

Title 26

**MOBILE HOME REGULATIONS**

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**CHAPTER 1. IN GENERAL****Sec. 26-101. Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Manufactured home* means a factory built transportable structure meeting the following minimum design standards:

- (1) Is transportable in one (1) or more sections;
- (2) Is built on a permanent chassis;
- (3) Is designed to be used for permanent year-round residential occupancy, with or without a permanent foundation, when connected to residential utility services (water, sewer, natural gas, propane and/or electricity) and includes plumbing, heating and electrical systems, bathroom facilities, kitchen facilities, sleeping rooms and living areas consistent with residential occupancy;
- (4) Was manufactured not more than thirty (30) years prior to setup or installation on a space in a mobile home park in the Town, or was manufactured not more than twenty (20) years prior to setup or installation on an individual lot or tract in the Town not in a mobile home park;
- (5) Is certified to have been manufactured in accordance with and meeting the Manufactured Housing Construction and Safety Standards of the United States Department of Housing and Urban Development (24 CFR Ch. XX, Pt. 3280 et seq.) in effect at the time of manufacture; and
- (6) When set up or installed is seven hundred twenty (720) or more square feet in size. Calculations used to determine the number of square feet will include the total of the square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when set up or installed on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but will not include bay windows.

*Mobile home or trailer* means a factory built transportable structure originally designed for use as a residence (home), but which is not a manufactured home or a modular structure as defined in this title.

*Mobile home park* means a tract of land consisting of not less than two (2) acres developed in accordance with Chapter 3 of this title for the placement, setup or installation of two (2) or more manufactured homes. The term "mobile home park" shall also include a tract of land developed for the placement, setup or installation of trailers, mobile homes and manufactured homes which was permitted by the Town prior to December 1, 2013.

*Modular structure* means an off-site built structure, transportable in one (1) or more sections, the construction of which meets the requirements of the Town's Building Code or the requirements of the International Building Code (for commercial structures) or the International Residential Code (for residential structures) promulgated by the International Code Council.

*Operator*, when referring to a mobile home park, means the person or legal entity to whom a permit has been issued to operate a mobile home park.

*Space*, in regards to mobile home parks, means the area designated within the mobile home park for the placement, setup or installation of one (1) manufactured home, mobile home or trailer.

(Ord. No. 1-2014, § 2(27-101), 2-10-2014)

**Sec. 26-102. Applicability.**

(a) The provisions of this title shall establish regulations for the placement, setup, installation and use of manufactured homes, mobile homes and trailers within the Town on individual lots, tracts and in mobile home parks, and shall establish regulations for mobile home parks within the Town.

(b) The provisions of this title shall not apply to modular structures installed within the Town either prior to or after December 1, 2013. Modular structures may be used and occupied for the purposes for which designed, whether residential or commercial, and the placement or installation of these structures shall be in accordance with the applicable provisions of the Town's Building Codes and the building permits issued by the Town.

(c) The provisions of this title shall not apply to manufactured homes, mobile homes or trailers placed on property within the Town which are displayed for sale by persons engaged in the full-time business of selling new and/or used manufactured homes, mobile homes or trailers.

(Ord. No. 1-2014, § 2(27-102), 2-10-2014)

**Sec. 26-103. Only manufactured homes permitted; restrictions on use; exceptions.**

(a) From and after December 1, 2013, mobile homes and trailers shall not be permitted to be placed, set up or installed within the Town on any individual lot or tract, or in any mobile home park.

(b) Manufactured homes may be permitted to be placed, set up or installed on individual lots and tracts and within mobile home parks within the Town, subject to the provisions of this title.

(c) The use and occupancy of a mobile home or trailer which was set up or installed in Town prior to December 1, 2013 on a space in a permitted mobile home park or on an individual lot or tract in accordance with and pursuant to permit duly issued by the Town may be continued on such mobile home park space or on such individual lot or tract. Any mobile home or trailer which is not fully set up or installed prior to December 1, 2013, but for

which a permit to set up or install said mobile home or trailer was issued by the Town prior to December 1, 2013, may be set up or installed in accordance with said permit. Provided, however, that no mobile home or trailer shall be moved from an existing permitted location to another location in Town, including from one space to another space in a mobile home park.

(d) Manufactured homes, mobile homes and trailers shall not be used or occupied as places of business; provided, however, that such use shall be allowed to continue if such use existed on December 1, 2013.

