

A BILL FOR AN ORDINANCE FOR THE	)	ORDINANCE NO.	<u>3</u>
ESTABLISHMENT OF TEMPORARY MEDICAL	)	for 1980	
HARDSHIP MOBILE HOME PLACEMENT WITHIN	)		
THE CITY OF LEBANON OUTSIDE OF MOBILE	)	ORDINANCE NO.	<u>1770</u>
HOME PARKS OR SUBDIVISIONS, AND DECLARING	)		
AN EMERGENCY.	)		

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance shall be to provide for the placement of temporary mobile homes, for residential purposes only, in the City of Lebanon in cases of verified medical hardship, and to establish criteria and procedures to assure the temporary placement of the mobile home.

Section 2. Application Procedures.

(1) Application shall be made by the property owner or his authorized agent to the Community Development Department (Planning Division) on forms provided by the City.

(2) Application may be filed with the Planning Division to provide a temporary mobile home to house either:

- (a) The person afflicted with a medical problem; or,
- (b) The family member or members who will assist the person affected with a medical problem who presently resides in the permanent single family residence.

(3) The applicant shall submit the following information with the application form for Planning staff review:

- (a) A site plan, drawn to scale, showing the entire property and its dimensions, the specific siting of all structures, the location of the proposed mobile home, and the applicable setback and locational measurements.

- (b) Written approval for the temporary placement of the mobile home from two-thirds of all adjacent property owners. (including ownership across roads and railroads)
- (c) Written verification from a medical doctor licensed to practice in the State of Oregon that the person who is to reside in the temporary mobile home or in the permanent single-family residence is unable to maintain a complete and separate residence apart from immediate family care. The verification shall state medical reasons for the need and negate a mere preference or unwarranted desire.
- (d) Written verification shall be submitted on the application form by the property owner, attesting that he/she is aware that an application for an additional temporary medical hardship mobile home will be filed with the Planning Division, and that such property owner is aware of and will comply with any and all of the provisions or conditions attached to the approval of such application.
- (e) A review fee in the sum of \$20.00. This fee will act as the permit fee for the first year if the request is granted. If the request is denied the fee will not be refunded.

Section 3. Criteria For Staff Approval

(1) When all conditions of the application procedures have been met, the Community Development Director, or his/her designate, shall

apply the following criteria to determine whether a permit for a temporary medical hardship mobile home shall be issued. To approve the temporary medical hardship mobile home, the director shall find that:

- (a) The parcel on which the proposed mobile home is to be located meets or exceeds the minimum standards for a single family lot, 557.41 square meters (6,000 sq. feet), or when the mobile home is placed on the same lot as an existing single family home the minimum lot size shall be 836.13 square meters (9,000 sq. feet).
- (b) The use shall be truly "temporary" and shall not subvert the intent of allowing only one permanent single-family residence on a parcel.
- (c) Only one temporary mobile home permit for a medical hardship shall be issued per applicant, no matter how many adjacent lots the applicant may own.
- (d) The applicant has complied with all conditions of the application procedure.

(2) If the Director of the Community Development Department, or his/her designate, determines that the applicant has satisfied the criteria for approval in this section, the Director shall approve the application subject to the standards in Section 4 of this ordinance. If the Director determines that the applicant has failed to satisfy the criteria for approval in this section, the Director shall deny the application. The applicant, or a person affected by either the approval or denial, may appeal a determination of the Director in

writing within fifteen (15) days of such decision, to the Lebanon City Council. The appeals process as outlined in the Lebanon Zoning Ordinance shall apply.

(3) If the application for a temporary medical hardship mobile home is approved, the applicant shall post a cash deposit in the sum of \$150.00. This money is to be retained by the City of Lebanon in the Recorder's account to assure the proper removal of the mobile home at such time as the medical hardship no longer exists. \$125.00 of this sum may be refunded within thirty (30) days of inspection by the City with regards to the removal. If it is found by the City that proper removal has not taken place, or that damage has occurred to city facilities caused by placement or removal of the mobile home, the City may initiate proper repairs and draw upon the deposit to offset any costs which have been incurred. Any costs incurred by the City in excess of \$150 shall be a debt due the City and a lien upon the property and may be recovered by civil action or lien enforcement methods as provided by law against the property owner, the applicant, or both.

Section 4. Standards. If approval is granted by the City for placement of a temporary medical hardship mobile home the following standards shall apply:

- (1) The mobile home shall be either:
  - (a) accessory to an existing single family dwelling on the lot; or,
  - (b) located as the only use on a lot, when that lot is a contiguous lot to the lot containing a single family residence where the person with the medical hardship or person/persons caring for the person affected with the medical problem resides.

