

Nephi City
ORDINANCE 05-07-2024

TEMPORARY LIVING ORDINANCE

**AN ORDINANCE CREATING REGULATIONS GOVERNING TEMPORARY
LIVING IN NEPHI CITY**

WHEREAS, the Nephi City Council has deemed it necessary to set forth certain regulations regarding the use of temporary structures for permanent living; and

WHEREAS, these regulations have been reviewed and approved by the Planning Commission; and

WHEREAS, regulations regarding the use of temporary living structures will enable the use of private property rights while minimizing the impacts of others property rights;

NOW THEREFORE, be it ordained by the City Council of Nephi City, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "10.19.24 Temporary Living Ordinance" is hereby amended as follows.

A. Purpose: The purpose of this chapter is to designate regulations regarding temporary living conditions in the city including, but not limited to, vehicles, tents, recreational vehicles, semi-trucks, etc. The goal is to balance private property rights with appropriate restrictions as to not infringe on the property rights of others.

B. Definitions for the temporary living ordinance are below. Some definitions are found in the general definitions in Chapter 2 in Title 10 of the Land Use Ordinance.

- Commercial or Business Purposes - for the landowner's or guest's benefit that includes the exchange of money, goods, or services.

- Motorized Passenger Vehicle - Any motor vehicle, other than a motortruck, truck tractor, or a bus, and used or maintained for the transportation of persons. This definition includes, but is not limited to, a sedan, pickup truck, minivan, van, sport utility vehicle, and any other similar vehicle.

- Personal Purposes - for the purposes of the landowner's or guest's personal benefit, that does not include the exchange of money, goods, or services.

- Recreational Vehicle (RV), Camper - Same definition found in Chapter 2 of Title 10 - Land Use Ordinance

- Semi-Truck - A trucking rig made up of a tractor truck and/or semitrailer. The tractor truck

will typically contain a sleeping area adjacent to the driving area.

- Temporary Living - Staying in a Temporary Living Structure for less than twenty-nine (29) days in a one year time period within the Nephi City limits.

- Temporary Living Structure - A recreational vehicle, camper, boat, lean-to, tent, vehicle, or any other structure that is temporary in nature.

- Temporary Living Permit - A permit obtained from Nephi City, authorizing landowners or their guest to use a Temporary Living Structure for Temporary Living as provided by this Chapter.

- Tent - A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary structure.

C. Occupying, inhabiting, sleeping, or residing in a motorized passenger vehicle (with landowner permission) is permitted in the following zones with the following conditions:

1. On any private or public property (including streets) for up to twenty-four (24) hours within a three (3) day period.

2. The stay limitation of twenty-four (24) hours within a three (3) day period applies to any property in Nephi City regardless of whether the stay occurs on one (1) parcel of property or on multiple parcels of property during the three (3) day period.

D. Occupying, inhabiting, sleeping, or residing in a recreational vehicle whether hooked to temporary services, or not hooked to temporary services, with only one (1) RV allowed per property (with landowner permission) is only permitted in the following zones with the following conditions and restrictions:

1. On commercial private property for up to twenty-four (24) hours within a three (3) day period.

2. In a designated RV Park that complies with Nephi City Code 10.15.15, any amendments thereto, and any other code or law governing RV Parks in Nephi City.

3. On residential private property with a Temporary Living Permit issued by the city.

4. It is strictly prohibited to use an RV for Temporary Living in a residential zone without an active and duly authorized Temporary Living Permit.

5. It is strictly prohibited to use an RV for Temporary Living on public property, including streets.

E. Occupying, inhabiting, or residing in a semi-truck (with landowner permission) is permitted in the following zones with the following conditions and restrictions:

1. On commercial private property for up to seventy-two (72) hours in a stay.

2. On residential private property it is strictly prohibited.

3. On public property (including streets) contiguous to the highway commercial zone for up to twenty-four (24) hours as long as the semi-truck does not obstruct line of sight from intersections and access points.

