**CHAPTER 18**

**RECREATIONAL VEHICLES**

**SECTION:**

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**9-18-1: PURPOSE:**

The purpose of this Chapter is to provide for the regulation of recreational vehicles (hereinafter RV’s); provide reasonable accommodations for use a temporary living or sleeping accommodations; to discourage permanent or long-term use of RV’s for living or sleeping accommodations, to provide for short-term guest parking of RV’s; to provide for violations of this ordinance; and to provide for penalties for violations.

**9-18-2: DEFINITIONS**

**For the purposes of this Chapter, the following definitions shall apply:**

1. **Recreational Vehicle**: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities include, but are not limited to, travel trailer, camping trailer, truck camper, fifth wheel trailer and motor home.
2. **Recreational Vehicle or RV park:** means an approved area for the placing of RV’s for the purpose of short-term, long-term, temporary or emergency living accommodations.
3. **Self-Contained RV’s:** means a unit defined in subsection A of this section but including those vehicles equipped with sanitation facilities and appropriate holding tanks for waste water and septic**.**
4. **Property Owner:** means the person, persons, entity, or entities that own, possess, and/or have the power and intention to control the real property where the RV is located, but does not include lessees and/or tenants whether they occupy the property or not.
5. **RV Visitor:** means a temporary guest of the property owner and/or lessee that is occupying an RV on the property owner’s property.
6. **Public Lands:** means land or real property reserved and/or held in trust by the State of Idaho, its political subdivisions, and the Federal Government, including but not limited to National Forest reservations, Bureau of Land Management reservations, Bureau of Reclamation lands, Idaho State land, wildlife management areas, and Idaho Fish and Game preserves.
7. **Storage**: means the parking of the RV on private property by the property owner when the vehicle is not in active use as a short-term or long-term recreational, temporary, or emergency use, but does not include uses inconsistent with the purpose of this Chapter.
8. **Administrator:** means the person or entity charged with issuing temporary RV permits.
9. **Agricultural Uses**: means any land or facility for the growing, raising or production of agricultural, horticultural and viticultural crops and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, apiary and dairy products, and the processing for commercial purposes of livestock or agricultural commodities, including the processing of such commodities into food commodities, but does not include Confined Animal Feeding Operations (CAFO’s) as defined by this Title.

**9-18-3: GENERAL PROVISIONS REGARDING RECREATIONAL VEHICLES:**

1. Except as otherwise provided herein, it shall be unlawful to park or place any RV actively in use as sleeping or living accommodations within Owyhee County for any period of time, unless the RV is located in an approved RV park as defined above. The parking of RV’s for storage on private property by the property owner and/or lessee as defined above is not regulated by this Chapter.
2. Temporary RV permits may be granted within zones A, R, M, C, and I only when a valid building permit for construction of a dwelling has been issued, or for a major remodel to an existing primary dwelling unit on the property.

**9-18-4: EXCEPTIONS AND ADMINISTRATIVE PERMITS**

1. While a permanent dwelling is being constructed and a valid building permit has been issued, an RV may be used as temporary housing. Such use shall require a temporary RV permit subject to a time limit of one hundred-eighty (180) days, If the building is not complete within this period, and the building permit is extended, a one-time extension of the temporary permit may be requested for an additional one hundred eighty (180) days. Said permit, whether temporary or an extension, shall expire 180 days after issuance. Within thirty (30) days from the issuance of a certificate of occupancy for the permanent dwelling, the RV shall be removed from the property or stored in accordance with the provisions of this Chapter and shall no longer used as a temporary or emergency dwelling.
2. For major remodel projects to a primary dwelling unit, a temporary RV permit for a maximum of one hundred-eighty (180) days may be issued upon filing with the administrator a detailing of the work to be done and a project timeline. The issuance of permit under this subsection shall be done at the discretion of the Administrator. No time extensions shall be granted for remodeling. Such permits shall not be issued more than one time in any three (3) year period. Said permit will expire 180 days after issuance.
3. In accordance with Chapter 12 for a Temporary Hardship Permit, a property owner may apply for a temporary hardship RV permit which permits temporary and/or emergency dwelling in an RV as detailed below:
	1. **Who May Apply**: Any person may apply for a granting of a temporary hardship permit which will permit a temporary dwelling for no longer than twelve (12) months, for the benefit of a person who is ill, disabled, or has medical or life problems which create an undue burden on the person or family. For a medical hardship, the hardship shall be demonstrated by supporting documents from a licensed physician.
	2. **Application; Form; Fee**: The application shall be made on a form approved by the Administrator or the Board of County Commissioners and shall be filed with the Administrator with the proper fee as set by the Board of County Commissioners. The application must be complete and contain all required information. The application is subject to an administrative discretion decision.
	3. **Decision of Administrator**: Upon payment of fees and submittal of the complete application, the Administrator will prepare a written decision detailing the reasons for the action taken, along with all supporting documents, and present that written decision to the planning and zoning commission for their administrative review. The decision of the Administrator is appealable to the Board of County Commissioners.

