



Amendment of the Starke County
Ordinance Article 6-12-3-2-8
Recreational Vehicles 2023- 013

The Purpose of this amendment is to provide standards for recreational equipment utilized for temporary recreational/ vacation use without infringement upon the neighborhood or adjacent properties. It is the intent of the foregoing restrictions on the use of Recreational Vehicles that no occupancy or use of such vehicles rise to the level of permanent occupancy or use, and that any use remains recreational in nature.

Section 1 Definitions:

1. **"Campground/Recreational Vehicle Park"** An area or tract of land where campsites are leased or rented and where provisions are made for ten (10) or more tents, recreational vehicles, park models, or vacation mobile homes but not including occupancy in manufactured housing. A campground is established, operated, and maintained for recreational or tourist activities and designed for short-term occupancy away from established residences.
2. **"Permanent Use"** a use for any RV's lasting longer than seventy-two (72) hours or has temporary or permanent connections to sewer, septic, electric power, water. RV's that have porches, patios, storage buildings affixed to or in close proximity to the RV. RV's that have or had tires or axles removed and are affixed to a permanent foundation and/or supports or skirting. Any RV should be ready to be removed and/or moved at any time from any property, and should not have any type of ground affixed structures added to it. Temporary MH permits for twelve (12) months are to only be issued in circumstances where a dwelling is under current construction with a current permit on file in the Planning Commission office is the only instance. Refer to articles 6-12-3-2-8 and 6-12-3-2-9.
3. **"Recreational Vehicle (RV)"** A travel trailer, park model, collapsible trailer, truck-mounted camper, makeshift structure, or motor home without a permanent foundation that is designed for temporary accommodations for recreational camping and travel use.
4. **"Temporary Use"** A use that is not permanent, and which is not a substitute for a fixed abode for no more than seventy-two (72) hours at any one time. Temporary use of a recreational vehicle (RV) is characterized by its not having a connection to electric power, water connection, sewer or septic connection, and not having a mail receptacle, not having any occupational or commercial use, and not affixed, if of a type that states

law requires to have registration and licensing, and must be mechanically ready to be moved at all times under the mode of power for which such unit was designed.

5. **"Code Enforcement Officer"** means the County Building Inspector, and any other authorized agent of any County board, subdivision, or entity with the statutory authority or as otherwise authorized by the County Commissioners or County Planning Commission as having the authority to issue County ordinance violations, citations, or infractions, for the purpose of enforcing this Ordinance." This would be more inclusive and expand who we classify as a code enforcement officer.
6. **"Owner"** means the owner of the fee simple of a parcel or real property, and includes a life tenant or tenants, and the owner or owners of record according to the records in the Office of the Starke County Auditor.
7. **"Private Property"** means all real property located within the county, except for property owned by a governmental unit or entity.
8. **"Primitive Camping"** means any type of camping that is not in a typical recreational vehicle. This is to include but is not limited to pop-up campers, tents, sheds, and make-shift structures and/or vehicles.

6-12-3-2-8 Recreational Vehicles

- A. Recreational vehicles parked on private residential property shall not be occupied for temporary or permanent use as a dwelling.
- B. A resident may store recreational vehicles outdoors in the rear yard; provided the recreational vehicle is owned by the resident of the dwelling on that lot and the recreational vehicle is located a minimum of five (5) feet from the rear lot line.
- C. Recreational vehicles shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any zoning district. All recreational vehicles parked or stored shall not be connected to sanitary facilities.
- D. All recreational vehicles shall maintain building setbacks as required by ordinance for the applicable zoning district.
- E. All recreational vehicles shall have current state registration and licensing.
- F. All recreational vehicles may be temporarily used not more than (72) seventy-two hours at one time. A (72) seventy-two hour permit needs to be filed for in the planning commission and made visible from the vehicle.
- G. Must get approval from the Starke County Planning Commission before using an RV for a temporary use with a building permit for a dwelling, with a visible expiration date posted.
- H. There is to be no primitive camping of any type with or without a recreational vehicle (RV) except for where permitted in such recreational vehicle parks and or campgrounds located within Starke County.

6-12-3-2-9 Recreational Vehicle Parks;

Recreational vehicles shall meet the following requirements:

All recreational vehicle parks shall be subject to all provisions defined in 410 IAC 6-7.1.

