry brush, leaves and weeds which might allow fires to spread between mobile homes and other buildings in the park.

(D) *Empty LP-gas containers.* No person shall place empty liquefied petroleum gas containers under a mobile home. Empty containers shall be secured in place if there is more than 1 container. If the mobile home's LP-gas supply is limited to 1 container, and a replacement has been secured, any empty fuel container shall be stored in the area designated for that storage.
(Ord. 473, passed 5-17-1979)

§ 152.061 PARK SANITATION AND MAINTENANCE.

(A) (1) The owner or operator of a mobile home park shall maintain the park grounds, sewer and water systems to their point of termination on the lot, streets, common walkways and buildings in a safe, sanitary condition.

(2) The tenant shall maintain his or her lot and utilities from their termination points (lot boundaries defined by agreement between tenant and operator) in a safe, sanitary condition.

(B) No person shall allow his or her pet animal to run at large or to create any health hazard within a mobile home park.

(C) All park-owned public buildings accessible to park tenants shall be kept in a sanitary condition, in good repair and free of debris and refuse.

(D) The area directly under each mobile home shall be kept free and clean of refuse or other objects that will create a fire hazard or harbor rodents.

(E) When skirting is provided around a mobile home, an access panel shall be provided for inspections and maintenance of service connections.

(F) Liquid petroleum tanks shall be securely anchored to the chassis or stantion of the mobile home. The manifold regulator valve shall be attached to the tank in an approved manner with approved material.

(G) The sewage connection to a mobile home shall be maintained air- and watertight.

(H) All stands shall be designed to prevent standing water under or adjacent to any mobile home.

(I) Refuse containers with fly-tight lids shall be provided and maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in an approved manner to prevent fly, rodent and health nuisances.

(J) Owners shall keep the area under and around their units free from an accumulation of rubbish and/or combustible materials. Burning of rubbish, if permitted, shall be done only in approved incinerators.
(Ord. 473, passed 5-17-1979)

§ 152.062 ALTERNATE METHODS, MATERIALS AND INTERPRETATIONS; APPEALS.

(A) The provisions of this division are not intended to prevent the use of any material, design or method of construction for mobile home parks not specifically prescribed by this division, provided the alternate has been approved.

(B) Any person who desires an interpretation of how these rules apply to him or her, and any person who desires to use or furnish any material design or method of construction for mobile home parks, or any Building Official, may request the Director to issue a ruling with respect to the interpretation of the rules or the acceptability of the alternate method or material. Requests shall be in writing and shall be made prior to the use or attempted use of the alternate.

(C) In making rulings, the Director of Commerce shall consult with the Mobile Home Park Advisory Board.

(D) A Building Official of inspecting authority shall approve the use of any material, design or method of construction for mobile home parks approved by the Director pursuant to this section if the requirements of all other federal, state or municipal ordinances or statutes, rules and regulations are satisfied.

(E) In areas of the state where the Director has delegated enforcement in accordance with O.R.S. 446.425, the Director will not accept jurisdiction of a matter described in division (B) of this section until the matter has been submitted to and ruled upon by a local appeals board, if there is such a local appeals board established.
(Ord. 473, passed 5-17-1979)

§ 152.063 EXISTING PARKS.

(A) Parks existing at the time of the adoption of these administrative rules may have their existing use continued if the use was legal at the time of adoption of these rules; and provided the continued use is not a threat to life, health, property and general welfare of the public and is maintained in a safe and healthful condition; and further provided that continued use is not in conflict with the statutes, rules, regulations or ordinances of any federal or state agency, county or municipality.

(B) Any changes or additions to a mobile home park shall comply with the requirements of these rules and O.R.S. Chapter 446 for new parks.

(1) *Exception.* When a mobile home or mobile home accessory structure within a mobile home park is moved from the park, the replacement

mobile home and mobile home accessory structures shall not exceed the minimum setback requirements which were applicable at the time the just-removed mobile home and accessory structures were installed.

(2) *Note.* O.R.S. 446.090 provides that parks constructed prior to August 5, 1959 do not require mailboxes, telephones, play areas for children under 14 years of age, nor that there be a minimum 30-foot by 40-foot space for each mobile home.

(C) If a trailer park is located in an area subsequently annexed to the city, the term "effective date of this chapter" shall mean the effective date of the annexation.
(Ord. 473, passed 5-17-1979)

§ 152.064 DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE OF SANITATION.

The issuing authority shall conduct hearings on denial, suspension or revocation of a certificate of sanitation and other matters the issuing authority feels appropriate. These hearings shall be conducted as a contested case in accordance with O.R.S. 183.310 to 183.500.
(Ord. 473, passed 5-17-1979)

§ 152.065 ENFORCEMENT.

