

SUB-ANALYSIS

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CHAPTER 13

MANUFACTURED HOME PARK CONSTRUCTION AND REGULATION

SECTION 13.01. PURPOSE. To promote health, safety, order, convenience and general welfare by enforcing minimum standards for manufactured home parks, the location and use of manufactured home and the design, construction, alteration and arrangement of homes on said lots, authorizing the inspection of manufactured home parks and fixing penalties for violations.

SEC. 13.02. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated:

Subd. 1. The term "driveway" means a minor private way used by vehicles and pedestrians on a manufactured home lot.

Subd. 2. The term "ground anchoring system" means any device connected to a manufactured home and designed for the purpose of securing the manufactured home to the ground.

Subd. 3. The term "installation seal" means a device or insignia issued by the Commissioner of the Department of Health to be displayed on the manufactured home to evidence compliance with the Commissioner's rules and regulations pertaining to support systems and ground anchoring systems.

Subd. 4. The term "manufactured home" means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight 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 a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

Subd. 5. The term "manufactured home installer" means any person who, within any consecutive twelve month period, installs for others three manufactured homes at site of occupancy by making necessary service connections or attaching support systems or ground anchoring systems.

Subd. 6. The term "manufactured home lot" means a parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

Subd. 7. The term "manufactured home park" means a contiguous parcel of land which has been developed for the placement of manufactured home and is owned by a person. Such park may be operated either free of charge or for revenue purposes and the term shall include any building, structure, rent vehicle or enclosure used or

intended for use as part of the equipment of such manufactured home park.

Subd. 8. The term "manufactured home stand" means that part of an individual lot which has been reserved for the placement of one manufactured home unit.

Subd. 9. The term "park management" means the person who owns or has charge, care or control of the manufactured home park.

Subd. 10. The term "park street" means a private way which affords principal means of access to individual manufactured home lots, or auxiliary buildings.

Subd. 11. The term "permit" means a written permit or certification issued by the City permitting the construction, alteration, and extension of a manufactured home park or a permanent structure within such manufactured home park under provisions of this Chapter.

Subd. 12. The term "service building" means a structure home toilet, lavatory and such other facilities as may be required by this Chapter.

Subd. 13. The term "sewer connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe of the sewage system serving the manufactured home park.

Subd. 14. The term "sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured home lot.

Subd. 15. The term "support system" means any device placed beneath a manufactured home at the site of occupancy for the purpose of providing support.

Subd. 16. The term "water connection" means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

Subd. 17. The term "water riser pipe" means that portion of the water supply system serving the manufactured home park which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

Subd. 18. The term "non-conforming use" means a use lawfully in existence on the effective date of this Chapter and not conforming to

the regulations in which it is situated except that such use is not non-conforming if it would be authorized under Conditional Use Permit.

Subd. 19. The term "interim use manufactured home park" means a manufactured home park that is permitted in accordance with the procedures and requirements for interim uses in Chapter 11 for a limited and definable period of time and for which the strict application of certain requirements of this Chapter may be relaxed or waived.

SEC. 13.03. PERMITS.

Subd. 1. Permit Required. It is unlawful for any person to construct, alter, or extend any manufactured home park or structures within the park that are permanent in nature unless he/she holds a valid permit issued by the City in the name of such person for the specific construction, alteration or extension proposed, where permanent means structures that are not on wheels or mobile.

Subd. 2. Contents of Applications. Applications for permits shall contain the following:

A. Name and address of applicant.

B. Location and legal description of the manufactured home park.

C. Complete engineering plans and specifications of the proposed park showing, but not limited to, the following: (1) the area and dimensions of the tract of land; topography sketch of land; (2) the number, location and size of all manufactured home lots; (3) the location and width of roadways and walkways; (4) the location of water and sewer lines and riser pipes; (5) plans and specifications of the water supply and refuse and sewage disposal facilities; (6) plans and specifications of all buildings constructed or to be constructed within the manufactured home park; and, (7) the location and details of lighting and electrical system.