(Ord. No. 1-2014, § 2(27-103), 2-10-2014)

#### **Sec. 26-104. Moving permit.**

A moving permit (permit) issued by the Town is required before any person transports any mobile home or trailer, any manufactured home, or any modular structure on any street or roadway within the Town, excluding State or Federal highways. Said permit may be obtained from the Town administrative office. The applicant must complete an application supplied by the Town and pay a nonrefundable fee of one hundred dollars (\$100.00) for each structure to be transported. A separate one hundred dollar (\$100.00) fee will be required for each section of a multi-section mobile home, trailer, manufactured home or modular structure. The application shall have attached a map of the proposed transport route. The application shall be reviewed by the Town, which may include the Police Department, the Town Administrator, and/or the Town Public Works Department. The Town may require an alternate route be used in the interest of public safety or public convenience. Only the route approved by the Town may be used for transport. A application for a permit should be filed with the Town administrative office at least ten (10) business days prior to the intended date of transport to ensure issuance of the permit for the intended transport.

(Ord. No. 1-2014, § 2(27-104), 2-10-2014)

## **CHAPTER 2. PLACEMENT ON INDIVIDUAL LOTS AND TRACTS**

#### **Sec. 26-201. Applicable rules and regulations.**

Manufactured homes placed, set up or installed on individual lots and tracts (not in mobile home parks) shall be subject to all Town ordinances, rules and regulations applicable to on-site constructed residential structures, to the extent not in conflict with the provisions of this title. This shall include, but not be limited to, lot size, setback and minimum yard size regulations; building, plumbing and electrical regulations; water service regulations; sewer service regulations; site preparation regulations; utility connection regulations; and fence regulations.

(Ord. No. 1-2014, § 2(27-201), 2-10-2014)

**Sec. 26-202. Foundation required.**

A manufactured home shall be placed, set up or installed on an individual lot or tract on a permanent or a nonpermanent foundation constructed in accordance with the manufacturer's specifications or in accordance with applicable specifications promulgated by the United States Department of Housing and Urban Development and approved by the Town Building Inspector.

(Ord. No. 1-2014, § 2(27-202), 2-10-2014)

**Sec. 26-203. Skirting required.**

Skirting shall not be installed until after inspection by the Town Building Inspector of the placement, setup or installation of a manufactured home on an individual lot or tract. Within sixty (60) days following inspection by the Town Building Inspector, the manufactured home shall have skirting installed around the base of the manufactured home which completely encloses the space between the ground or foundation and the manufactured home, which shall be of a rigid type material, such as vinyl, masonry, painted Masonite, painted metal or painted wood, but shall not permanently attach the manufactured home to the ground or create a fire hazard.

(Ord. No. 1-2014, § 2(27-203), 2-10-2014)

**Sec. 26-204. No placement on lot or tract with existing residential structure.**

Except in permitted mobile home parks, manufactured homes shall not be placed, set up or installed on any individual lot or tract on which there is an existing residential structure. As used in this section, the term "residential structure" means any manufactured home, modular home, mobile home, trailer, any on-site constructed residential structure, including single-family home, multifamily home or apartment building, or any other structure used for residential occupancy.

(Ord. No. 1-2014, § 2(27-204), 2-10-2014)

**Sec. 26-205. Installation permit.**

A manufactured home shall not be placed, set up or installed on an individual lot or tract within the Town except and unless a permit has been issued by the Town so authorizing the placement, setup or installation, which includes moving from one location to another location. The fee for the permit shall be established by resolution of the governing body. The permit shall be valid for one (1) year following the date of issuance. The Town may deny or revoke the issuance of a permit prior to the placement, setup or installation of a manufactured home if the Town Building Inspector determines that the manufactured home is structurally unsound. If the permitted manufactured home is not fully set up or installed prior to expiration of the permit, the permittee shall be required to obtain a new permit prior to completion of setup or installation. The permittee shall be required to set up or install the permitted manufactured home (and only the permitted manufactured home) in accordance with the permit, the provisions of this title and the other ordinances, rules and regulations of the Town. The landowner on whose individual lot or tract a manufactured home is placed,

set up or installed, where such placement, setup or installation was without issuance of a permit as required in this section, or was not in compliance with the terms of a permit issued under this section, or was not in compliance with the provisions of this title or the other ordinances, rules and regulations of the Town, shall remove said manufactured home from the Town or shall obtain a permit and/or shall bring the manufactured home into compliance with the terms of the issued permit and/or shall bring the manufactured home into compliance with the provisions of this title and the other ordinances, rules and regulations of the Town, as applicable, within sixty (60) days following notice to do so personally delivered or mailed to the landowner.

