

**Chapter 11.65**

**NON-PERMANENT ABODE  
OCCUPANCY ORDINANCE**

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- 11.65.010 Purpose**

The purpose of this chapter is to regulate the safety of people occupying a non-permanent abode and the Landowner of the Premises where a non-permanent abode is located. All non-permanent abodes are subject to the safety requirements of this chapter.

**11.65.020 Definitions**

Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter.

A. "Landowner" means a legal owner of private property, a person with possession or control of private property, or a beneficiary of trust land on which a non-permanent abode is located.

B. "Factory Assembled Structures" means a modular home that is factory assembled without a chassis and is delivered to the home site by float truck and is craned onto a Permanent conventional foundation

C. "Manufactured home" means a single-family dwelling built according to the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401, *et seq.* and as it may be amended hereafter. A manufactured home also: (1) includes any plumbing, heating, air conditioning, and electrical systems in or attached to the home; (2) is built on a permanent chassis; and (3) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

D." Mobile Home" is a factory-built home that is built before June 15, 1976, and not built to a uniform construction code or contained in the National Automobile Dealers Association Guides.

E. "Tiny Home" A tiny home is a small house typically under 400 square feet, manufactured in a factory or homemade that is usually without running water and sewage holding tanks, and that is required by law to undergo the same certification requirements as all factory assembled structures, and if manufactured, must include a state or origin insignia.

F. "Non-conforming living structure" is an abode that lacks basic sanitation systems and that does not conform to permitting requirements.

G. "Non-permanent abode" is any recreational vehicle, tiny house, park model, or non-conforming living structure that is or has been used for habitation.

F. "Occupancy" and "occupy" refer to the use of a Recreational Vehicle by an occupant, tenant, or resident for residential purposes.

G. "Occupant" means the owner, operator, resident, or user of a non-permanent abode.

H. "On-site" means the Premises on which the non-permanent abode is located. "Hookups on-site" means the non-permanent abode is not self-contained but has its sewer, water, and electrical service connected to a structure or utilities on the Premises which it is occupying.

I. "Park Model" means a structure assembled on a steel frame contains amenities for sanitation, cooking and sleeping but has no sewage/water holding tank, commonly used in RV parks and has quick connects to all utilities. Park Models are subject to the terms of this Chapter.

J "Parked" means when a non-permanent abode is stopped on the Landowner's Premises, whether or not the non-permanent abode is occupied and/or connected to power, water or sewer.

K. "Premises" means the property owned by a Landowner on which a non-permanent abode is located.

L. "Recreational Vehicle" means a motor vehicle or trailer equipped with living space and amenities found in a home; this shall include, but not be limited to, caravans, campers, and Recreational Vehicles.

M. "RV Park or Recreational Vehicle Park" means a plot of land legally established for the sole purpose of safely accommodating travelers with Recreational Vehicles to park and connect to utilities for a period of time not to exceed thirty (30) days.

### **11.65.030 Applicability and General Provisions.**

#### **A. Applicability**

1. This chapter applies to Occupants of non-permanent abodes and Landowners upon whose premises non-permanent abodes are located.

2. Nothing in this chapter shall apply to a mobile home, a manufactured home, factory assembled structures, all as defined herein, or to residents of Recreational Vehicles at the Chehalis RV Park.

#### **B. General Provisions**

1. All non-permanent abodes existing and/or located on the lands of the Confederated Tribes of the Chehalis Reservation are subject to all provisions of this ordinance.

2. No occupant registration agreement or tenant rental agreement shall exempt any non-permanent abode, Landowner or Occupant thereof from any of the safety requirements described in this chapter.

3. All motor vehicles and Recreational Vehicles must have a current License plate and tabs and be capable of being driven; and must be in good, safe and clean condition.

4. All non-permanent abodes must be self-contained, or the potable, wastewater, and electrical connections must be on-site.

5. The Landowner will at all times during the presence of a non-permanent abode on the Premises ensure that the Premises are fit for human habitation, and shall in particular

ensure that the Premises is maintained in compliance with any applicable code, ordinance, or regulation governing its maintenance or operation, which the Business Committee or its designee thereof shall enforce as to the Premises if such condition substantially endangers or impairs the health, safety or welfare of the occupant and/or the residents of the Chehalis Reservation

6. The Occupant of the non-permanent abode shall ensure that the non-permanent abode complies with the safety requirements set out in this Chapter.

**11.65.040 Permit.**

A. All persons who wish to occupy a non-permanent abode in the Tribe's jurisdiction for more than 14 consecutive days must obtain a tribal permit and pay any permitting fee authorized by the Business Committee. Permitting shall be administered by the Planning Department. The permit shall be in writing and shall contain, in addition to the provisions otherwise required by law, the term of the occupancy and a statement of the grounds for which a non-permanent abode may be removed or made inaccessible as specified in Sections 11.65.090 – 11.65.100. A permit is not required to store a non-permanent abode on the Premises as long as the non-permanent abode is not occupied and is not connected to power, other than a small heater to prevent moisture buildup, water, and/or sewer.