Subd. 3. Permit Fee. All applications for a permit shall be accompanied by a fee for a conditional use permit as determined by resolution of the Council.

Subd. 4. Hearing. The Planning Commission shall review all applications for permit which have been forwarded to it by the City under the provisions of this Chapter, and shall conduct a hearing in the manner stipulated in the Zoning Chapter for Conditional Uses. The results of Planning Commission findings shall be forwarded to the Council for review and final action.

SEC. 13.04. CONFORMANCE WITH CODES.

Subd. 1. Code Compliance. No manufactured home which bears a construction seal or installation seal issued by the State of Minnesota shall be required to comply with any other building, heating, plumbing or electrical code or construction standards other than as defined in Minnesota Statutes, nor to be subject to any other building inspection, except as the Commissioner shall, by rule, provide in the case of alterations. No manufactured home which bears an installation seal, as defined, shall be required to comply with any support system or ground anchoring system standards other than those promulgated and adopted by the State of Minnesota. Any manufactured home not bearing such seal, and not having complied with such codes, shall be subject to inspection and full compliance therewith.

Subd. 2. Support and Anchoring Systems. No person shall install or connect to any manufactured home a support system or ground anchoring system which is in violation of any rules and regulations promulgated by the Commissioner of the State Department of Health which pertain to support systems and ground anchoring systems.

SEC. 13.05. INSPECTION OF MANUFACTURED HOME PARKS. The City shall have free access to all manufactured home parks for the purpose of inspection to determine compliance with that portion of this Chapter relating to construction and continuing access to determine compliance with the regulations set forth in this Chapter. The management of all manufactured home parks shall have free access to all parts thereof for the purpose of making repairs or alterations to effect compliance with this Chapter.

SEC. 13.06. NOTICES, HEARINGS AND ORDERS.

Subd. 1. Change Orders. Whenever the Zoning Administrator determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Chapter, the Zoning Administrator shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall: (1) be in writing, (2) include a statement of the reason for its issuance, (3) allow thirty days time for the performance of any act it requires; (4) be served upon the owner or his/her agent as the case may require: provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his/her last known address.

Subd. 2. Hearing and Appeal. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter, may request and shall be granted a hearing of the same before the Zoning Board of Appeals and Adjustments. Appeal from any finding of the Zoning Board of Appeals and Adjustments shall be to the Council prior to any action taken to District Court.

Subd. 3. Emergency. Whenever the Zoning Administrator finds that an emergency exists which requires immediate action to protect the public health, he/she may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she may deem necessary to meet the emergency including the suspension of the permit. Notwithstanding any other provision of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Zoning Administrator shall be afforded a hearing as soon as possible. The provisions shall be applicable to such hearing and the order issued thereafter.

SEC. 13.07. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS.

Subd. 1. General Requirements. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences and no portion subject to unpredictable and/or sudden flooding.

Subd. 2. Total Land Area Required. Minimum total park area shall be six (6) acres and not less than 300 feet in width.

Subd. 3. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every manufactured home park shall be paved, or covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

Subd. 4. Site Drainage Requirements. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

Subd. 5. Park Use. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

Subd. 6. Required Separation Between Manufactured Home.

A. Manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet or the sum of the heights of both trailer units, whichever is greater. Manufactured homes placed end-to-end must have minimum clearance of 15 feet.

B. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak and porch which has a floor area exceeding 25 square feet, and has an opaque top or roof, shall for purposes of

all separation requirements, be considered to be part of the manufactured home.

C. Minimum lot sizes shall not be less than 5,000 square feet.

Subd. 7. Open Space Required. A minimum of 500 square feet per manufactured home shall be provided for definable play areas and open space within the manufactured home park. Such areas of open space and/or play area shall not be areas included within any setback nor shall they include any areas of less than 20 feet in length or width. This required open space need not be provided on each individual lot, but may be an area defined elsewhere within the manufactured home park boundaries.

Subd. 8. Required Setbacks, Buffer Strips and Screening.