- A. Shall have direct access to a public highway or road with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for safe movement of recreational vehicles into and out of the park.
- B. Shall be located only where conditions of soil, groundwater level, drainage, geologic structure and topography do not create hazards to the park site or to the health and safety of occupants, nor subject the site to the hazards of objectionable smoke, odor or noise, or the possibility of subsidence, sudden flooding or severe erosion.
- C. Shall not allow the density of the park to exceed twenty (20) recreational vehicle spaces per acre of gross site area.
- D. Shall have a minimum area of at least five (5) acres.
- E. Shall require the recreational vehicles to be separated from each other and from park buildings or structures by at least fifteen (15) feet.
- F. Shall comply with the required minimum yard provisions of the zoning ordinance.
- G. Shall require each recreational vehicle space to be no nearer than twenty-five (25) feet to the right-of-way line of a highway or road.
- H. Shall have a yard of at least twenty-five (25) feet in width wherever the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley.
- I. At least one centrally located recreational area equal in size to eight (8) percent of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas and park service facility areas shall not be included in the required area.
- J. In other than business districts, food stores, restaurants, sporting goods stores, laundromats, dry-cleaning pick-up stations, and similar convenience and service shops shall be permitted in recreational vehicle parks containing fifty (50) spaces provided:
 1. Such shops and the parking areas required by their use shall not occupy more than ten (10) percent of the total area of the park,
 2. The shops shall be primarily for the use of the occupants of the park,
 3. Such shops shall be so located or designed within the park to present minimal visual evidence of their commercial nature to persons outside the park.
- K. Management offices and storage, playground, and picnic equipment, sanitation, and laundry facilities; informational signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
- L. Shall have installed approved septic system, meeting all health requirements from the Indiana State Board of Health.
- M. Recreational Vehicle Parks must be screened as follows;

1. Screening materials shall be a minimum of six (6) feet in height and shall be opaque.
 2. Where plant materials are used, said materials shall be of a species that is suited to local climatic and soil conditions and shall be not less than four (4) feet high and which at maturity are not less than eight (8) feet high.
 3. When plant materials are used, a strip of land a minimum of six (6) feet in width shall be reserved for the plant materials.
 4. Where permitted all outside storage areas shall be screened from contiguous or adjacent residential uses or residential zoning district boundary lines.
- N. Chart 4- Conditional Uses per the Starke County Ordinance has Recreational Vehicle Park added to its list as a permitted use in Agricultural districts. Allowed as a Special Exception in LB, GB, LI, and I districts.

Section 2 Statutory Authority and Limitations:

- 1) ***In General.*** Authority for this Ordinance is based on the following Indiana statutes, and it is expressly intended that the terms hereof should be interpreted liberally therewith;
- 2) ***Environmental Public Nuisance Statutes.*** This is an Ordinance applicable when a condition violating an ordinance of a municipal corporation exists on real property, and hereby incorporates by reference the provisions of I.C. 36-1-6-2 and related statutes.
- 3) ***Enforcement by Administrative Proceedings.*** The Commissioners intend that this Ordinance shall constitute adoption of an ordinance providing for enforcement through an administrative proceeding before an administrative body pursuant to I.C. 36-1-6-9 by restricting or prohibiting actions harmful to the land, air, or water, or governing the standing or parking of vehicles and hereby incorporates by reference the provision of I.C. 36-1-6-9 and related statutes.
- 4) ***Limitations on Enforcement by Administrative Proceedings.*** The Commissioners intend that this ordinance shall comply with I.C. 36-1-3-8 and that therefore administrative authority to enforce this ordinance is limited to a penalty of a fine of no more than two thousand five hundred dollars (\$2,500.00) for a first infraction of the ordinance resulting in a Written Notice and an additional two thousand five hundred dollars for a total of no more than five thousand dollars (\$5,000.00) for a Notice of Abatement, second or subsequent infraction of the ordinance once the case has been closed per the planning commission board or Code Enforcement Officer will result in the procedure starting over.

