

ORDINANCE NO. 1131

AN ORDINANCE OF THE CITY OF CAWKER CITY, KANSAS DEFINING AND REGULATING PLACEMENT OF MOBILE HOMES AND MANUFACTURED HOMES, ESTABLISHING REQUIREMENTS FOR MANUFACTURED HOME PARKS IN THE CITY OF CAWKER CITY, KANSAS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF; REPEALING ARTICLE 2, CHAPTER XVI OF THE CAWKER CITY CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CAWKER CITY, KANSAS:

Section 1. DEFINITIONS. For the purposes of this ordinance, the following words shall mean:

- (a) "Mobile Home" means a movable, detached, single-family dwelling unit that was manufactured prior to 1976 and is not in conformance to the National Manufactured Home Construction and Safety Standards Act, or HUD Code as is now required for a manufactured home. The term "Manufactured Home" or "Mobile Home" does not include a recreational vehicle such as a motor home, travel trailer, truck camper, camping trailer, converted bus, or other similar unit.
- (b) "Manufactured Home" means a structure transportable in one or more sections, built on a permanent chassis, manufactured to the standards embodied in the National Manufactured Home Construction and safety Standards Act generally known as the HUD Code - established pursuant to 42 U.S.C. Section 5403. Such units shall be designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
- (c) "Manufactured Home Park" means a parcel, lot, or tract of land designed, maintained and intended for the purpose of supplying a location or accommodations for three (3) or more manufactured homes. Such location shall include all buildings used or intended for use as part of the equipment thereof.
- (d) "Residential Design Manufactured Home" means a Manufactured home on a permanent foundation which has minimum dimensions of 22 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes. A Residential Design Manufactured Home shall be considered a single family dwelling unit.
- (e) "Occupy", "occupancy" or "occupied" means the use of any mobile home or manufactured home by any person for living, sleeping, cooking or eating purposes for any period of four or more consecutive days.

- (f) "Permanent foundation" means a foundation of formed and poured in place concrete or masonry units laid up with such re-enforcing materials as may be required for quality construction.
- (g) For purposes of these regulations, the term "Manufactured Home", when used by itself, shall not include a "Residential Design Manufactured Home" as defined in these regulations.

Section 2. MOVING OR RELOCATION OF MOBILE HOMES PROHIBITED. After the effective date of this ordinance, no Mobile Homes, as defined herein, shall be moved, re-located or otherwise placed on any property within the City of Cawker City, Kansas.

Section 3. MANUFACTURED HOMES.

- (a) Residential Design Manufactured Homes may be located on any residential lot within the City limits providing the unit is placed on a permanent foundation and is sited, landscaped and developed as a single family dwelling having a visual quality general in conformity with site-built homes in the surrounding neighborhood.
- (b) Manufactured Homes, as that term is defined above, shall henceforth be subject to the following conditions and regulations concerning placement within the City of Cawker City, Kansas:
 - 1) The Manufactured Home shall be installed in accordance with the recommended installation procedures of the manufacturer and in compliance with the National Manufactured Home Construction and Safety Standards Act and The Uniform Standards Code for Mobile Homes and Recreational Vehicles of Kansas. The running gear and tongue shall be removed from the unit at the time of installation.
 - 2) The Manufactured Home shall be equipped with skirting on all sides. Skirting is to be of material harmonious to the structure. The skirting shall be installed within thirty (30) days after placement of the Manufactured home.
 - 3) The owner of the Manufactured Home must apply for and receive a building permit prior to the placement of the Manufactured Home on the property and pay all fees therefore.
 - 4) Each Manufactured Home shall be an independent dwelling unit. The connection of the Manufactured Home to any utility shall be in accordance with all applicable regulations of this code and all connection fees shall be paid in full prior to obtaining requested services.
 - 5) The Manufactured Home may not be placed on a parcel which contains any other Manufactured Home or other dwelling place, unless specifically requested of and approved by the City Council.
 - 6) The Manufactured Home must be placed in accordance with the appropriate building setback requirements for the City of Cawker City.
 - 7) The Manufactured Home shall have the support system and be anchored and tied down in conformance with the manufacturer's specifications and in compliance with

National Manufactured Home Construction and Safety Standards Act and The Uniform Standards Code for Mobile Homes and Recreational Vehicles of Kansas.

- 8) The Manufactured Home may not be occupied until inspected by the City Superintendent and he/she verifies compliance with all requirements as set forth in this ordinance. In the event no City Superintendent is available to perform such inspection, the City Council shall appoint a designee to perform such inspection.
- 9) The Manufactured Home shall be placed upon a well-drained area and the lot shall be properly graded so as to prevent the accumulation of storm water under the home or on the lot.
- 10) A disconnecting main approved by the National Electric Code shall be located below the electric meter and a ground rod approved by the National Electric Code shall be installed.
- 11) The gas line shall rise above the ground on the outside of the Manufactured Home before entry through the skirting.

Section 4. MANUFACTURED HOMES; OTHER REQUIREMENTS. All Manufactured Homes within the City of Cawker City must comply with these additional requirements:

- (a) No Manufactured Home shall be used for any purpose other than as a residential dwelling.
- (b) No Manufactured Home originally built to be a single wide unit shall be attached or connected to any other Mobile Home or Manufactured Home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports, or similar structures from being built onto or adjacent to an approved Manufactured Home.