A. All manufactured homes shall be located at least 25 feet from any property boundary line abutting upon a public street or highway and at least 15 feet from other property boundary lines.

B. There shall be a minimum distance of 15 feet between the manufactured home stand and abutting park street.

C. All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences or natural growth along the property boundary line separating the park and such uses, and shall be maintained in a neat and orderly fashion.

Subd. 9. Park Street System and Car Parking.

A. General Requirements. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways, or other means.

B. Park Entrance. Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.

C. Internal Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

1. All streets except minor streets shall be a minimum of 30 feet in width from face-of-curb to face-of-curb. Streets without curb shall be considered minor streets.

2. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.

3. Minor streets 20 feet in width shall be acceptable only if less than 500 feet long and serving less than eight (8) manufactured homes or of any length if manufactured home lots abut on one side only.

Subd. 10. Car Parking. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each manufactured home lot, of which at least one-half (1/2) of the spaces may be in compounds.

Subd. 11. Required Illumination of Park Street Systems. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

A. All parts of the park street systems: 0.6 footcandle.

B. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.6 footcandle.

C. The walkways, drives and other used portions of occupied manufactured home parks shall be lighted during the hours of darkness.

Subd. 12. Street Construction and Design Standards.

A. Pavements. All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained, free of cracks, holes and other hazards.

B. Grades. Longitudinal grades of all streets shall range between 0.4% and 8.00%. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

C. Intersections. Within 50 feet of an intersection, streets shall be at right angles. A distance of at least 85 feet shall be maintained between the center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

D. Storm Runoff. If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system may be connected to an existing public or quasipublic storm sewer system upon approval.

Subd. 13. Walks.

A. General Requirements. All parks shall be provided with safe convenient all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

B. Common Walk System. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 4½ feet.

C. Individual Walks. All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 2 feet.

Subd. 14. Required Plantings and Accessory Facilities.

A. Patio. Each manufactured home lot shall have a four inch concrete patio with minimum dimensions of 9 feet by 20 feet.

B. Trees. A minimum of one tree per lot is required. In open area and park area, a minimum of twenty trees per acre is required.

C. Each manufactured home unit shall be skirted at its base with a durable material that complements the exterior design of the unit.

SEC. 13.08. WATER SUPPLY. An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply system is not available, a private community water supply system shall be developed and used as approved by the State of Minnesota until such time as a public supply system becomes available.

SEC. 13.09. SEWAGE DISPOSAL. An adequate and safe community sewerage system shall be provided in all manufactured home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws. No on-lot sewage disposal facilities shall be permitted.

SEC. 13.10. SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES.

Subd. 1. General. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities, such as: (1) management offices, repair shops and storage areas; (2) sanitary facilities; (3) laundry facilities; (4) indoor recreation areas; or, (5) commercial uses supplying essential goods or services for the exclusive use of park occupants.

Subd. 2. Structural Requirements for Buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

Subd. 3. Barbecue Pits, Fireplaces, Stoves and Incinerators. Cooking shelters, barbecue pits, fireplaces, woodburning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Subd. 4. Emergency Shelter. Each manufactured home park shall contain one or more emergency storm shelters whose combined capacity accommodates the anticipated number of park residents. Service, recreation, laundry or other park common structures can, if designed appropriately, serve as emergency shelter structures.

SEC. 13.11. REFUSE HANDLING. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

SEC. 13.12. INSECT AND RODENT CONTROL.

Subd. 1. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the State Health Code.

Subd. 2. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

Subd. 3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.

Subd. 4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

Subd. 5. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SEC. 13.13. FUEL SUPPLY AND STORAGE.

Subd. 1. Natural Gas System. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems; no outside or buried fuel tanks will be allowed.

Subd. 2. Bottled Gas. Where bottled gas is used, the container shall be firmly connected to the appliance by tubing of copper or other suitable metallic material. Cylinders containing bottled gas shall not be located within 5 feet of any manufactured home door. The container shall not be installed or stored even temporarily inside any manufactured home or recreational camping vehicle. No container may be permitted to stand free, but must be firmly mounted in an upright position.

