

TITLE 12 - MANUFACTURED HOMES

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CHAPTER 12.01 - GENERAL PROVISIONS

- 12.0101 Purpose. The purpose of terms and conditions of this ordinance is to promote the health, safety and welfare of the inhabitants of the city through the regulation of the location, planning, design, layout, construction, and operation of this licensed manufactured home park and manufactured homes placement and use therein.
- 12.0102 Definitions. The following words, terms and phrases, when use herein, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- A. "Administration" - the Lennox Finance Officer.
 - B. "Board" - the Lennox Planning and Zoning Commission.
 - C. "Cabana" - a factory-built room enclosure erected or constructed attached to a manufactured home for residential use by the occupants of a manufactured home.
 - D. "Codes" - any codes or other regulations that the city council or its departments have adopted which include, but are not limited to, the fire code, health code, building code, plumbing code, heating code and electrical code. Such codes will be controlling when work is to be done in a given area where such code is applicable.
 - E. "Detached accessory building" - an incidental freestanding building located on the same lot which it serves and used solely for storage of personal equipment and possessions of the manufactured home occupants.
 - F. "License" - a licensed manufactured home park operator's license.
 - G. "Licensee" - the person to whom a manufactured home park license has been granted.
 - H. "Licensing entity" - the City of Lennox Council.
 - I. "Manufactured home" - a dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. A manufactured home is designed to be towed on it own chassis or be site delivered by alternative means. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured homes built

prior to June 15, 1976, a label certifying compliance to the Standard for Manufactured Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required.

- J. "Manufactured home park, licensed" - a contiguous parcel of land, under the same ownership, where lots are rented for the temporary placement of manufactured homes, with all necessary facilities and services, and is licensed by the City.
- K. "Manufactured home space" - a parcel of land designated and approved for the placement of a single manufactured home.
- L. "Park occupant"- a person living in a manufactured home located in a licensed manufactured home park.
- M. "Park operator" - the person to whom a manufactured home park license has been issued or who is managing the licensed manufactured home park for someone who has been issued a license.
- N. "Required yard" -a yard of a manufactured home as set out in City Ordinances.
- O. "Service building" - an accessory building to a license manufactured home part for related services.
- P. "Service equipment" - the plumbing, mechanical and electrical equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire protection, and facilities essential for the habitable occupancy of a manufactured home or accessory building or structure for its designated use and occupancy.
- Q. "Utilities" - water and sewer, gas or electrical distribution system which is available for connection to manufactured homes in a licensed manufactured home park.
- R. "Yard" - an open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- S. "Zoning ordinance" - the revised zoning ordinances of the City of Lennox.

CHAPTER 12.02 - LICENSE

12.0201 Duty of licensee and occupants.

- A. Responsibility of licensee.
 - 1. The manufactured home park licensee will operate the park in strict compliance with the provisions of this ordinance and the zoning ordinances, and will provide adequate supervision to maintain the park, its related facilities, roadways, drainage ways, walkways, open spaces, utilities and equipment in good repair and in a clean and sanitary condition.
 - 2. The licensee will be responsible for verifying and certifying that all manufactured homes placed in the park meet or exceed the property maintenance code.

3. The licensee will be responsible to verify that all manufactured homes hereinafter located in a licensed manufactured home park shall be provided with a HUD approved tie-down system.
 4. The licensee will also be responsible to see that all plumbing, heating, and electrical connections, alterations and additions comply with the provision of this ordinance; that all street signs and address numbers are installed; to secure permits for detached accessory buildings and park service buildings.
 5. The licensee will be responsible for the proper placement of each manufactured home and notification to the City Finance Officer when new manufactured homes are placed.
 6. The licensee will notify the park occupants of all applicable provisions of a duly authorized Conditional Use Permit and inform them of their responsibilities thereunder.
 7. The licensee will provide the administration and park occupants name, address, and phone number of the local park management.
- B. Responsibilities of occupants or owners.
1. The occupant or owner of any manufactured home will comply with all applicable requirements of a duly authorized Conditional Use Permit and will maintain the manufactured home space, its facilities and equipment in good repair and in a clean and sanitary condition.
 2. The occupants of any manufactured home will be responsible to see that all plumbing, heating, cooling and electrical connections, alterations and additions comply with the requirements of the zoning ordinances, and secure necessary permits for detached accessory buildings.

12.0202 Required; term, renewal and fee.

- A. It will be unlawful to operate a manufactured home park within the city unless a valid license has been issued. Application for a license shall be made 30 days prior to operation by completing the appropriate form, furnishing a copy of park rules and regulations, and submitting payment of a nonrefundable application fee to the City in the amount set forth by resolution by the City Council.
- A. Said license will expire on June 30 of each year. An application for a renewal shall be made 30 days prior to the expiration of said license in accordance with the requirements in paragraph A. A license filed after the expiration date of such license will be charged in addition to the license fee, a reinstatement fee equal to 50% of the license fee.