F. Occupying, inhabiting, or residing/camping in a Temporary Living Structure, (with landowner permission) is permitted in the following zones and with the following conditions and restrictions:

1. On commercially zoned private property where a camping business is the primary use and business model, the business operating on the property has a duly authorized business license, a camping business is allowed in the zone, and the business is in compliance with all applicable laws and

regulations.

2. On residential private property with a Temporary Living Permit issued by the city.

3. It is strictly prohibited to use a tent for temporary living in a residential zone or residential use in a combined use zone without and active and duly authorized Temporary Living Permit.

4. On public property (including streets) is strictly prohibited unless such use has been specifically approved by the City Council, or its designee.

G. Permitting Process:

A. Consistent with the terms of this chapter, upon request, the city may issue a Temporary Living Permit to a person if the following requirements are satisfied:

1. The structure meets the definition of a Temporary Living Structure;

2. The Temporary Living Structure will be used for Temporary Living on the property for no longer than the time allowed for in the permit;

3. The Temporary Living Structure is being allowed on the property for personal not commercial purposes;

4. The property where the Temporary Living Structure will be used for Temporary Living is in a residential zone or residential use in a combined use zone;

5. The party seeking the permit has completed the Temporary Living Permit and has paid the applicable fee.

B. Only two (2) Temporary Living Permits may be obtained per calendar year, per property, and only one (1) temporary living structure may be approved at a time.

C. A party shall not place, store, construct, or locate a structure on property for the purpose of using for Temporary Living until the party has received a Temporary Living Permit from the city. Notwithstanding the above, recreational vehicles may be stored or placed on a lot, parcel, or property, so long as the intended use is not for the purpose of Temporary Living and such storage or placement complies with all other applicable laws.

D. Temporary Living Permits are valid for up to fourteen (14) days. A party may receive consecutive Temporary Living Permits. Under no condition shall a party receive more than two (2) Temporary Living Permits during a calendar year.

E. Temporary Living Permits as issued by the city must be posted prominently and be visible from the public street.

F. Permanent alterations, or additions to the Temporary Living Structure being used for Temporary Living is strictly prohibited including, without limitation,:

1. Permanent attachment to any city utility services including: water, sewer, gas, or electrical; and

2. Adding any permanent skirting, stairways, awnings, accessory structures, or decking

G. City Officials or their designees may enter private property at reasonable times to inspect Temporary Living Structure that has been permitted by the city. The purpose of the inspection shall be to evaluate compliance with this chapter.

H. Except as specifically authorized in this code, the Temporary Living Structure shall be removed immediately upon the expiration or revocation of the Temporary Living Permit.

I. The city may revoke a Temporary Living Permit at any time if the terms of the permit or this code are violated.

J. The city may deny issuance of a Temporary Living Permit if a party has previously violated a Temporary Living Permit.

K. By issuing a Temporary Living Permit the city makes no representation regarding the health and safety of Temporary Living in a Temporary Living Structure. A party using a Temporary Living Structure assumes any and all risk associated with using the Temporary Living Structure.

...

SECTION 3: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 4: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall become effective May 13, 2024.

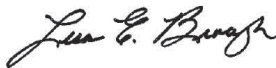
****Signatures On Next Page****

PASSED AND ADOPTED by Nephi City Council this 7th day of May, 2024.



JUSTIN SEELY, Mayor
Nephi City

Attest:



LISA BROUGH, City Recorder
Nephi City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Jeramie Callaway	<u>X</u>	—	—	—
Shari Cowan	<u>X</u>	—	—	—
JD Parady	<u>X</u>	—	—	—
Skip F. Worwood	<u>X</u>	—	—	—
Travis Worwood	<u>X</u>	—	—	—



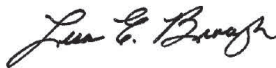
RECORDED this 13th day of May, 2024.
PUBLISHED OR POSTED this 13th day of May, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Nephi City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. Utah Public Notice Website
- 2. City Hall
- 3. Juab County Building

on the above referenced dates.



LISA BROUGH, City Recorder
Nephi City