

ORDINANCE NO. 549

AN ORDINANCE AMENDING TITLE 18 OF THE MILLS TOWN CODE, ZONING ORDINANCES, SECTION 18.04.030 (DEFINITIONS) AND SECTION 18.08.045 (MOBILE HOMES) TO PROMOTE LAND USE COMPATIBILITY, PROTECT PROPERTY VALUES, PROVIDE FOR THE HEALTH SAFETY AND WELFARE OF MANUFACTURED, MODULAR AND MOBILE HOME RESIDENTS AND ENSURE AN ADEQUATE MINIMUM LIVING STANDARD AS RELATED TO MANUFACTURED, MODULAR AND MOBILE HOMES. THIS ORDINANCE SETS FORTH THE CONDITIONS UNDER WHICH MANUFACTURED, MODULAR AND MOBILE HOMES WILL BE ALLOWED WITHIN THE TOWN OF MILLS.

WHEREAS, mobile homes are presently located in the Town of Mills in one of three ways: (1) a single mobile home located on one platted lot of record; (2) a mobile home located in a mobile home park; and (3) a mobile home or multiple numbers of mobile homes combined with standard construction homes located on one lot, not in a mobile home park. The latter situation exists where mobile homes are set side by side on a platted lot or where the rear portion of two platted lots has been separated for an additional mobile home or conventionally built homes on two lots; and

WHEREAS, it is deemed necessary for the preservation of the safety, health, life, and general welfare of the residents of the Town of Mills that regulations be established governing the location of manufactured, modular, and mobile homes within the Town to provide adequate minimum area requirements, utilities, wind protection and inspections thereof;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLS, WYOMING THAT THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE BE AMENDED AS FOLLOWS:

DEFINITIONS 18.04.030

MANUFACTURED HOME: A single family residential dwelling constructed after June, 15, 1976, in accordance with the "National Manufactured Home Construction and Safety Standards Act of 1974," 42 U.S.C. Section 5401, et. seq., as amended and designed to be used as a single family residential dwelling with or without permanent foundation when connected to the required utilities and

which includes the plumbing, heating, air conditioning and electrical systems contained therein.

MODULAR HOME: A structure, transportable in one or more dependent sections, designed for use as a single family residential dwelling unit, not built on a permanent chassis, capable of being transported from place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the Uniform Building Code, International Building Code, or International Residential Code for residential units.

MOBILE HOME: A single family residential dwelling manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Home Construction and Safety Standards Act, that is transportable in one or more sections, that in traveling mode is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on a site two hundred fifty-six (256) or more square feet, and is built on a permanent chassis and designed to be used as a permanent residence on a temporary or permanent foundation when connected with the permanent utilities including plumbing, heating, air conditioning and electrical systems.

18.08.045

MOBILE HOMES

STANDARDS GOVERNING ALL MOBILE HOME LOCATIONS

It is unlawful within the Town of Mills for any persons to place or park any manufactured or mobile home on any street, alley, highway or other public place, or on any tract of land owned by any person, firm, or corporation, occupied or unoccupied, except as provided in this Ordinance.

All manufactured and mobile homes located in the Town of Mills shall be located to comply with all of the following minimum standards:

A. The manufactured or mobile home is:

1. Newer than twenty (20) years old as measured from the date of proposed installation, location or relocation, and built according to the standards established by the United States Department of Housing and Urban Development (HUD) under the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended (currently codified at 24 C.F.R. 3280) in effect at the time of manufacture and bearing certification to that effect ("Applicable HUD Standards") and is certified for the appropriate wind, thermal and roof standards for Wyoming ; or

2. The manufactured or mobile home is twenty (20) years or older, as measured from the date of proposed installation, location or relocation, and has been issued a building permit and specific approval to be installed, located, or relocated by the Town of Mills Code Enforcement Officer ("CEO"). The CEO shall inspect all 20-year and older manufactured and mobile homes in conformance with the installation, location and relocation criteria found in this Ordinance. No manufactured or mobile home shall be installed, located, or relocated that does not meet the Applicable HUD Standards in effect at the time the home was manufactured, or that does not meet minimum criteria of this Ordinance.

B. Each manufactured or mobile home must be supported on pins or blocking constructed of masonry, block, brick, or concrete. Installation instructions as provided by the manufacturer of the manufactured or mobile home shall be deemed a typical blocking installation. Any foundation system design, other than typical blocking, shall be stamped and signed by a Wyoming licensed professional engineer.

C. Each manufactured or mobile home shall be skirted with a waterproof, rigid, durable skirting material within 30 days of placement.

D. Each manufactured or mobile home shall be equipped so as to permit access to utility connections. All skirting shall be provided with a door or panel to permit ready access to utility connections.

E. Each manufactured or mobile home shall be anchored with tiedowns meeting the minimum standards as set forth in Section 15.16.190 of the Mills Municipal Code or their equivalent.

