



Municipality of Skagway

MEMO

TO:	Mayor and Borough Assembly
FROM:	Emily A. Deach, Borough Clerk
DATE:	April 24, 2018
SUBJECT:	Planning & Zoning Commission Proposal re: Fines for Illegal Habitation of RVs

At its meeting of March 20, 2018, the Planning and Zoning Commission (P&Z) approved the proposal of its “Enforcement plan for habitation of recreational vehicles,” included with this memo as Attachment A. The plan was developed into Resolution No. 18-12R (Attachment B), which was adopted by the Assembly at its meeting of April 19, 2018.

Part of P&Z’s proposal was the establishment of fines in the amount of \$1,000 per day for noncompliance with the plan. This portion of the proposal was not included in Resolution No. 18-12R because it conflicts with existing municipal code under Chapter 15.15 Recreational Vehicles, and also because civil fines must first be specifically allowed by municipal code before they can be set by resolution. To include a \$1,000-per-day fine in Resolution No. 18-12R and also have an existing \$100-per-day fine in municipal code could lead to confusion, conflict, and potentially the Municipality’s inability to justify levying the higher fine instead of the lower one.

Here is the existing code language:

15.15.100 Penalties.

Except where otherwise specifically stated [in code], violations of provisions of this chapter shall be noncriminal infractions, subject to a penalty of one hundred dollars (\$100.00). Each day of continuing noncompliance, following the municipality’s issuance of a notice of noncompliance, shall be a separate violation.

Under Resolution No. 18-12R, if a permit is not issued to an RV user or the user fails to acquire a permit, the regulations and \$100-per-day fine in SMC 15.15 apply as follows:

9. Regulations regarding habitation of an RV without a permit, including those RVs for which a permit has been revoked under item 13, will be governed by SMC 15.15;
10. Fines for habitation of a vehicle not designed for human habitation shall be governed by SMC 15.15.100;

In order to appropriately address P&Z’s proposal of a \$1,000-per-day fine, the Assembly could consider the following actions: 1) propose an ordinance to amend SMC 15.15.100 to standardize

this language similar to other penalty language in code; and 2) propose a resolution establishing appropriate fees.

The code amendment ordinance could include the following language:

15.15.100 Penalties.

~~Except where otherwise specifically stated, violations of provisions of this chapter shall be noncriminal infractions, subject to a penalty of one hundred dollars (\$100.00). Each day of continuing noncompliance, following the municipality's issuance of a notice of noncompliance, shall be a separate violation.~~ **For violations of this chapter, refer to Chapter 1.20, General Penalty. Violations of this chapter are subject to civil fines established by resolution.**

The resolution could establish the following fees as proposed by P&Z:

Fine for habitation of an RV without a permit:	\$1,000 per day
Fine for use of an RV in violation of SMC 15.15:	\$1,000 per day

In conclusion, I would like to request consideration and approval from the Assembly to:

1. Propose an ordinance to amend SMC 15.15.100 as suggested above;
2. Establish fines by resolution as noted above (or with fines and amounts the Assembly deems appropriate).

Enforcement plan for habitation of recreational vehicles.

The intent of this proposed resolution is to be to resolve the proliferation of habited RVs within the municipality. **There is current language in our municipal code that provides a method to abate the illegal habitation of RVs.** The proposed resolution will allow for the continued habitation of RVs as long as the guidelines outlined in this resolution are met. The resolution is intended to sunset after a 3-year time period after which we will default to existing code, the guidelines are as follows.

- Make available an annual permit allowing for habitation of RV's from April-October.
- Permit will be contingent upon approval from the Permitting Official for Life Safety Inspection and utility compliance
- Limit one habitation permit per lot.
- RVs will be required to be movable at all times.
- RVs will be required to be street legal at all times.
- A copy of a current registration will be required with submittal of an application.
- RVs will be required to be properly hooked up to sewer and obtain proof of payment that utilities (Water, Sewer, Trash) are in their name.
- Permits will cost \$300 for the summer season for the appropriate year.
- **Fines for habitation of an RV without a permit will be \$1000 per day to the property owner, established by resolution.**
- **Any habitation of a vehicle not designed for human habitation will be subject to a \$1000 fine to the property owner, established by resolution.**
- Certificates will be issued for the completion of an application review and site inspection and will be required to be posted on the RV and visible from the road or alley.
- Any violation of the conditions of the permit will result in immediate revocation.
- Once a permit is revoked, in order to receive a new permit, the applicant will be required to restart the permitting process including all fee's and inspections and will be viewed as without a permit.

"Recreational vehicle" or "RV" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, truck camper, and tiny house trailer which are individually defined as follows:

1. "Camping trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

ATTACHMENT A: Enforcement Plan as Approved by Planning & Zoning Commission on March 20, 2018

2. "Fifth wheel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet (37.2m²) in the set-up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
3. "Motor home" is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
4. "Park trailer" is a recreational vehicle that meets the following criteria:
 - a. Built on a single chassis mounted on wheels;
 - b. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
 - c. Certified by the manufacturer as complying with ANSI A119.5.
5. "Travel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet (29.7m²).
6. "Tiny house trailer" is a portable housing unit built on or permanently attached to a single chassis mounted on wheels or on a trailer and constructed to provide temporary living quarters for recreational, travel or seasonal use, consisting of a roof, floor and sides.