Subd. 3. Fuel Oil Supply Systems. All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place and shall not be located inside or beneath any manufactured home or less than 5 feet from any manufactured home exit. All fuel oil containers shall be mounted upon a stand or rack constructed of a non-combustible material.

SEC. 13.14. FIRE PROTECTION. Fire extinguishing systems shall comply with the Uniform Fire Code.

SEC. 13.15. MISCELLANEOUS REQUIREMENTS.

Subd. 1. Responsibilities of the Park Management.

A. The owner of a manufactured home park shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

B. The park management shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities.

C. Registration. It is the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information: (1) the name and address of each manufactured home occupant; (2) the name and address of the owner of each manufactured home and motor vehicle by which it is towed; (3) the make, model, year and license number of each manufactured home and motor vehicle; (4) the state, territory, or county issuing such license; (5) the date of arrival and departure of each manufactured home; and, (6) whether or not each manufactured home is a dependent or independent manufactured home.

D. Record Keeping. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

SEC. 13.16. PROHIBITED AND EXISTING USES.

Subd. 1. Prohibited Use. On and after the effective date of this Chapter, no manufactured home shall be situated for human habitation, or so occupied, except in a manufactured home park.

Subd. 2. Existing manufactured home Parks. Unless a permit has been issued by the City which is valid for a longer period, no manufactured home park which does not strictly conform with the provisions of this Chapter, shall be continued after the expiration of a period of five (5) years from the effective date of this Chapter. No manufactured home park permit renewable within such five-year period shall be renewed by the City without conformance with the provisions of this Chapter. No permit shall be issued by the City for the extension, alteration, or repair or reconstruction of such non-conforming manufactured home park after damage by fire or other casualty which exceeds 50% of its then current market value unless such manufactured home park shall comply with all of the provisions of this Chapter.

SEC. 13.17. RIGHT OF APPEAL. Any applicant for a permit hereunder, or other person aggrieved by any decision made pursuant to this Chapter, may appeal such decision to the Zoning Board of Appeals and Adjustments in the same manner as provided for in the Hibbing City Code.

SEC 13.18 INTERIM USE MANUFACTURED HOME PARK.

Subd. 1. Purpose and Intent. The intent of an interim use manufactured park is to allow the temporary provision of housing such

as that required by construction workers for a major project or by people rendered temporarily homeless due to a large scale disaster.

Subd. 2. An interim use manufactured home park shall only be allowed as an interim use as defined and regulated by Chapter 11.

Subd. 3. Each interim use manufactured home park shall conform to all standards, regulations, requirements, and procedures of this Chapter with the exception that modifications of the following requirements may be allowed as specific conditions of the permit:

A. Minimum park area and width standards in Sec. 13.07 Subd. 2 in whole or part.

B. Soil and ground cover requirements in Sec. 13.07 Subd. 3 in whole or part.

C. Required separation requirements between manufactured homes and minimum lot sizes in Sec. 13.07 Subd. 6 in whole or part.

D. Open space requirements in Sec. 13.07 Subd. 7 in whole or part.

E. Required setbacks, buffer strips and screening requirements in Sec. 13.07 Subd. 8 in whole or part.

F. Park street system and car parking requirements in Sec. 13.07 Subd. 9 in whole or part.

G. Street construction and design standards in Sec. 13.07 Subd. 12 in whole or part.

H. Walk requirements in Sec. 13.07 Subd. 13 in whole or part.

I. Plantings and accessory facilities requirements in Sec. 13.07 Subd. 14 in whole or part.

J. Service building and other community service facilities requirements in Sec. 13.10 in whole or part.

Source: Ordinance No. 340, 2nd Series
Effective Date: 10-7-2007

(Sections 13.19 through 13.98, inclusive, reserved for future expansion.)

(pages 688 - 696 reserved)

SEC. 13.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: Ordinance No. 340, 2nd Series
Effective Date: 10-7-2007