B. The permit application must include the name and address of the Landowner upon whose Premises the non-permanent abode will be located, the name of the Occupant of the non-permanent abode, and the name of the owner of the non-permanent abode (if different from the Occupant).

C. At the time of the permit application, an Occupant shall be given a copy of the Non-Permanent Abode Occupancy Ordinance.

D. If the Non-Permanent Abode is located on the Landowner's Premises for 14 or fewer consecutive days within any six-month period, no permit is required.

E. The Tribe may terminate a permit for non-compliance with this Ordinance or with any permit requirement.

**11.65.050 Safety Requirements.**

The Occupant of the non-permanent abode and the Landowner or other owner of any building or system to which the non-permanent abode is connected are subject to the safety requirements set forth in sections 11.65.060 – 11.65.110.

**11.65.060 Sewage and Liquid Waste Disposal.**

A. Sewage and wastewater from a non-permanent abode shall be disposed of into a septic or holding tank, or in a manner approved by the Planning Department or its designee.

B. All non-permanent abode sewage collection systems, when provided, shall be designed, constructed, approved, and maintained in compliance with the requirements of the Planning Department or its designee and, where applicable, the additional Tribal statutes, rules, or standards.

C. No liquid wastes from a non-permanent abode shall be discharged onto the ground, allowed to accumulate on the ground surface, or be discharged into any river or other water source.

**11.65.070 Solid Waste.**

Solid waste from a non-permanent abode shall be disposed of in a manner which

complies with Chehalis Tribal Code Chapter 11.40, or as hereafter amended.

**11.65.080 Fire Protection and the Elimination of Accident Factors.**

A. Non-permanent abode electrical installations shall comply with the requirements of the latest version of the National Electrical Code. New electrical installations or systems remodeled, enlarged or converted after the effective date of these rules must meet the requirements of the National Fire Protection Association.

B. Every gas water heater, and every other gas fired appliance except gas plates and gas ranges, installed or serviced for use in any non-permanent abode, shall be effectively vented as required by the Building Official of the Tribe or designee.

C. Liquefied petroleum gas storage tanks used by or within a non-permanent abode shall conform in construction, design, installation, and operation with the rules of the Chief Building Official of the Tribe or designee.

D. All boilers and pressure vessels contained within a non-permanent abode shall be approved and maintained in accordance with the National Fire Protection Association.

E. Non-permanent abodes are also subject to, *inter alia*, Chapters 11.40, 11.45, and 11.50 of the Chehalis Tribal Code.

**11.65.090 Connection to Electrical Services**

A. Non-permanent abodes shall have a minimum of a 30-amp circuit; and

B. Non-permanent abodes shall have their own separate source of power.

**11.65.100. Fuel Storage Containers**

A. A separate location shall be maintained in each non-permanent abode for any fuel storage containers.

**11.65.110 Potable water source**

A. Every non-permanent abode shall have a means of obtaining potable water in a manner approved by the building official or Designee.

**11.65.120 Violation and Enforcement.**

A. The Chief Building Official or designee of the Chehalis Tribal Planning Department shall have the right of entry during daylight hours to inspect a non-permanent abode and the Premises on which such non-permanent abode and provide a notice of violations, if any, found during the inspection to the Landowner, the Occupant of the non-permanent abode, the owner of the non-permanent abode (if different from the occupant), and a copy retained for the Departments.

B. All non-permanent abodes in the Tribe's jurisdiction at the time of enactment of this ordinance, and those brought into such jurisdiction thereafter, which are not in compliance with the existing code are subject to the following enforcement actions:

1. Notice of a violation will be given to the Occupant of the non-permanent abode, the owner of the non-permanent abode if different from the Occupant, and the Landowner of the Premises on which the non-permanent abode is parked. The Occupant and Landowner have a period of 7 calendar days to cure the violation.
2. Notice of a violation shall include the following:

- a. Description of the type of violation, to include a citation to the applicable statute, rule, or regulation;
- b. A statement that the violation must be cured within 7 calendar days, or else the Occupant, and/or Landowner may be subject to fines;
- c. Name and phone number for the person or department to be contacted in regard to the violation.

3. If the violation is not cured after 7 calendar days, then a fine of an amount determined in a fine schedule approved by the Business Committee and made available at the Planning Department shall be imposed on both the Occupant of the non-permanent abode and the Landowner of the Premises.

4. If the violation is still not cured within 14 calendar days of the original notice of violation, then the Occupant and the Landowner shall each be fined in accordance with the fine schedule.

5. Landowner(s) who in good faith report a violation by an occupant and take reasonable steps to cure such violation are not subject to the fines and enforcement provisions of this section.

C. If, upon re-inspection, the violation has not been cured or the inspector determines that the violation is likely to continue, or the fines have not been paid immediately after the time for a cure of the violation has passed, the non-permanent abode shall be removed and/or towed by the Tribe or its designee from the Premises according to processes set forth at 11.65.130, or where removal or towing is not possible, shall be

demolished according to processes set forth in sections 11.65.130 – 11.65. --, below.