Proposed by:	Planning & Zoning Commission
Attorney Review:	04/09/2018
Vote:	6 Aye 0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 18-12R

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, ESTABLISHING A THREE-YEAR PLAN TO TEMPORARILY PROVIDE ANNUAL PERMITS ALLOWING FOR THE HABITATION OF RECREATIONAL VEHICLES.

WHEREAS, the Planning and Zoning Commission recognizes a lack of seasonal housing resulting in the proliferation of the habitation of recreational vehicles (RV) in conflict with SMC 15.15 Recreational Vehicles; and

WHEREAS, the Planning and Zoning Commission recognizes the need to provide seasonal housing for employees, and recognizes the potential for the displacement of employees if RVs are no longer utilized; and

WHEREAS, the Planning and Zoning Commission wishes to mitigate the loss of seasonal housing while also enforcing municipal code that prohibits the habitation of RVs; and

WHEREAS, the Planning and Zoning Commission wishes to temporarily provide for an annual permit allowing the habitation of one RV per lot as long as the applicant meets the required conditions; and

WHEREAS, the Planning and Zoning Commission wishes to implement this permitting plan over the next three years, to coincide with the development of a municipal RV park over the Pat Moore Memorial Bridge, and to help gradually transition current RV users to a legal use of RVs, without exacerbating the current seasonal housing crisis by abruptly displacing workers from their housing; and

WHEREAS, the Planning and Zoning Commission recognizes the potential to abuse an issued permit; therefore, any violation of the permit will result in the immediate termination of the permit and require that the property owner reapply for a permit; and

WHEREAS, the Planning and Zoning Commission intends to enforce code as it is currently written in SMC 15.15 for all RVs used for habitation that have not received a permit; and

WHEREAS, the Planning and Zoning Commission held a series of public work sessions to discuss this 3-year plan; and

WHEREAS, at its meeting of March 20, 2018, the Planning and Zoning Commission voted to approve and propose this plan to the Assembly;

NOW, THEREFORE BE IT RESOLVED, by the Borough Assembly of the Municipality of Skagway that the following enforcement plan for the habitation of recreational vehicles is temporarily established:

ATTACHMENT B

MUNICIPALITY OF SKAGWAY

RESOLUTION NO. 18-12R

Page 2 of 3

1. An annual permit will be available to allow the habitation of RVs from April through October each year;
2. The permit will be approved by the Permitting Official, and is subject to a life-safety inspection and compliance with utility requirements;
3. There is a limit of one permit per municipal lot;
4. RVs are required to be operational, drivable, and/or mobile at all times;
5. RVs are required to be equipped and licensed for use on public roads at all times as required by the State of Alaska Department of Motor Vehicles;
6. A copy of current vehicle registration shall be required with submittal of an application;
7. RVs will be required to be properly connected to water and sewer utility services and present proof of payment of utilities to ensure the account is in the owner's name;
8. Permits will cost \$300.00 for the summer season each year;
9. Regulations regarding habitation of an RV without a permit, including those RVs for which a permit has been revoked under item 13, will be governed by SMC 15.15;
10. Fines for habitation of a vehicle not designed for human habitation shall be governed by SMC 15.15.100;
11. Certificates will be issued for the completion of an application review and site inspection, and will be required to be posted on the RV and visible from the road or alley;
12. Any violation of the conditions of the permit, as identified by the Permitting Official, will result in immediate revocation;
13. If a permit is revoked, in order to receive a new permit, the applicant is required to re-apply for a permit and is again subject to all application fees and inspections;
14. Permits will be granted upon compliance with these conditions in all use zones, except that permits will not be issued for use in the Historic District, **the Waterfront District, or on property used for congregating housing**;
15. For the purposes of this resolution, the following definitions shall apply:
 - a) "Recreational vehicle" or "RV" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, and travel trailer, which are individually defined below.
 - b) "Camping trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
 - c) "Fifth wheel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four-hundred (400) square feet (37.2 m²) in the set-up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
 - d) "Motor home" is a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

- e) "Park trailer" is a recreational vehicle that meets the following criteria: a) built on a single chassis mounted on wheels; b) having a gross trailer area not exceeding four-hundred (400) square feet in the set-up mode; c) certified by the manufacturer as complying with ANSI A119.5.
- f) "Travel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s) when towed by a motorized vehicle, and of gross trailer area less than three-hundred twenty (320) square feet (29.7 m²).

BE IT FURTHER RESOLVED, that the plan outlined in this resolution shall take effect immediately and shall sunset on May 1, 2021.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 19th day of April, 2018.



 Monica Carlson, Mayor

ATTEST:


 Emily A. Deach
 Borough Clerk

(SEAL)

