



1 with existing city zoning or ordinances.

2 SECTION 3. AUTHORITY

3 The Marion County Board of Commissioners has the authority  
4 to regulate, control or prohibit the stopping, standing and  
5 parking of motor vehicles upon public roads, pursuant to ORS  
6 810.160, and to control placing any facility or structure within  
7 the county right-of-way, pursuant to ORS 374.305. In addition,  
8 Marion County has broad authority to control matters of county  
9 concern, including roads within the county, pursuant to ORS  
10 203.035 and 368.016.

11 SECTION 4. DEFINITIONS

12 For the purpose of this ordinance, the following terms,  
13 phrases, words, and their derivatives shall have the meaning  
14 given in this section.

- 15 (a) Road - means the entire width between the boundary  
16 lines of the right-of-way of any public way that  
17 provides vehicle ingress or egress from property and  
18 vehicle travel between places.
- 19 (b) County Road - means a public road under the  
20 jurisdiction of a county that has been designated as a  
21 county road under ORS 368.016.
- 22 (c) Local Access Road - means a public road that is not a  
23 county road, state highway or federal road, which is  
24 subject to the exercise of jurisdiction by the Marion  
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County Board of Commissioners, pursuant to ORS 368.031.

- (d) Motor vehicle - means any vehicle that is self-propelled or designed for self-propulsion.
- (e) Recreational vehicle - means any camper, motor home or travel trailer that is capable of being used for human habitation.
- (f) Shelter - means any structure or facility including but not limited to tents, shacks, lean-tos or stands, used for human habitation.

SECTION 5. PROHIBITED USE IN EXCESS OF 72 HOURS

(a) It shall be unlawful for any person to use any motor vehicle, recreational vehicle, or shelter as a place of temporary or permanent habitation within any county road or local access road in excess of 72-hours. However, in no case shall habitation be allowed in any of the following circumstances:

1. The total habitation time within all public roads over a 90-day period exceeds 72-hours.
2. Sanitation problems are created in violation of ORS 446.345.
3. Refuse waste and sewage are not deposited in a lawful manner.
4. A vision hazard or other safety hazard is created.
5. Damage is done to the road, such as digging holes

1 or removing vegetation.

2 6. On a County designated arterial road and collector  
3 road.

4 (b) A recreational vehicle may be used as a place of  
5 temporary habitation for a period of time in excess of  
6 72-hours if there is no violation of the provisions of  
7 Subsection (a) of this section are met and the owner or  
8 person in charge of the recreational vehicle has  
9 secured a permit from the Director of Public Works, as  
10 provided in Subsection (c) and (d) of this section;  
11 provided however, that no recreational vehicle may be  
12 so used in any commercial or industrial zone.

13 (c) The county may inspect any recreational vehicle subject  
14 to application for a permit required by Subsection (b)  
15 of this section, and may make any further examination  
16 of the premises. Included in the investigation are  
17 whether such vehicle is properly registered, licensed  
18 and insured, where such vehicle will be used, provision  
19 for sewage and garbage collection and disposal, and any  
20 other investigation as may be deemed necessary by the  
21 Director of Public Works to establish that the  
22 requirements of this section will be complied with, and  
23 that adequate arrangements have been made for the  
24 protection of the health, safety and welfare of the  
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1 occupants thereof and of the public. In no event shall  
2 any permit be issued for longer than 30 days use of a  
3 recreational vehicle as a place of temporary  
4 habitation. The decision of the director to issue or  
5 deny a permit shall be final, and shall be subject to  
6 review only by writ of review as posted in ORS 34.010  
7 through 34.100.

8 (d) The purpose of issuing a permit allowing temporary  
9 habitation on the county roads is to protect the  
10 general public health, safety and welfare without  
11 needlessly infringing on legitimate visitors staying in  
12 recreational vehicles or campers for short periods of  
13 time while visiting with county residents by reviewing  
14 each request to insure no hazards or nuisances to the  
15 public are created. The director shall consider when  
16 reviewing a permit, the following criteria, which are  
17 not exclusive:

- 18 1. The RV shall not be placed on a county designated  
19 arterial road or collector road.
- 20 2. The RV shall not be placed on the travel surface  
21 of any roadway.
- 22 3. The RV shall not be placed closer than 50 feet to  
23 a public road intersection.
- 24 4. The RV shall not cause a vision obstruction to  
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anyone entering or exiting access roads and private driveways, etc.

- 5. The RV electrical, sanitary or other hookup lines shall not be allowed across roads, sidewalks or other areas that would obstruct or endanger pedestrian or other public use of the road.
- 6. Any placement, location or other situation that may cause a welfare, safety or health concern to the general public as identified by the County permit representative.
- 7. The RV shall not interfere unduly with the abutting property owners quiet enjoyment of their property and use of the road.

(e) The Board of Commissioners hereby authorizes the Director of Public Works to establish, collect and adjust permit fees as needed to fund administration costs associated with the permit system.

**SECTION 6. METHOD OF DETERMINING USE**

In determining whether use is in violation of Section 5 of this ordinance, the period of use shall begin when the vehicle or shelter is first left or erected in a road, and shall continue even if the vehicle or shelter is moved to another road location. The time of habitation shall be cumulative and shall not exceed 72-hours in a 90-day time period.

1 SECTION 7. PENALTIES FOR VIOLATION

2 Each recreational vehicle, motor vehicle or shelter left or  
3 erected on a road in violation of this ordinance is a separate  
4 violation. Each violation of this ordinance is punishable as  
5 provided:

6 (a) Violation of this ordinance shall be enforced pursuant  
7 to Marion County Ordinance No. 692 for the enforcement  
8 of violations of County Ordinances:

- 9 1. The fine for violation of the ordinance shall be  
10 \$100 for the first violation and \$500 for each  
11 subsequent violation.  
12 2. The infraction complaint may be personally served  
13 on the violator, or placed in a conspicuous place  
14 upon the vehicle or shelter involved in the  
15 violation.  
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17 SECTION 8. REMOVAL OF PERSON AND PROPERTY

18 (a) Except in circumstances described in Section 5 above  
19 and Chapter 121 Oregon Laws 1995, Section 2(2)  
20 requiring immediate action, no person or property shall  
21 be removed from the road until 24 hours after the  
22 complaint has been served or posted.

23 (b) The complaint and an accompanying notice of the  
24 violation shall be written in English and in Spanish  
25 and shall describe the violation and shall warn that  
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1 any vehicle or shelter or personal property left at the  
2 site after 24 hours shall be deemed abandoned and shall  
3 be removed.

4 (c) All unclaimed personal property shall be disposed of as  
5 provided by Chapter 121 Oregon Laws 1995, Section 2.

6 (d) All vehicles left on the road 24 hours after service of  
7 the complaint and notice shall be deemed abandoned and  
8 shall be disposed of as provided by ORS 819.100 through  
9 819.260.

10 SECTION 9. ADMINISTRATION AND ENFORCEMENT

11 The Marion County Board of Commissioners hereby delegates  
12 authority to the Director of Public Works to administer and  
13 enforce this ordinance and to post areas of multiple violations.

14 SECTION 10. EFFECTIVE DATE

15 This ordinance shall become effective the first day of the  
16 month following 90 days after passage.

17 Dated at Salem, Oregon, this 4th day of October, 1995.

18  
19 MARION COUNTY BOARD OF COMMISSIONERS

20 Mary Pearson  
21 Chair

22 Angela E. Phipps  
23 Recording Secretary

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Marion County Legal Counsel  
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