Section 5. MANUFACTURED HOMES; STANDARDS AND CRITERIA. In addition to all other requirements as set forth in this ordinance, each Manufactured Home placed in the City of Cawker City, Kansas must meet and maintain the following standards and criteria:

- (a) Doors. The home shall have two doors, both which must be operational and securable from inside. One door must be capable of being locked from the outside.
- (b) Windows. The home shall have windows with no broken glass, all mechanisms working if so equipped and must contain screens to prevent bugs from entering.
- (c) Roof. The home shall contain a roof which is free of leaks.
- (d) Electrical Outlets. The home shall contain electrical outlets with plates or covers with no exposed wires.
- (e) Smoke Detector. The home shall contain at least one (1) properly working smoke detector.
- (f) Ceilings and Walls. The ceilings and walls shall have no holes other than necessary.
- (g) Floors. The floors of the home shall have no holes other than necessary.
- (h) Water. The home shall have hot and cold running water available at all intended places. The water heater compartments should be secure with a non-sagging floor.
- (i) Heat. The home must contain a source of heat capable of heating the home to seventy (70) degrees when outside temperature is zero (0) degrees.
- (j) Sewer. The home should be properly attached to sewer risers with no leaks.

- (k) Set-up and Skirting. The home should be set-up with proper foundation, tie-down, and skirting as set out in Section 3 of this ordinance.
- (l) Yard. The home's yard area must be free of weeds, junk, dead animals, stagnant water, and any fire hazardous materials.
- (m) Exterior. The home's exterior must have no holes and be neat in appearance.

Section 6. MANUFACTURED HOME PARKS; LICENSE APPLICATION AND PLAN. Any person desiring to propose a Manufactured Home Park shall submit an application for license and proposed plan to the Cawker City Council. Said plan shall be drawn to scale and include the following information:

- (a) Area and dimensions of tract;
- (b) Number, location, and size of all home spaces, with a description of whether each home space is designated for a single-wide or double-wide manufactured home;
- (c) Location and width of roadways, walkways, and parking areas, including a description of the hard-surface material;
- (d) Location and description of water supply system;
- (e) Location and description of sewer system;
- (f) Location and plan for solid waste disposal;
- (g) Location and description of electric service.

Section 7. MANUFACTURED HOME PARKS; REQUIREMENTS. Manufactured Home Parks located within the City of Cawker City, Kansas are subject to the following regulations:

- (a) The Park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- (b) All Manufactured Homes shall be so located to maintain a clearance of not less than twenty (20) feet from another Manufactured Home or other building located in the park. Manufactured Homes shall be placed in accordance with the appropriate building setback requirements for the City of Cawker City.
- (c) The Park shall provide adequate hard-surface parking for each Manufactured Home space.
- (d) All roadways and walkways within the Manufactured Home Park shall be hard-surfaced and adequately lighted at night.
- (e) A Manufactured Home Park shall not be used for anything other than residential purposes.
- (f) Each Manufactured Home within the Manufactured Home Park shall comply with all provisions of this ordinance, including those provisions for inspection, unless such provisions are in conflict with this section.

Section 8. NOTICE. Any person found by the City Superintendent or Code Enforcement Officer to be in violation of this ordinance shall be served a notice of such violation. The notice shall be personally served by the City Superintendent or by a law enforcement officer. However, if the person found to be in violation is not a resident or otherwise present in Cawker City, Kansas, the notice shall be served by certified mail, return receipt requested, marked "restricted delivery". In the case of a Manufactured Home Park, said notice shall be served upon the owner and manager.

Section 9. COMPLIANCE WITH CITY CODE. Each manufactured home within the City of Cawker City shall comply with other sections of the Cawker City Code, including but not limited to, codes regarding unfit structures, fences, health and welfare, and utilities.

Section 10. SAME, CONTENTS. The notice shall state the specific violation of this ordinance and shall inform the person that he, she or they shall have sixty (60) days from the date of serving the notice to correct or abate the condition or conditions in violation of this ordinance. Failure to correct or abate the condition or conditions in violation of this ordinance within the time allowed may result in prosecution as provided by Section 11 of this ordinance.

Section 11. FAILURE TO COMPLY, PENALTY. Should the person fail to comply with the notice, the City Code Enforcement Officer or the City Clerk may file a complaint in the Municipal Court of the City against such person or persons, and upon conviction of any violation of this ordinance, said person or persons shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00 and not more than \$500.00 or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment. Each 24 hour period that provision of this ordinance is violated shall constitute a separate and distinct offense, and is punishable hereunder as a separate violation.

Section 12. EXISTING MOBILE AND MANUFACTURED HOMES. This ordinance shall only apply to Manufactured Homes moving within the corporate city limits of Cawker City, Kansas and Manufactured Home Parks newly established from and after the effective date of this ordinance, provided however, that once an existing Mobile Home, Manufactured Home, or Manufactured or Mobile Home Park is abandoned or not occupied, as defined in this ordinance, for a period of more than one (1) year, or such property is destroyed or damaged beyond 50% of its replacement cost, then such property shall come into compliance with this ordinance.

Section 13. REPEAL. Article 2, Chapter XVI of the Cawker City Code and all ordinances in conflict herewith are hereby repealed.

Section 14. This Ordinance shall take effect and be in full force from and after its passage and one publication in the official city newspaper.

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 9th day of April, 2014.

Wayne Musgrove, Mayor

ATTEST:

Pamila K. Brummer, City Clerk