(A) As set forth in O.R.S. 446.005, the regulating agency with respect to mobile home parks shall be the Department of Commerce. A County Board of Commissioners or city governing body may request the authority, responsibilities and functions under O.R.S. 446.006, 446.016, 446.046 to 446.056, 446.066, 446.076, 446.096, 446.015 to 446.115 and 446.990. Upon determining that the county or city is willing and able to carry out these functions relating to fee collection, licensing, enforcement, plan review and issuance, and revocation of certificates of sanitation, issuing and inspecting authority will be delegated. Delegation shall continue until terminated in writing by either party. Termination of authority shall commence on July 1 of any year by notifying the Director by May 1 of that year of the requested termination. In accordance with O.R.S. Chapter 183, the Department of Commerce may suspend or rescind a delegation of authority. If it is determined that the

city or county is not carrying out the rules or the delegation is suspended, the unexpended portion of the fees collected shall be available to the issuing authority for carrying out the authority, responsibility and functions under this division.

(B) The inspecting authority shall perform plan reviews and inspect parks during and after construction to ensure that the approved plans have been accurately followed and complied with.

(C) The Department of Commerce or authorized inspecting authority may inspect any mobile home park in order to determine whether it conforms with the provisions of O.R.S. 446.003 to 446.200 and these administrative rules. Any person operating a mobile home park shall, at all reasonable times upon request of the issuing authority, permit access to all parts of the facilities.

(D) Operators of seasonal mobile home parks which are customarily closed for 120 days or more in any 12-month period shall notify the regulating agency in writing of their intention to reopen at the beginning of a season. This notice shall be given at least 30 days prior to the reopening.

(E) In any action, suit or proceeding arising out of county or city administration of their functions, and responsible pursuant to their delegation regulating mobile home parks and involving the validity of a rule promulgated by the regulating agency, the Department of Commerce shall be made a party to the action or proceedings.
(Ord. 473, passed 5-17-1979)

LOCATION OUTSIDE TRAILER PARKS

§ 152.075 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING or STRUCTURE.

Any awning, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for use of the occupant of the mobile home and which are designed or intended to be attached to and which depend, in whole or part, upon the mobile home for

structural support.

INSPECTING AUTHORITY. The Building Inspector or other person authorized by the city to administer or enforce standards for construction and placement of mobile homes and mobile home accessory buildings or structures on property within the city.

MOBILE HOME. A factory-built home which was constructed for movement on the public highways in 1 or more sections, which, with the exception of connection to utilities, is complete for permanent residential living and which has an overall measurement of at least 23 feet and 6 inches wide.
(Ord. 527, passed 10-28-1984)

§ 152.076 PERMISSIBLE LOCATIONS.

Subject to compliance with all terms and conditions of this subchapter, the location, use and occupation of mobile homes shall be allowed in R-1, R-2 and R-3 residential zones within the city, provided that the location of the mobile home fulfills the requirements and restrictions for location of similar dwelling units which are not mobile homes as defined herein within the applicable zones.
(Ord. 527, passed 10-28-1984)

§ 152.077 LOCATION PROCEDURE.

No person shall place a mobile home on a lot within the city until he or she has obtained an installation permit from the City Recorder.

(A) To obtain an installation permit, a person shall complete an application in the form provided for by the City Recorder and submit his or her application to the City Recorder together with the following:

- (1) A description of the lot and proof of ownership;
- (2) A diagram of the proposed location of the mobile home on the lot;
- (3) A description of the mobile home and the name of the owner;

(4) Application for city sewer and water service connection for the mobile home together with all required deposits and hookup fees required by the city;

(5) Proof that the mobile home complies with all applicable federal and state construction standards for the mobile home;

(6) A copy of the factory specification sheets for the mobile home; and

(7) An application fee of \$25.

(B) Upon submission of the application and required information to the City Recorder, it shall be reviewed by the Planning Commission. Within 30 days, the Planning Commission shall approve or deny the application. If approved, an installation permit shall be issued. Upon issuance of the installation permit, a person may proceed with placement of the mobile home according to the terms, conditions and restrictions of the permit. An installation permit shall not be transferable as to location but may be transferred between persons for the same location and mobile home.

(Ord. 527, passed 10-28-1984)

§ 152.078 APPEAL PROCEDURE.

Any decision on an application for an installation permit hereunder may be appealed to the City Council by written notice filed with the City Recorder within 15 days after the denial of the application. The Council shall review the decision and issue its opinion within 60 days. If the appeal is filed, the Council shall receive a report and recommendation thereof from the Planning Commission, shall hold a public hearing on the appeal and shall issue its opinion within 60 days after the appeal is filed. Any decision not timely appealed hereunder shall be final.

(Ord. 527, passed 10-28-1984)

§ 152.079 INSTALLATION.