**11.65.130 Non-Permanent Abode Removal Procedure**

A. Before the Tribe removes a non-compliant non-permanent abode from the Premises, the Tribe shall serve a 72-hour written Notice of Removal on the Landowner and/or the Occupant.

B. The 72-hour written notice shall be served by the building official or designee by delivering a copy to at least one of the Landowners and/or the Occupant personally or to a person of suitable age and discretion who is either occupying the non-permanent abode or residing on the Premises. In the event no one can be contacted for personal service, a copy of the Notice shall be affixed in a conspicuous place on the non-permanent abode.

C. The 72-hour written notice shall state that if the non-permanent abode is not removed from the Premises within 72 hours, the Tribe will remove the non-permanent abode from the Premises, or if that is not possible cause the non-permanent abode to be demolished, and that the cost of removal or demolition will be borne by the Occupant, owner of the non-permanent abode (if different from the Occupant), and/or the Landowner, jointly and severally.

D. After the expiration of 72 hours, Chehalis Tribal Law Enforcement shall cause the non-permanent abode to be removed or towed, or if this is not possible, shall cause it to be boarded up and/or made inaccessible through other means, and shall prominently post on it a no-occupancy sign.

E. Any non-permanent abode causing an imminent threat to the life, health, safety,

welfare or property of the Chehalis Tribe, Chehalis Tribal members and or residents of the Chehalis Reservation may at the discretion of law enforcement be immediately impounded at a towing yard or other place on or off the Reservation, or if impoundment is not possible, it may be immediately demolished at the discretion of law enforcement.

**11.65.140 Intentionally left blank.**

**11.65.150 Notice of Impoundment.**

A. On the next business day after the removal of a non-permanent abode, the Building Official or designee shall cause a Notice of Impound to be served by certified mail, return receipt requested and regular first-class mail upon the owner of the non-permanent abode and the Occupant of the non-permanent abode, if different from the owner.

B. If the owner or the Occupant of the non-permanent abode is unknown, or if there is no known mailing address for the owner or the Occupant, the notice of impound shall be served by posting notice in a conspicuous place near where the non-permanent abode had been situated.

C. The notice shall contain information as to where the non-permanent abode has been towed or impounded, or where the non-permanent abode could not be towed or impounded.

**1.65.160 Non-Permanent Abode Demolition**

A. On the next business day after boarding up or otherwise causing a non-permanent abode to be made inaccessible, the Building Official or designee shall cause a Notice of Demolition to be served by certified mail,

return receipt requested and regular first-class mail upon the owner of the non-permanent abode, the Occupant of the non-permanent abode, if different from the owner, and the Landowner.

B. If the owner or occupant of the non-permanent abode if different from the non-permanent abode, or the Landowner is unknown, or if there is no known mailing address for the owner or the Occupant or the Landowner, the notice of demolition shall be served by posting notice in a conspicuous place near where the non-permanent abode had been situated.

C. The notice shall contain information as to the planned demolition date of the non-permanent abode.

D. Any demolition shall occur at least seven calendar days after serving or notice, unless sooner demolition is necessary in accordance with 11.65.130 (E).

**11.65.170 Delay of Impoundment or Demolition.**

A. Notwithstanding sections 11.65.130 – 11.65.160, the Building Official or designee may, at their discretion, delay impoundment or demolition where such a request is made by the Landowner or occupant, and where doing so will cause an imminent threat to the life, health, safety, welfare or property of the Chehalis Tribe, Chehalis Tribal members and/or residents of the Chehalis Reservation.

B. At any time prior to the impoundment or planned demolition of any non-permanent abode that has been boarded up or otherwise made inaccessible, the Occupant of the non-permanent abode may request the Building Official or designee for permission to go into the non-permanent abode to retrieve

personal possessions contained in it, provided that the Building Official or designee may deny such request where allowing entry into the non-permanent abode would put at risk the life, health, safety, or welfare of any person.

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**11.65.180 Sale of Non-Permanent Abode.**

If within 30 days of the impoundment of a non-permanent abode the owner has not made arrangements to remove the non-permanent abode from impound, the Building Official or designee may, at their discretion, sell or cause to be sold the non-permanent abode at a private sale.

**11.65.190 Proceeds.**

After deducting all costs of sale, the proceeds of the sale shall be applied to the fines assessed against the owner and/or occupant of the non-permanent abode and the Landowner, reimbursement of all costs relating to impoundment of the non-permanent abode, and other damages associated with impounding the non-permanent abode. The surplus, if any, shall be transmitted to the owner if known. If unknown, the surplus shall escheat to and be transmitted to the general fund of the Chehalis Tribe.

**11.65.200 Recovery of Fines and Costs.**

Any unpaid fines, fees, or costs associated with removal, towing, impoundment and/or demolition of a non-permanent abode that are not recovered through the sale of the non-permanent abode may be collected from the occupant's, owner's, or landowner's subsequent general welfare exclusion distributions and/or per capita distributions.