(Ord. No. 1-2014, § 2(27-205), 2-10-2014)

### **CHAPTER 3. MOBILE HOME PARKS**

#### **Sec. 26-301. Existing mobile home parks.**

Any operator of a mobile home park which was permitted by the Town and in operation on December 1, 2013, shall not be required to obtain a new mobile home park permit and may continue operation of the mobile home park under the operator's existing mobile home park permit.

(Ord. No. 1-2014, § 2(27-301), 2-10-2014)

#### **Sec. 26-302. Mobile home park not a subdivision.**

The development and permitting of a mobile home park does not constitute a subdivision of land under this Code, and spaces within the mobile home park may not be conveyed except and unless previously duly subdivided in accordance with the Town Code.

(Ord. No. 1-2014, § 2(27-302), 2-10-2014)

#### **Sec. 26-303. Foundation; blocking.**

A manufactured home placed, set up or installed in a mobile home park shall be on a nonpermanent foundation constructed in accordance with the manufacturer's specifications or set upon blocks made of wood or concrete of sufficient size, strength and number to safely support the manufactured home and approved by the operator of the mobile home park and the Town Building Inspector.

(Ord. No. 1-2014, § 2(27-303), 2-10-2014)

#### **Sec. 26-304. Skirting required.**

Skirting shall not be installed until after inspection by the Town Building Inspector of the placement, setup or installation of a manufactured home in a mobile home park. Within thirty (30) days following inspection by the Town Building Inspector, the manufactured home shall have skirting installed around the base of the manufactured home, which completely encloses the space between the ground or foundation and the manufactured home, which skirting shall be of a rigid type material, such as vinyl, masonry, painted Masonite, painted

metal or painted wood, but such skirting shall not permanently attach the manufactured home to the ground or create a fire hazard. It shall be the duty of the operator of the mobile home park to ensure that skirting is installed in compliance with this subsection.

(Ord. No. 1-2014, § 2(27-304), 2-10-2014)

**Sec. 26-305. Utilities.**

(a) Each manufactured home placed, set up or installed in a mobile home park shall be individually connected to and metered for Town water service and sewer service. The water service line shall be at minimum three-quarter ( $\frac{3}{4}$ ) inch, designed for potable water service, and designed for two hundred (200) psi. The sewer service line shall be four (4) inch PVC SDR 35. The ordinances, rules and regulations of the Town generally applicable to the furnishing of water and sewer service shall apply to water and sewer service to manufactured homes in mobile home parks, except and unless in conflict with this title.

(b) Each manufactured home placed, set up or installed in a mobile home park shall be connected to electrical utility service, which connection shall fully comply with the requirements of the electric utility service provider and the applicable ordinances, rules and regulations of the Town.

(c) Manufactured homes placed, set up or installed in a mobile home park may be connected to natural gas utility service, which connection shall fully comply with the requirements of the natural gas utility service provider and the applicable ordinances, rules and regulations of the Town.

(Ord. No. 1-2014, § 2(27-305), 2-10-2014)

**Sec. 26-306. Installation permit.**

A manufactured home shall not be placed, set up or installed in a mobile home park within the Town except and unless a permit has been issued by the Town so authorizing the placement, setup or installation; which includes moving from one space to another space in a mobile home park. The fee for the permit shall be established by resolution of the governing body. The permit shall be valid for one (1) year following the date of issuance. The Town may deny or revoke the issuance of a permit prior to the placement, setup or installation of a manufactured home if the Town's Building Inspector determines that the manufactured home is structurally unsound. If the permitted manufactured home is not fully set up or installed prior to expiration of the permit, the permittee shall be required to obtain a new permit prior to completion of setup or installation. The permittee shall be required to set up or install the permitted manufactured home (and only the permitted manufactured home) in accordance with the permit, the provisions of this title and the other ordinances, rules and regulations of the Town. The operator of a mobile home park in which a manufactured home is placed, set up or installed, where such placement, set up or installation was without issuance of a permit as required in this section, or was not in compliance with the terms of a permit issued under this section, or was not in compliance with the provisions of this title or the other ordinances, rules and regulations of the Town,

shall remove said manufactured home from the Town or shall obtain a permit and/or shall bring the manufactured home into compliance with the terms of the issued permit and/or shall bring the manufactured home into compliance with the provisions of this title and the other ordinances, rules and regulations of the Town, as applicable, within one hundred twenty (120) days following notice to do so personally delivered or mailed to the operator of the mobile home park.