(Amended: Ordinance No. 583, Section 1, 12-26-17)

12.0203 Revocation or refusal. A manufactured home park license may be revoked in whole or part as described in this section or renewal refused for failure to comply with any of the

provisions of this chapter, a duly authorized Conditional Use Permit or any other condition approved by the City Planning and Zoning Commission.

- 12.0204 Transfer. Licensed manufactured home park licensee will give notice in writing to the City Finance Officer within 30 days after having sold, transferred, given away, or otherwise disposed of any interest in or control of the manufactured home park. Such notice will include the name and address of the new owners. Upon application in writing for transfer of the license, the license may be transferred if the park is in compliance with the provisions of a duly authorized Conditional Use Permit and all other pertinent laws and regulations.

CHAPTER 12.03 - PERMITS AND INSPECTIONS

- 12.0301 Manufactured home placement permit.
- A. It is unlawful for any manufactured home to be occupied in the licensed manufactured home park unless the manufactured home is situated on a manufactured home space and a placement permit issued as provided for herein.
 - B. Every manufactured home owner shall file an application for a manufactured home park placement permit with the City Finance Officer prior to the date of the placement of the manufactured home in the licensed manufactured home park.
 - C. The manufactured home park licensee shall give to every manufactured home owner desiring to place his manufactured home in the licensee's park an application for a placement permit. The licensee will retain two complete copies of the application form and will send one to the City Finance officer prior to the date of placement of the manufactured home and will retain the second copy; the manufactured home owner will have the responsibility of filing the original copy of the application with the City Finance Officer and will pay a permit fee as set by resolution by the City Council.
- 12.0302 Detached accessory buildings and structures. It is unlawful to alter, repair, or add detached accessory buildings or structures in a licensed manufactured home park without first obtaining a permit. Permit issuance and fees will be in conformance with the City codes and ordinances applicable to the type of work involved.
- 12.0303 Service buildings and equipment. It is unlawful to construct service buildings or install service equipment in the licensed manufactured home park without first obtaining a permit. Permit issuance and fees will be in conformance with the City codes and ordinances applicable to the type of work involved.
- 12.0304 Carports, cabanas, enclosed vestibules, canopies and decks. It is unlawful to construct (i) cabanas, (ii) unenclosed canopies, (iii) carports, (iv) decks, or (v) enclosed vestibules in a licensed manufactured home park without first obtaining a permit. Permit issuance and fees will be in conformance with the City codes and ordinances applicable to the type of work involved.
- 12.0305 Inspections. The City Building Inspector may enter the licensed manufactured home park to inspect such park in the discharge of its duties. Such inspection or reinspection may take place at any time. Such inspection will take place prior to the issuance or renewal of a license to operate the licensed manufactured home park.

CHAPTER 12.04 - PARK STANDARDS

- 12.0401 Placement of manufactured homes. All manufactured homes will be positioned in compliance with an approved manufactured home park plan.
- 12.0402 Water supply. An accessible, adequate, safe, and potable supply of water will be provided in each licensed manufactured home park capable of furnishing a minimum of 125 gallons per day per manufactured home space and all water supply will be supplied by the City of Lennox.
- 12.0403 Waste disposal.
- A. All plumbing in the licensed manufactured home park will comply with the plumbing code as adopted by the City and also applicable state codes.
 - B. All waste from showers, toilets, laundries, faucets and lavatories will be wasted into a sewer system extended from and connected with the City sewer system.
- 12.0404 Garbage disposal.
- A. The storage, collection and disposal of refuse in the manufactured home park will be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse will be stored in flytight, weathertight, rodentproof containers, which will be provided in sufficient number and capacity to prevent any refuse from overflowing.
 - B. Insect and rodent control measures to safeguard public health, as recommended by the City Building Inspector, will be applied in the licensed manufactured home park. Skirting of manufactured homes will be done in such a manner so as to prevent rodent harborage and as directed by the City Building Inspector.
- 12.0405 Electricity. It will be the responsibility of the licensed manufactured home park operator to provide and maintain the manufactured home park electrical wiring system in compliance with State and City electrical codes and it is further required that:
- A. Service equipment will be weatherproofed in safe condition and adequate for the load served.
 - B. Supply cords and receptacles will be approved for the purpose used be in safe condition and have overcurrent protection at not more than their rating. Supply cords will not be spliced except in an approved box under the manufactured home.
 - C. Overhead conductors will have a clearance of three feet from the manufactured home and any projections such as a television antenna.
 - D. Manufactured home chassis will be grounded through a separate grounding conductor in the supply cord. Any other method of grounding is prohibited unless special permission is received from the city.