(A) Installation of all mobile homes shall include attachment to a permanent foundation and shall comply with all federal and state standards for installation and siting of mobile homes as well as with the Specification Sheet for Mobile Home Lots in

the city as it may be amended by the City Council from time to time.

(B) The inspecting authority shall inspect for proper placement and installation.

(1) Fees for this inspection shall be as follows:

<i>Inspection Type</i>	<i>Fee</i>
Single wide	\$25
Additional for each width	\$15
Awning approved by the state	\$5*
Plumbing	\$15*
Electrical	\$10*
NOTE: *Any surcharge required by the State of Oregon will be in addition to the inspection fee.	

(2) In the event minimum fees recommended by the state for these inspections exceed those in the foregoing schedule, the fees shall be automatically increased immediately to match the minimum fees recommended by the state. No mobile home shall be occupied until all utility connections are made and inspected.

(Ord. 527, passed 10-28-1984)

§ 152.080 CARPORT OR GARAGE.

Each mobile home sited hereunder shall have a carport or a garage. Each carport or garage shall enclose a space of not less than 300 square feet.

(Ord. 527, passed 10-28-1984)

§ 152.081 ACCESSORY BUILDINGS.

Any mobile home accessory building or structure which is constructed on the site of the mobile home shall comply with the applicable provisions of the State Building Code and the ordinances of the city.

(Ord. 527, passed 10-28-1984)

§ 152.082 REMOVAL.

(A) If a mobile home is removed from its foundation, the owner of the lot shall remove the foundation, accessory buildings and structures to ground level and permanently disconnect and secure all utilities within 30 days after removal of the mobile home from the foundation. This condition shall not apply, however, in the event that the original mobile home is replaced by another approved mobile home on the original foundation within 60 days after the original mobile home is removed.

(B) If, within the times allotted, the owner fails to complete the removal, the city may perform the work and place a lien against the property for the costs incurred. The city shall follow the applicable procedures provided in Chapter 93 of this code of ordinances to create such a lien.
(Ord. 527, passed 10-28-1984)

§ 152.083 TEMPORARY USE.

A mobile home used as a temporary residence on an individual lot during construction of a non-mobile housing unit shall comply with the following provisions:

(A) The mobile home shall be occupied by the owner of the lot on which the mobile home is located;

(B) The mobile home shall be placed upon a lot for which a building permit for a housing unit has been obtained;

(C) A \$10 temporary permit must be obtained from the City Recorder and displayed at all times on the temporary residence;

(D) The temporary residence mobile home shall

be removed completely no later than 8 months from the date on which the building permit for the housing unit is issued; and

(E) The mobile home shall be fully connected to all utilities before being occupied.
(Ord. 527, passed 10-28-1984)

§ 152.084 VARIANCE.

A variance from the provisions of this subchapter may be granted in accordance with the applicable standards and procedures stated in Willamina City Ordinance No. 387, Article 8, Section 8.010-8.050.
(Ord. 527, passed 10-28-1984)

§ 152.999 PENALTY.

(A) Violations of any provision of O.R.S. 446.033 to 446.200 are subject to the criminal penalties set forth in O.R.S. 446.990. Whoever violates any provision of O.R.S. 446.003 to 446.200 or these administrative rules is subject to the civil penalties set forth in O.R.S. 446.270.
(Ord. 473, passed 5-17-1979)

(B) Any person violating any of the provisions of §§ 152.075 through 152.084 shall, upon conviction thereof in the Municipal Court of the city, be punished by a fine not to exceed \$300. Each day's violation of the provisions of this subchapter shall constitute a separate offense.
(Ord. 527, passed 10-28-1984)

CHAPTER 153: SUBDIVISION REGULATIONS

Section

153.01 Subdivision regulations; adopted

herein, and as amended. Copies are available through city offices.

(Ord. 413, passed - -; Am. Ord. 497, passed 11-13-1980)

§ 153.01 SUBDIVISION REGULATIONS; ADOPTED.

The subdivision regulations of the city are hereby adopted by reference as if set out in full

CHAPTER 154: ZONING REGULATIONS

Section

154.01 Zoning and development, map;
adopted

§ 154.01 ZONING AND DEVELOPMENT, MAP; ADOPTED.

The “City of Willamina Zoning and Development Ordinance” and the “Zoning Map of 1987,” attached to Ord. 540, are hereby adopted by reference as if set out in full herein. Copies are available through city offices.

(Ord. 540, passed 6-11-1987; Am. Ord. 577, passed 11-30-1995; Am. Ord. 592, passed - -; Am. Res. 99-00-04, passed - -; Am. Res. 2000-01-05, passed 12- - 2000; Am. Ord. 610 pt. 1, passed 2-14-2002; Am. Ord. 610 pt. 2, passed 6-27-2002; Am. Ord. 622, passed 12-11-2003)