(Ord. No. 1-2014, § 2(27-306), 2-10-2014)

**Sec. 26-307. Requirements for mobile home parks.**

- (a) Mobile home parks must meet the following minimum standards:
- (1) Must be located on a tract of land of no less than two (2) acres.
  - (2) Must be located on a well-drained tract which is properly graded to ensure rapid drainage into the Town's drainage system and away from surrounding properties.
  - (3) Must have a maximum density of eight (8) manufactured homes per gross acre; must provide a minimum space size of three thousand six hundred (3,600) square feet, at least thirty-five (35) feet in width and clearly marked, for each manufactured home; and must not allow any manufactured home to occupy more than thirty (30) percent of any space.
  - (4) Must locate manufactured homes on each occupied space so that:
    - a. There is at least twenty (20) feet between all manufactured homes;
    - b. There is at least twenty-five (25) feet between all manufactured homes and any building in the mobile home park; and
    - c. There is at least ten (10) feet between any manufactured home and the property boundary of the mobile home park.
  - (5) Must have each manufactured home abut a roadway. The roadway abutted may be a public roadway, or a private roadway located within the mobile home park. Private roadways within the mobile home park must be of hard surface paving consisting of at minimum six (6) inches base gravel with four and one-half (4½) inches of asphalt or six (6) inches of concrete, and shall have concrete curb and gutter installed to Town specifications and provide for a minimum of twenty-four (24) feet vehicle travel surface between curbs.
  - (6) Must provide each manufactured home space with service lines connected directly onto the Town's water and sewer utility mains, from which water and sewer service can be furnished to and metered for any manufactured home occupying such space. The water service line shall be at minimum three-quarter (¾) inch, designed for potable water service, and designed for two hundred (200) psi. The sewer service line shall be four (4) inch PVC SDR 35. Such service lines shall in all respects comply with the applicable ordinances, rules and regulations of the Town.

- (7) Must provide fire hydrant and adequate water supply and pressure from the Town's water utility service for fire suppression within the mobile home park as may be required by the Town or by another governmental entity.
- (8) Must provide to each manufactured home space an electrical service connection which complies with the requirements of the electric utility service provider and with all State electrical laws, rules and regulations, from which electricity service can be furnished to any manufactured home occupying such space.
- (9) Must provide concrete sidewalks of minimum thickness of four (4) inches and minimum width of thirty (30) inches on each side of all public and private roadways within the mobile home park and along any public roadway on the side which abuts the mobile home park.
- (10) Must provide at least two (2) parking spaces for vehicles for each manufactured home space, neither of which shall be located along a public or private roadway. At least one (1) parking space shall be located on the manufactured home space, and the other parking space shall be located elsewhere in the mobile home park.
- (11) Must provide a recreation area (park, playground) at a central location within the mobile home park, which shall be no less in size than two hundred (200) square feet for each manufactured home space.
- (12) Must construct a solid fence or wall not less than four (4) feet high nor more than six (6) feet high on the perimeter boundary of the mobile home park, except and unless if to do so is prohibited under the ordinances, rules or regulations of the Town; or construct a ten (10) foot wide landscaped buffer area along the inside perimeter boundary of the mobile home park; or construct a combination of fence/wall and buffer area.
- (13) Must comply with all ordinances, rules and regulations of the Town, and all State laws, rules and regulations, as applicable to the development, improvement, installation and construction of all sidewalks, roads, buildings, drainages, utility lines, fences, facilities and other structures on or for the benefit of the mobile home park.

(b) As used in this section, the term "manufactured home" shall include the terms "mobile home" and "trailer," and the term "manufactured home space" or "space" shall include spaces upon which mobile homes and trailers are placed, set up or installed.

(Ord. No. 1-2014, § 2(27-307), 2-10-2014)

**Sec. 26-308. Permit for mobile home park.**

(a) A permit issued by the Town is required to operate a mobile home park.

(b) Any person or legal entity may apply to the Town for a permit to operate a mobile home park within the Town. The application and required documents shall be submitted to the Town Clerk in triplicate together with a filing fee. The fee for the permit shall be established by resolution of the governing body. The application shall include the following:

- (1) The name, address and telephone number of the applicant. If the applicant is a legal entity, then the name, address and telephone number of a contact person for the applicant.

- (2) The location (street address), size or acreage and legal description of the site of the proposed mobile home park.
- (3) If the applicant is not the record owner of the site of the proposed mobile home park, then the name, address and telephone number of the site owner (if the site owner is a legal entity, then the name, address and telephone number of a contact person).
- (4) If the applicant is not the record owner of the site of the proposed mobile home park, then a statement with supporting documentation as to the applicant's right to develop the site for a mobile home park and operate a mobile home park on the site.
- (5) A detailed plat of the proposed mobile home park showing the location or proposed location of all manufactured home spaces, off-street vehicle parking spaces, roadways (public and private), sidewalks, recreation areas, buildings, water mains and service lines, sewer mains and service lines, electrical mains and service lines, natural gas mains and service lines, utility easements, drainage system, and other improvements and facilities already constructed or proposed to be constructed. The plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet. The plat shall show the applicant's proposed compliance with the provisions of Section 26-307.
- (6) Such further information as the applicant deems appropriate in the furtherance of the application.