12.0406 Fire protection.

- A. The licensed manufactured home park area will be subject to the fire protection rules and codes of the city.
- B. All LP tanks will be secured against overturning with a minimum safety factor of four based on a loading in any direction equal to four times the filled weight of the container. LP tanks over 100-gallon capacity must be installed on a concrete base.
- C. Safety relief valves of LP containers will have direct ventilation with the atmosphere. The delivery side of the gas pressure regulator will be equipped with a safety relief device set to discharge at a pressure not less than two times and not more than three times the delivery pressure of the regulator.
- D. Oil storage tanks will be supported by either noncombustible framing or if of wood, not less than two-by-four dimension stock. Oil tanks up to 500 gallons will be vented to the atmosphere by 1 1/4 inch diameter vents. Oil tanks installed for gravity flow of oil to heating equipment will be installed so that the top of the tank is no higher than eight feet above the appliance oil control and the bottom of the tank is not less than 18 inches above the appliance oil control. Listed automatic pumps (oil filter) will be mounted no higher than eight feet above the appliance oil control and not less than 18 inches above the appliance oil control. A readily accessible, approved manual shutoff valve will be installed at the outlet of an oil supply tank. Such valve will be installed to close against the supply.
- E. Manufactured homes will have fuel piping materials and systems compatible with type of fuel supply based on accepted national standards or when applicable, city and state codes.
- F. LP or natural gas services will not be installed under manufactured homes. Connections from natural gas supply to manufactured homes will be by approved flexible connectors.
- G. Skirting installed around a manufactured home will be fire retardant and approved by the City Building Inspector.
- H. Combustible storage may not be permitted under manufactured homes.

12.0407 Park identification sign. It will be the responsibility of the manufactured home park licensee as a condition for issuance of the manufactured home park license to erect and maintain at the main entrance of the licensed manufactured home park a sign displaying the manufactured home park name and office address. The size, height, and location of the sign will be approved by the City Finance officer.

12.0408 Street and space numbering. Prior to the issuance of the manufactured home park license, the manufactured home park operator will:

- A. Develop and submit for approval of the City Finance officer a space or street numbering system for the licensed manufactured home park and have the plan available at the manufactured home park office at all times.
- B. Erect and maintain street signs within the licensed manufactured home park of the size, height, number and location as prescribed by the City Finance Officer.

- C. Display in front of or affix to the front of each manufactured home service building or manufactured home space a street number in accordance with the approved numbering system.

CHAPTER 12.05 - VIOLATIONS AND PENALTIES

12.0501 Notices and orders.

- A. Whenever the City Building Inspector determines that there has been a violation of this chapter, it will give notice of such alleged violation to the licensee and occupant. The owner and/or occupant shall have 30 days to correct the violation.
- B. Whenever the City Building Inspector determines that a hazard exists which required immediate action to protect the public health, safety and welfare, the City Building Inspector may take whatever action deemed necessary so long as such action is permissible under federal, state or local law.

(Amended: Ordinance No. 583, Section 2, 12-26-17)

12.0502 Manufactured home parks in violation. Any person who operates a manufactured home park within the city without a valid license shall be guilty of a Class II misdemeanor, which is punishable by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not exceeding thirty days, or by both the fine and imprisonment. (SDCL 9-19-13).

(Amended: Ordinance No. 583, Section 2, 12-26-17)

12.0503 Manufactured Home - Notice to vacate. If the manufactured home is tagged as unfit for human occupancy, resulting in the cancellation of the licensing for that space in the manufactured home park until such time that the manufactured home is brought up to code, removed, or the problem otherwise abated. Repeated violations could affect the future licensing of the park and may cause the cancellation of the licensing of the entire park.

(Amended: Ordinance No. 583, Section 2, 12-26-17)

12.0504 Appeals.

- A. Generally. Any person affected by any action of the City Building Inspector under this chapter may appeal the action to the City Council within 30 days after completed service of such notice.
- B. Variance on appeal. The City Council may authorize, upon appeal in specific cases, such variance from the terms of this chapter, or from the rules and regulations adopted pursuant to this chapter, subject to terms and conditions fixed by the City Council, as will not adversely affect the public health where, owing to exceptional and extraordinary circumstances, literal enforcement of applicable provisions will result in unnecessary hardship. The burden of proof is upon the applicant to show by clear and convincing evidence that the variance:

1. Will not substantially or permanently injure the appropriate use of the other portions of the dwelling involved or other property.
 2. Will be in harmony with the spirit and purposes of a duly authorized Conditional Use Permit.
- C. Procedure on appeal. Any appeal may be taken by filing a notice in writing, to that effect, with the City Finance Officer. Such notice will be on a form provided by the City Finance Officer. The City Finance Officer shall forthwith notify the City Council of the filing of such appeal, and the City Council will within 30 days, set a date for hearing, which may not be less than 10 days from the date of the notice of hearing. The City Finance Officer will thereafter and forthwith give notice of such hearing to all interested persons by ordinary mail. After filing a notice of appeal, enforcement of any notice or order appealed from will be held in abeyance until the decision of the City Council will become final as provided in this chapter. The hearing before the City Council will be informal; its decision will be written, and will state the findings, conclusions and decision of the City Council.
- D. Effect of failure to appeal. If no appeal is taken, the notice will become a final order when the appeal to the City Council has elapsed (30 days).
(Amended: Ordinance No. 583, Section 2, 12-26-17)