Section 3 Procedure:

- 1) **Complaints.** Violations or Infractions under this ordinance can be identified or reported by any department in the county which receives a complaint regarding a Recreational Vehicle on any property in the County, and they shall forward that complaint to the Starke County Planning Commission or such other officer as shall be designated by the Starke County Plan Commission, hereinafter referred to as the Code Enforcement Officer.
- 2) **Assignment of Complaints.** The Code Enforcement Officer shall promptly investigate the complaint. If the Code Enforcement Officer determines that:
 - a) The complaint is true and made in good faith; and,
 - b) The Condition or activity described in the Complaint constitutes a Recreational Vehicle violation as defined in this Ordinance; and,
 - c) Is located on Private Property located in the County,the Code Enforcement Officer shall open a case for the Complaint and thereafter process the complaint and shall follow the case through to its resolution, generally commencing with an Infraction, as described in 3 below.
- 3) **Infraction.** At which time a complaint has been determined to be valid by the Code Enforcement Officer, they will issue an infraction notification at the property in the form of a door knob tag. On such door knob tag, it shall state the following:
 - a) the fees and fines associated with the Infraction notice and,
 - b) the time frame of forty-eight (48) hours or two (2) business days that the owner or tenant should contact the Code Enforcement Officer and have a plan of action to resolve the infraction and,
 - c) the fine of three hundred and fifty dollars (\$350.00) and the information that the fine may be waived or reduced per the discretion of the Code Enforcement Officer and,
 - d) the Code Enforcement officers office contact information in the Planning Commission office.

At which time the owner or tenant has made contact with the Code Enforcement Officer, the owner or tenant shall be given ten (10) calendar days to remove the Recreational Vehicle (RV). The Code Enforcement Officer may allow leniency with the time frame as long as a plan is in place to remedy the infraction, and this is at the discretion of the Code Enforcement Officer.

- 4) **Written Notice.** When an infraction has not been addressed by the owner or tenant of the private property where the Recreational Vehicle (RV) infraction has been found valid within ten (10) calendar days then the Code Enforcement Officer shall issue a Written Notice. The Written Notice shall be served upon the owner of the property through US Certified Mail, granting the owner a minimum of ten (10) calendar days in which to make contact with the

Code Enforcement Officer and remove the recreational vehicle from the property. The Code Enforcement Officer may allow leniency with the time frame as long as plan of action to remove the recreational vehicle (RV) has been made, and this is at the discretion of the Code Enforcement Officer. The Written Notice shall contain the following information

- a) The Address of the property in violation and,
 - b) the date of the Written Notice and,
 - c) the Code Enforcement officer's office contact information in the Planning Commission office and,
 - d) The address, telephone number and email address of the issuing Starke County Department and,
 - e) A warning that if the Recreational Vehicle is not removed within ten (10) calendar days after the notification, the County of Starke will abate the recreational vehicle (RV) and seek recovery of the actual cost involved in abating and remedying the nuisance and,
 - f) the administrative fee of three hundred and fifty dollars (\$350.00) that is non waivable and a fine of two thousand five hundred dollars (\$2500.00) and the information that the administrative fee may not be waived or reduced and that the fine may be reduced but not waived per the discretion of the Code Enforcement Officer and,
 - g) the Case number.
- 5) **Notice to Abate.** When Written Notice has not been addressed by the owner or tenant of the private property where the Recreational Vehicle has been found valid within ten (10) calendar days, then the Planning Commission Legal Counsel shall issue a Notice to Abate. The Notice to Abate shall be served upon the owner or tenant of the property by the Code Enforcement Officer, Sheriff or Police Officer, or authorized employee by personal service or by certified mail to the owner, granting the owner a minimum of ten (10) calendar days in which to make contact with the Code Enforcement Officer and remove the Recreational Vehicle (RV). The Notice to Abate shall contain the following information
- a) The Address of the property in violation and,
 - b) the date of the Notice to Abate and,
 - c) the name of the Code Enforcement Officer, sheriff or police officer, or authorized employee posting the notice and,
 - d) The address, telephone number and email address of the issuing Starke County Department.
 - e) the additional administrative fee of three hundred and fifty dollars (\$350.00) for a total of seven hundred dollars (\$700.00) in administrative fees, and a fine of an additional two thousand five hundred dollars for a total of five thousand dollars (\$5,000.00) and information that the administrative fees and fines may not be waived or reduced at this point.

f) A warning that if the Recreational Vehicle (RV) is not removed within ten (10) calendar days after the notification, the County of Starke will abate the nuisance and seek recovery of the actual cost involved in abating and remedying the nuisance.

g) Case number.

