

ORDINANCE NO. 313

AN ORDINANCE REGULATING AND ESTABLISHING REQUIREMENTS FOR TRAILERS, MOBILE HOMES, MANUFACTURED HOMES, FACTORY-BUILT HOMES AND MODULAR HOMES WITHIN THE CITY OF MOUND VALLEY, KANSAS.

Whereas, the City is a city of the third class, duly created, organized and existing under the Constitution and Laws of the State; and

Whereas, these regulations and requirements are deemed necessary to promote the safety, order, convenience and general welfare of the citizens of Mound Valley, Kansas, for the appropriate and best use of land and property and for good civic design and arrangement.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF MOUND VALLEY, KANSAS that:

Section 1. Definitions. In addition to words and terms defined elsewhere herein, the following words and terms of this Ordinance shall have the following meaning:

“Mobile home” means a structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and 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.

“Manufactured home” means a structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air condition and electrical systems contained therein.

“Modular home” means a structure which is transportable in one or more sections not constructed on a permanent chassis; designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and is certified by the manufacturer as being constructed in accordance with nationally recognized building code.

“Factory-built home” means a mobile home, manufactured home or modular home.

Section 2. Foundation. All mobile homes, manufactured homes, modular homes, factory-built homes, and all trailers (except unoccupied travel trailers or recreational vehicles being parked or stored temporarily) shall be placed on a permanent foundation installed within 60 days of unit placement on lot and connected to electric power, city water and sewer.

Section 3. Age of unit. Any mobile homes, manufactured homes, modular homes, factory-built homes, and trailers placed or erected in the City of Mound Valley after the effective date of this ordinance shall have a date of manufacture which is not more than seven (7) years prior to the date of placement of the unit within the City.

Section 4. Exceptions. Exceptions to the requirements of this ordinance may be granted only after hearing and by an affirmative vote of the City Council in regular or special setting.

Section 5. Violation and penalty. The violation of this ordinance shall be an unclassified misdemeanor and punishable by a fine not to exceed \$500.00 for each offense and each day of the violation shall constitute a separate offense. In case any building or structure is or is proposed to be erected, constructed, altered, converted, or maintained, or any building structure, or land is proposed to be used in violation of this ordinance, the code enforcement officer, city attorney, or other appropriate authority of the municipality may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violations or to prevent the occupancy of said building, structure or land.

Section 6. Remedies available. In case any structure is or is proposed to be erected, constructed, altered, converted, maintained, placed or used in violation of this Ordinance, the mayor, building inspector, city attorney or other appropriate authority of the city may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, placement or use, or to correct or abate such violation, or to prevent or terminate the occupancy of said structure.

Section 7. Existing nonconforming use. The existing nonconforming use of a structure existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof so long as no alterations are made. No such structure used as a nonconforming use, which remains idle or unused for a continuous period of six months, whether or not the furniture or fixtures are removed, shall again be used except in conformity with this ordinance. No structure which has been damaged by and cause whatsoever to the extent of more than fifty percent of its fair market value immediately prior to the damage shall be restored except in conformity with this ordinance, and all rights as a nonconforming use are terminated. The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of nonconforming use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the City Council after public hearing.

Section 8. Effective date. This ordinance shall be effective upon its publication in the official City newspaper.

Passed by the governing body of the City of Mound Valley on this ____ day of _____, 2005, and signed and approved by the mayor.

ATTEST:

Mayor, Joe Ybarra

City Clerk, Ruth Clines