(c) Upon receipt of a complete application for a mobile home park permit with required documents, together with the required filing fee, the Town Clerk shall promptly so notify the Town Planning Commission, the Town Building Inspector and the governing body.

(d) Within thirty (30) days after notification by the Town Clerk of the filing of an application for a mobile home park permit, the Town Planning Commission shall meet with the applicant to review the application and required documents. If the Town Planning Commission finds that the mobile home park, as proposed, would satisfy the requirements set forth in Section 26-307 and that the applicant has the legal right to develop the site of the proposed mobile home park, then the Town Planning Commission shall so notify the governing body and the applicant. If the Town Planning Commission finds that the mobile home park, as proposed, would not satisfy the requirements set forth in Section 26-307, or finds that the applicant does not have the legal right to develop the site of the proposed mobile home park, then the Town Planning Commission shall so notify the governing body and the applicant; in which event the applicant shall be given sixty (60) days to revise the application or otherwise satisfy the deficiencies identified by the Planning Commission. If after such revision the Planning Commission finds that the mobile home park, as proposed, would satisfy the requirements of Section 26-307 and/or that the applicant has the legal right to develop the site of the proposed mobile home park, then the Town Planning Commission shall so notify the governing body and the applicant.

(e) Within thirty (30) days after receiving notification that the Town Planning Commission finds that an application for a mobile home park permit satisfies the requirements of Section 26-307 and that the applicant has the legal right to develop the site of the proposed

mobile home park, the governing body shall consider the application and either approve or deny the application, and so notify the applicant. If the application is denied, the governing body shall inform the applicant in writing of the reason for denial.

(f) If an application for a mobile home park permit is approved by the governing body, the applicant shall have a period of one (1) year to commence construction of the mobile home park as approved by the governing body, and two (2) years within which to complete all construction of the mobile home park as approved by the governing body. During construction, installation permits shall not be issued for the placement, setup or installation of manufactured homes in the mobile home park. Upon completion of all construction and certification to the governing body by the Town Building Inspector that the mobile home park has been fully constructed as approved by the governing body, a mobile home park permit shall be issued to the applicant to operate the mobile home park, whereupon installation permits to place, set up or install manufactured homes in the mobile home park may be issued by the Town.

(g) In reviewing an application for a mobile home park permit, if the Town Planning Commission determines that full compliance with any requirement of Section 26-307, or with any other requirement in the ordinances, rules and regulations of the Town applicable to the development of a mobile home park, is impossible or impractical, the Planning Commission may recommend to the governing body that a waiver, exception, variance or alternative be considered. The governing body may allow the waiver, exception, variance or alternative recommended by the Planning Commission if the governing body determines:

- (1) That there are special circumstances or conditions affecting the proposed site for the proposed mobile home park.
- (2) That the waiver, exception, variance or alternative is necessary for the reasonable and acceptable development of the proposed mobile home park on the site.
- (3) That allowing the waiver, exception, variance or alternative will not be detrimental to the public welfare or injurious to other property in the vicinity of the proposed mobile home park.

(Ord. No. 1-2014, § 2(27-308), 2-10-2014)

**Sec. 26-309. Transfer of mobile home park permit.**

The operator of a mobile home park may transfer the mobile home park permit to any person or entity who becomes the record owner of the tract upon which the mobile home park is located, or who has the legal right to use or occupy the tract upon which the mobile home park is located (such as a lessee). The Town shall be notified of any transfer of a mobile home park permit by the transferee.

(Ord. No. 1-2014, § 2(27-309), 2-10-2014)

**Sec. 26-310. Operation of mobile home park.**

The operator of a mobile home park shall at all times ensure that the mobile home park is in full and complete compliance with the requirements set forth in Section 26-307, is in full

and complete compliance with the other applicable requirements set forth in this title and in the ordinances, rules and regulations of the Town, and is in full and complete compliance with the mobile home park permit as approved by the governing body.

(Ord. No. 1-2014, § 2(27-310), 2-10-2014)

#### **CHAPTER 4. VIOLATION**

##### **Sec. 26-401. Violation.**

Violation of any section of this title shall be punishable under Section 1-801.

(Ord. No. 1-2014, § 2(27-401), 2-10-2014)