1. Where not otherwise prohibited, RV’s used for sleeping may be parked on private property containing a permanent residence for a period of no more than thirty (30) days during any six (6) month period, or 60 days in a 12 month calendar year where the owner of the RV is visiting the occupant of the residence or property.
2. Where not otherwise prohibited, RV’s used for recreational, temporary, or emergency occupancy may be parked on private property that does not have a permanent residence, for a period of no more than fourteen (14) days within any six (6) month period. **Nothing in this Chapter shall be construed to limit the ordinary and customary use of RV’s for temporary agricultural uses, as defined above.**
3. Septic or sewer connections, whether made by the property owner or a visitor, are prohibited under this Chapter. The dumping of wastes from RV’s anywhere outside of an approved RV dumping site is expressly prohibited.
4. Application for a temporary RV permit shall be filed with the Administrator and the applicant shall pay the required fee as adopted by the Board of County Commissioners prior to the issuance of said permit.
5. Burden Of Persuasion; Compliance with Conditions: as to each permitted use specified in this Chapter, the applicant requesting such use has the burden of persuading that the use should be permitted, and then must comply with whatever special conditions are placed on any permit granted.

**9-18-5: VIOLATIONS AND PENALTIES**

1. Violations of the provisions of this Ordinance by the property owner, as defined above, shall be an offense punishable by citation.
2. Notice: Upon receiving such recommendation from the Administrator, law enforcement, or a citizen complaint, or on its own motion after finding that a violation has occurred or is about to occur, the Board of County Commissioners may direct the Administrator to send an initial letter advising the property owner, as defined above, of the violation and the fine associated with the violation; provided, however, that nothing in this Ordinance shall be construed to prevent the Board from delegating said duties to the Administrator by a resolution adopted by a majority vote of the Board.
3. Upon receipt of such notice, the property owner shall remedy and/or mitigate said violation of this ordinance within fourteen (14) days of the receipt of the letter, or be subject to the following penalties, as detailed in subsections (a) and (b) below:
4. In the event that reasonable notice is unable to be delivered through mail or other means, notice will be delivered via summons from the sheriff.
	1. A first violation of this Ordinance shall constitute an infraction and is punishable by a 250.00 fine.

* 1. A second conviction under this Ordinance shall constitute a misdemeanor punishable as provided in Idaho Code section 18-113 as it may from time to time be amended and/or retitled. Each day the violation continues shall constitute a separate offense. A fine of one hundred dollars ($100.00) per day will be assessed per violation.
1. Failure of the property owner to remedy or mitigate a violation of this Chapter within fourteen (14) days after being provided notice of a violation shall constitute prima facie evidence of a violation of this Chapter.
2. It shall be an affirmative defense to a conviction under this subsection that the property owner had no knowledge that an RV was being used in a manner inconsistent with this Chapter.

**9-18-6: PUBLIC POLICY:**

It is the public policy of the citizens of Owyhee County that private property rights are of paramount importance and that property rights, including but not limited to uses of property, should be protected to the extent possible. Accordingly, this Ordinance is to be narrowly construed to not conflict with existing property rights to the extent possible, and any ambiguity in enforcement or interpretation should be construed in favor of the property owner.

**9-18-7: APPLICABILITY TO PUBLIC LANDS**: Nothing in this Chapter shall be construed to apply to public lands as defined above.

**9-18-8: ENACTMENT:**

1. EFFECTIVE DATE: That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon its due publication as provided by law.
2. SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Chapter is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter, and they shall remain in full force and effect.