F. All water, sewer, electrical and natural gas connections shall be inspected and approved by the supplying utility prior to use.

G. The manufactured or mobile home meets the minimum standards for fire safety and protection in conformance with the applicable HUD standards at the time of original construction or as established by the Wyoming State Fire Marshall.

H. All appurtenant construction such as decks, walks, steps, handrails, sheds, accessory buildings, and other similar construction is subject to the applicable building code regulations adopted by the Town.

I. A minimum of two 10' x 20' off-street parking spaces must be provided for each manufactured or mobile home on the same lot or lots on which the mobile home is located. If off-street parking for a non-conforming manufactured or mobile home, as defined below, is provided between the dedicated street or right-of-way and the non-conforming mobile home, then the

distance between the dedicated street or right-of-way and the hitch, or wall if there is no hitch, of the non-conforming mobile home must be at least 20 feet.

J. No non-conforming manufactured or mobile home, as defined below, shall be located within 10 feet of any dedicated alley right-of-way line, and the 10 foot setback area shall not be used for off-street parking.

K. No manufactured or mobile home shall be moved, located, or relocated within the Town of Mills without having first secured a written permit for the movement, location, or relocation of said manufactured or mobile home from the Town Clerk.

LOCATION OF MANUFACTURED AND MOBILE HOMES RESTRICTED

No manufactured or mobile home shall be located, placed, or installed at any location within the Town of Mills except as follows:

A. A single manufactured or mobile home, if it is the only principal building on a single lot of record, may be located in an Established Residential (E-R) District or in a Developing Mobile Home District – Single Lot District (D-MH), if the location of the mobile home meets all other requirements of the District.

B. A manufactured or mobile home may be located in an established mobile home park provided the established mobile home park meets all licensing requirements and all other applicable regulations and codes.

C. A manufactured or mobile home may be located in a developing mobile home park in a Developing Mobile Home District (D-MH).

D. A manufactured or mobile home may be located where permitted by the Town as security quarters in an Industrial District as provided for in Section 18.08.030 of the Mills Municipal Code.

E. No manufactured or mobile home shall be located within 10 feet of any other building on the same or adjacent lot.

F. Manufactured or mobile homes shall not be allowed, permitted or used for an accessory purpose or as a storage building after the effective date of this Ordinance. Those manufactured or mobile homes utilized as accessory structures or for storage prior to the effective date of this Ordinance shall be deemed legal non-conforming uses and permitted to continue until such time as the use of those structures are discontinued for 180 days.

INSPECTION AND PERMITTING REQUIREMENTS

No manufactured or mobile home located within the Town of Mills shall be permanently occupied unless inspected by the Town Code Enforcement Officer or designated Town Inspector except in conformance with the following inspection/permitting requirements:

A. A manufactured or mobile home shall not be installed, located or relocated within the Town of Mills without the issuance of a building permit from the Town of Mills. Building permits for additions, alterations, modifications or any physical change to a manufactured or mobile home are required regardless of location.

B. The Code Enforcement Officer has the authority to inspect all new installed, located, and relocated manufactured and mobile homes for compliance with the provisions of this Ordinance.

C. After the effective date of this Ordinance, no person shall occupy any new or relocated manufactured or mobile home nor permit any other persons to occupy the same unless the manufactured or mobile home has been installed, located, or relocated in compliance with this Ordinance or is a legal non-conforming use under this Ordinance.

AUTHORITY OF THE CODE ENFORCEMENT OFFICER

In addition to any other enforcement powers that the Code Enforcement Officer may have, the Code Enforcement Officer may issue a written order to any person to:

A. Immediately cease and desist any work or activity to install, locate, or relocate any manufactured or mobile home in violation of this Ordinance; or

B. Immediately cease and desist from the use or occupancy of any manufactured or mobile home installed, located, or relocated in violation of this Ordinance. Such written order shall constitute an administrative action which may be appealed to the Mills Town Council as a contested case within thirty (30) days of the written order.

INSPECTION CRITERIA FOR MANUFACTURED HOMES OLDER THAN 20 YEARS

All manufactured and mobile homes 20 years and older as measured from the date of proposed installation must be inspected by the Town of Mills Code Enforcement Officer prior to moving, locating, relocating or installation and a building permit application must be provided to the Town of Mills. No such manufactured or mobile home may be occupied prior to the issuance of a

building permit and payment of appropriate fees. Each such manufactured or mobile home shall be inspected for compliance with the following minimum criteria before a building permit will be issued.

A. All electrical wiring shall be in compliance with the applicable codes in place at the time the building was manufactured. Any new, altered, modified or replaced wiring shall be in compliance with the current, adopted version of the National Electrical Code.

B. Shall have appropriate operational fire alarms installed.

C. All floors shall be solid and stable. Any penetrations of the floor shall be sealed.

D. All roofs shall be solid and stable without any sag.

E. No evidence of significant wood rot or mold shall exist.

F. The exterior of the building shall be properly maintained and painted.

G. Any additions, modifications, or alterations to the building shall have been constructed with appropriate building permits.