A failure to give such written notice or a defect in the content of the notice shall not constitute a defense to any action to enforce the provisions of Section 4 of this ordinance.

In the event personal service or service by certified mail fails, service may be made by publication in a newspaper of general circulation in the County on two (2) consecutive occasions.

- 6) **Public Hearing.** When Infraction, Written Notice, and Notice to Abate has not been addressed by the owner or tenant of the private property where the Recreational Vehicle (RV) has been found valid within thirty (30) calendar days, then the Code Enforcement Officer shall refer the case to the Planning Commission Administrator to prepare it for a public hearing with the Planning Commission Board.
- 7) **Post- Notice Inspection; Determination of Compliance.** Following the expiration of the Infraction, Written Notice or Notice to Abate remedy time period set forth in the Notice to Abate, the Enforcement Officer shall personally inspect the property and determine whether the Recreational Vehicle (RV) has been adequately abated.

If the Code Enforcement Officer finds that the Recreational Vehicle (RV) has been adequately abated, the Enforcement Officer shall provide written or verbal notice to the property owner that no additional action is required. The Code Enforcement Officer may include a statement that re-occurrences of the nuisance conditions will prompt future action and that any reoccurring violation within a thirty (30) calendar day time frame of abatement will automatically receive administrative fees and fines. The Code Enforcement Officer is not obligated to offer leniency on re-occurrences of nuisances.

If the Code Enforcement Officer finds that the Recreational Vehicle (RV) has not been adequately abated, the Code Enforcement Officer may send an additional Written Notice seeking additional cooperation from the property owner or tenant on the private property.

If the Code Enforcement Officer determines that the property owner is unlikely to fully abate the Recreational Vehicle (RV) on a cooperative basis the Code Enforcement Officer shall commence an enforcement action in accordance with the terms of Section 4 on Enforcement of this ordinance.

Section 4 Enforcement:

- 1) **Duty of Code Enforcement Officer.** The Code Enforcement Officer (or any other person designated by the Planning Commission), shall manage code enforcement with respect to Recreational Vehicles (RV).

- 2) **Citation for Infraction.** If the Code Enforcement Officer determines that Recreational Vehicle (RV) exists on private property in the County, a door tag as provided in Section 3-(3), the Code Enforcement Officer may issue a citation for the infraction of the Ordinance to be issued to the offending property owner and or tenant of the RV.
- 3) **Written Notice** If the Code Enforcement Officer determines that the time frame has lapsed for the door tag as stated in Section 3-(3), then the Code Enforcement Officer in addition to the issuance of the citation for the infraction of this Ordinance may issue a Written Notice with fees and fines.
- 4) **Abatement by the County on Private Property.** In addition to the issuance of the citation and Written Notice for the infraction of this Ordinance, the Code Enforcement Officer, on behalf of and in the name of Starke County, may take the matter to legal counsel to issue an abatement notice after the time frame stated in Section 3-(4).
- 5) **Public Hearing.** In addition to the issuance of the citation, Written Notice, and Notice for Abatement for the infraction of this Ordinance, the Code Enforcement Officer, on behalf of and in the name of Starke County, may take the matter to a public hearing after the time frame stated in Section 3-(5). At the public hearing, the Code Enforcement Officer may request the County to abate the Recreational Vehicle (RV), and shall thereafter furnish the Auditor with a statement of the actual cost incurred by the abatement if so, determined by the Planning Commission to abate the property.
- 6) **Responsibility of Property Owner for Cost of Enforcement.** The Starke County Code Enforcement Officer shall make a statement of the actual cost of remedying the Recreational Vehicle (RV). The cost shall include the cost of remedying the Recreational Vehicle (RV), administrative fees no more than seven hundred dollars (\$700.00). Said statement shall be delivered to the property owner by US certified mail. The owner shall pay the amount so billed within (30) days after receipt, which monies shall be deposited twenty-five percent (25%) into the Unsafe Building fund, twenty-five percent (25%) into the Public Nuisance Abatement fund, and fifty percent (50%) into the County General Fund.
- 7) **Fines.** In addition, the Code Enforcement Officer may levy a fine or fines, provided that the total fine and costs shall not exceed the authority set forth in Section 2-(3 thru 4) above.
- 8) **Collection.** If the owner fails to pay the fine and costs in full within thirty (30) days after received the Written Statement, a copy of all the costs shall be filed with the Office of the Auditor of Starke County for the purpose of placing the amount claimed on the tax duplicate against the property so that the fine and costs can be collected as taxes are collected, subject to the limitations above, and to the owner's right to object.