- (2) Only one mobile home shall be situated on a particular lot.
- (3) The mobile home shall be a minimum of 3.7 meters (12 feet) in width and 10.7 meters (35 feet) in length, and a maximum of 185.81 square meters (2,000 sq. feet) in size.
- (4) The mobile home shall conform to all setback requirements for single family dwellings established for the particular zone in which it is to be located.
- (5) The mobile home shall be separated by a minimum of 1.8 meters (6 feet) from all other buildings on the property.
- (6) The mobile home shall be sited in accordance with the State of Oregon Mobile Home standards, including obtaining a mobile home siting permit from the Lebanon Building Division.
- (7) The mobile home shall be constructed to the State of Oregon Mobile Home standards enacted on July 1, 1972, or any future amendments thereto, and shall be a fully self-contained unit, including kitchen facilities, bedroom, bath and toilet facilities, and a living room.
- (8) The mobile home shall be provided with gutters and downspouts to direct surface water into an approved City storm drainage facility.
- (9) The mobile home, and if a house is involved, the house shall both be hooked into the Lebanon sanitary sewer system, with separate and independent laterals.
- (10) Adequate all weather parking spaces shall be provided as required by the Lebanon Zoning Ordinance, (for both the existing house and temporary mobile home).

(11) No additional or accessory buildings shall be permitted in conjunction with a mobile home, except for one accessory structure not to exceed 46.45 square meters (500 sq. feet) in area and one covered or uncovered patio not to exceed 27.87 square meters (300 sq. feet) in area.

(12) If situated on the same lot as an existing single family residence, the temporary mobile home shall not have a floor area greater than seventy-five per cent (75%) of the single family residence.

(13) Systems Development Charges shall be paid when the mobile home siting permit is issued by the Lebanon Building Division.

Section 5. Issuance And Renewal Of Permits. The following provisions shall apply to all permits issued by the Community Development Department for the siting of a temporary medical hardship mobile home.

(1) Upon finding that a permit for the siting of a temporary medical hardship mobile home is warranted, a permit shall be issued subject to the provisions of this ordinance and any additional conditions the Planning staff or City Council deems necessary to carry out the intent of this ordinance.

(2) The permit for the siting of a temporary medical hardship mobile home may be renewed by the applicant on a yearly basis for a fee of \$20.00.

(3) The permit for the siting of a temporary medical hardship mobile home shall be valid until December 31 of every subsequent

year, unless the permit is issued after September 1, but before December 31, in which case the permit shall be valid until December 31 of the following year.

(4) A permit for the siting of a temporary medical hardship mobile home shall become void upon finding any of the following:

- (a) The sale, transfer or change in the lease of the property.
- (b) A change of ownership of the property.
- (c) The medical need for a temporary medical hardship mobile home can no longer be verified by a medical doctor.
- (d) Failure of the applicant to comply with applicable state and city building or mobile home siting codes and regulations.
- (e) Failure of the applicant to comply with the conditions of issuance of the permit for the siting of a temporary medical hardship mobile home.
- (f) A significant change in the conditions upon which the temporary mobile home location permit was issued.

(5) A permit for the siting of a temporary medical hardship mobile home may be renewed by the Community Development Department only if the applicable conditions of Sections 3 and 4 have not changed and if the applicant has adhered to any additional conditions specified by the Community Development Department or City Council.

(6) Upon findings that the conditions have changed, the Community Development Department shall not renew the temporary mobile home placement permit, in which case the applicant may appeal as stated before in Section 3 (2).

(7) Upon the final determination of either the Community Development Department or City Council denying the renewal of a permit for the siting of a temporary medical hardship mobile home, the applicant shall have sixty (60) days to remove the temporary mobile home. Removal shall consist of removing the mobile home, the foundation, all additions to the mobile home, and the securing of all utilities. The City Community Development Department shall be notified in writing at least 48 hours in advance of the removal of the temporary mobile home from the property. This department shall also be called for an inspection to insure that the removal requirements have been met. No refund of the bond required by this ordinance shall be returned until after an inspection by the City.

(8) Failure of the property owner or his agent to remove the temporary medical hardship mobile home when so directed shall constitute a violation of the provisions of this ordinance.

Section 6. Remedies.

(1) Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for a time not to exceed ninety (90) days or by a fine of not more than \$500.00 or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

(2) Alternative Remedy. In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance. The city may, as an alternative to



other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

(3) Procedures.

- (a) Within ten (10) days after notification of a violation of this ordinance, the Community Development Director shall notify the property owner that such a violation exists.
- (b) Action to rectify such violation shall be made within thirty (30) days.
- (c) If no action has been taken to rectify the violation within the specified time, the Community Development Director shall notify the City Attorney of such.
- (d) The City Attorney shall set the date for a hearing with the person violating this ordinance and with the Community Development Director to consider whether subsequent legal action should be taken to rectify the violation. If necessary, the City Attorney shall take such legal action as required to insure compliance with this ordinance.

Section 7. Severability. Should any portion of this ordinance be held to be invalid or unenforceable, it shall not affect the validity of the ordinance as a whole or any other portion thereof.

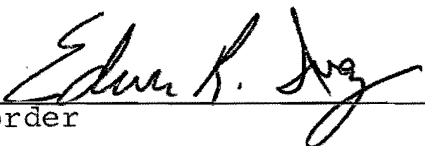
Section 8. Emergency Clause.

Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 4 for and 1 against, and approved by the Mayor this 9<sup>th</sup> day of January, 1980.

  
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Mayor

ATTEST:

  
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Recorder