H. The manufactured or mobile home maintains the same structural integrity as it did when it was manufactured.

I. No broken windows.

J. All HVAC systems shall be working and installed in accordance with the regulations in place at the time the building was manufactured. All new installations shall be in conformance with the most recent adopted edition of International Building Codes.

K. Must have proof that the manufactured or mobile home meets the established thermal, wind and roof load requirements for Wyoming.

Manufactured or mobile homes not meeting these criteria shall be either left in place and considered a non-conforming structure, be moved or relocated outside of the Town of Mills, or be repaired to meet the criteria. The level of repair needed may differ widely from home to home. The CEO shall determine if the repairs are minor or major. For those repairs determined to be minor, the repairs may be made without a building permit. For those homes that are determined to require major repairs, a building permit must be issued for those repairs. All repairs and construction shall be in conformance with the International Building Codes as adopted. The CEO may permit a manufactured

or mobile home needing repairs to be relocated provided a building permit has been issued for the repairs. The CEO may require surety from the applicant to cover the cost of removing the manufactured or mobile home from the Town of Mills if repairs are not completed. All repairs must be completed within six months of the building permit issuance and prior to any occupancy of the repaired structure. Failure of the applicant to complete repairs in the designated time will constitute a violation of this Ordinance. The Town of Mills may utilize the surety to cause the manufactured or mobile home to be removed from the Town of Mills as a result of a violation. All repaired manufactured or mobile homes must pass a final inspection by the CEO prior to being moved, located, relocated or installed in the Town of Mills.

NON-CONFORMING USES AND NON-CONFORMING STRUCTURES

A. Non-conforming manufactured or mobile homes legally located within the Town of Mills on the effective date of this Ordinance and in use for residential purpose may continue at that certain location and continue to be utilized for residential purpose. The non-conforming manufactured or mobile home may not be relocated to any other property unless it has been inspected and brought into conformance with this Ordinance and issued a building permit. At such time as any legal non-conforming manufactured or mobile home ceases to be utilized for residential purposes or is vacant for a period of 180 days, it must be removed from the property.

B. Manufactured and mobile homes located within the Town on the effective date of this Ordinance which have not been certified under the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq., as amended, are hereby declared legal non-conforming structures, but shall not be replaced by another manufactured or mobile home that is not in compliance with applicable HUD standards unless the replacement manufactured or mobile home has been inspected and brought into conformance with this Ordinance and issued a building permit.

PENALTY FOR VIOLATION

Any person, firm, or corporation violating any of the provisions of this Ordinance is guilty of a misdemeanor and each person is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted. Any person found guilty of violating any of the provisions of this Ordinance shall be fined in any sum deemed appropriate by the Municipal Court of the Town of Mills not to exceed \$750 for each separate violation.

APPEALS

The Mills Town Council shall hear and act on any appeal of decisions or determinations made in conformance with these regulations after consideration and hearing before the Planning Commission. The Planning Commission may recommend and the Council may approve the installation, location, or relocation of a manufactured or mobile home, and issuance of a building permit that does not meet the criteria of this Ordinance provided the Commission and the Council find that no health or safety issues are present and the home meets all applicable construction and building codes.

REPEAL OF CONFLICTING ORDINANCES

All existing Ordinances or parts of Ordinances of the Town of Mills are hereby replaced insofar as they may be inconsistent with the provision of this Ordinance. Specifically, all those portions of Ordinance No. 381 appearing in the Mills Municipal Code.

SEPARABILITY OF PROVISIONS.

It is the intention of the Town Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this Ordinance be declared invalid for any reason that all other provisions hereof shall remain valid and enforceable.

Effective Date

This Ordinance shall be in full force and effect ten days following its passage and approval on Third and Final Reading.

PASSED and APPROVED on FIRST READING the 5th day of November, 2008.

PASSED and APPROVED on SECOND READING the 3rd day of December, 2008.

PASSED and APPROVED on THIRD READING the 7th day of January, 2009.

TOWN OF MILLS, a Municipal Corporation

By Dean Ravert A.M.

Joe Dill, Mayor

Dean Ravert, Acting Mayor

Attest:

Raeann Weber
Raeann Weber, Town Clerk
Town of Mills

I, Raeann Weber, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 549, entitled "AN ORDINANCE AMENDING TITLE 18 OF THE MILLS TOWN CODE, ZONING ORDINANCE, SECTION 18.04.030 (DEFINITIONS) AND SECTION 18.08.045 (MOBILE HOMES)." Passed on Third Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held at the Council Chambers on the 7th day of January, ~~2008~~. 2009



Raeann Weber
Raeann Weber, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed and certified copies of this Ordinance No. 549 approved and passed as certified above, were, following its passage by the Town Council, posted in the Town Clerk's office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming, on the 17th day of January, ~~2008~~/ 2009



Raeann Weber
Raeann Weber, Town Clerk