Section 5 Property Owner or Occupant's Right to Object:

- 1) **Notice of Objection.** Upon receipt of a Notice to Abate, the property owner or occupant served, or his duly authorized representative may notify the issuing County Department of

an intent to object to the Notice to Abate. The objection shall be in writing and shall specify the address of the property involved, and provide a simple, plain language explanation of the basis for the objection. A Notice of Objection must be served upon the County within ten (10) days of receipt of the Notice to Abate.

- 2) **Investigation of Objections.** Upon receipt of an objection, the issuing County Department shall provide copies to the Code Enforcement Officer, who shall investigate the basis for the objection. No further action shall be pursued against the owner to abate the Recreational Vehicle (RV) until investigation of the objection has been completed.
- 3) **Ruling on Objections; Owner Right to Appeal to Planning Commission.** If the Code Enforcement Officer finds the objection is well founded, the Code Enforcement Officer shall terminate the enforcement action and give written notice of the decision to the objecting owner or occupant. If the Code Enforcement Officer finds the objection is not well founded, the Code Enforcement Officer shall notify the owner or occupant (a) that the enforcement action will continue, and (b) that the owner or occupant has the right to appeal the decision by a petition for appeal before the Starke County Planning Commission.
- 4) **Appeals to the Planning Commission.** To commence an appeal, an objecting owner or occupant must file a written petition for appeal of the Code Enforcement Officer's decision to the Planning Commission within thirty (30) days of receipt of notice of the Code Enforcement Officer's decision denying the owner or occupant's objections and continuing the enforcement action. The owner or occupants appeal shall be limited to the issues raised in their petition for appeal. The appeal shall be heard by the Planning Commission at a public hearing. The Code Enforcement officer shall present his or her case in support of the enforcement action, and may be represented by an attorney. The owner or occupant shall present his or her case opposing the enforcement action and may be represented by an attorney. The Code Enforcement Officer bears the burden of proof by a preponderance of the evidence that the proposed enforcement action is proper, lawful and supported by the evidence. The Planning Commission shall rule on the petition with ten (10) days, and issue written findings of fact.
- 5) **Judicial Review.** If the Planning Commission finds in favor of the owner or occupant, the enforcement action is terminated. If the Planning Commission finds in favor of the Code Enforcement Officer and that the enforcement action should continue, the owner or occupant has the right to judicial review; however, the enforcement action may continue unless a court of competent jurisdiction timely orders a stay, temporary restraining order, or other order halting enforcement.

Section 6 Effect, Severability:

- 1) **Severability.** If any provision or term of this Ordinance, or any application thereof is held invalid by a Court of competent jurisdiction, the invalidity shall not affect other applications

of the provisions or terms which can reasonable be given effect without the invalid provision or term or the application thereof.

- 2) **Severability.** This Ordinance is not intended to, and shall not be construed to repeal any former ordinance as to any offense committed against such former ordinance, or as to any act done, and penalty, forfeiture, or punishment so incurred or any right accrued or claim arising under the former ordinance. This Ordinance is supplementary to, and not intended to revoke or amend Starke County Unsafe Building Ordinance and it's Open Burning Ordinance.
- 3) **Effective Date.** This Ordinance shall be in full force and effect from after its passage by the Board of Commissioners of Starke County, and subsequent publication thereof.

Presented to the Planning Commission Board of Starke County, Indiana, and approved on the October 12, 2023 by the following vote: 6-0.

Presented to the Board of Commissioners of Starke County, Indiana, and approved on the 16 day of October, 2023 by the following vote: 2 - 1.

COMMISSIONERS OF STARKE COUNTY

VOTE

yes



Charles Chesak, President

No



Mark Gourley, Vice-President

yes



Donald Binkley, Member