

ORDINANCE NO. 1224

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE; DEFINING AND REGULATING TRAILERS, MOBILE HOMES, MOBILE HOME PARKS; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONSTRUCTION AND MAINTENANCE OF MOBILE HOMES AND MOBILE HOME PARKS; ESTABLISHING MINIMUM STANDARDS GOVERNING UTILITIES AND FACILITIES, THEREIN, AND OTHER PHYSICAL THINGS AND CONDITIONS TO MAKE MOBILE HOME PARKS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION; FIXING THE RESPONSIBILITIES AND DUTIES OF OWNERS AND OPERATORS OF MOBILE HOME PARKS; AUTHORIZING THE INSPECTION OF MOBILE HOME PARKS; FIXING PENALTIES FOR VIOLATIONS; AND REPEALING ORIGINAL CHAPTER 25 OF THE CODE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, THAT CHAPTER 25 OF THE CODE BE AMENDED TO READ AS FOLLOWS:

SECTION 1. DEFINITIONS. Mobile Homes and Mobile Home Parks. For the purpose of this ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

MOBILE HOME. A residential structure, assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.

MOBILE HOME, SINGLE WIDE. A mobile home, as defined above, and being of a width of not more than fourteen feet, measured between the permanent sidewalls thereof.

MOBILE HOME, DOUBLE WIDE. A mobile home, as defined above, and having been built in two sections at the factory, which two sections are transported over the road separately, with assembly into one structure of a width of not less than twenty feet occurring at the destination.

MODULAR HOME. A residential structure, assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A modular home, as distinct from a mobile home, shall have exterior building materials and appearance similar to the customary single family structures in the neighborhood, and shall be permanently situated on a concrete slab, or foundation.

TRAILER. A vehicle equipped with wheels, and normally towed over the road behind an automobile or light truck.

TRAILER, CAMPING. A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath, and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purpose of this ordinance.

TRAILER HAULING. A trailer, as defined above, designed and normally used for over-the road transportation of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.

TRAILER, ADVERTISING. A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

MOBILE HOME PARK. A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

MOBILE OR MODULAR HOME SUBDIVISION. An area of land containing not less than thirty (30) lots, and the public streets necessary to serve such lots, the purpose of which is to convey in fee the individual lots for the location of mobile homes or modular homes in a permanent fashion.

TRAILER PARK. A tract of land containing sites for the overnight or short term parking of camping trailers and other camping vehicles.

MOBILE HOME SPACE. That area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around said mobile home, as are required in this ordinance.

STREET. A right of way which affords principal means of vehicular access to or through a mobile home park or trailer park, and which is held in fee by the public or a governmental unit thereof.

DRIVE. A right of way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is owned and maintained by the owner or operator of the park.

ZONING JURISDICTION. That area within the corporate area of the City of Lexington plus that area within two miles thereof.

BOARD OF HEALTH. The legally designated health authority of the City of Lexington as described in Section 2-4, Lexington City Code, 1970.

OPERATING PERMITS. A written permit issued by the Board of Health permitting the mobile home park to operate under this ordinance and regulations promulgated thereunder.

SPECIAL USE PERMIT. The application for amendment, revision, or change in a zoning district map or for special use permit, which is made through the Planning Commission and through the City Council as described in Section 28-8, Lexington City Code, 1970.

DEPENDENT MOBILE HOME. Means a mobile home which does not have a flush toilet and bath or shower.

INDEPENDENT MOBILE HOME. A mobile home which has flush toilet and bath or shower.

PERSON. Any individual, firm, partnership, corporation, company or association.

SERVICE BUILDING. A building housing toilet and bathing facilities for men and women with laundry facilities and such other facilities as may be required by this ordinance.

CITY MANAGER. Duly authorized agent of the City Council and of the Board of Health to insure compliance of this ordinance. This authority may be delegated by the City Manager to other city officials and employees.

#### SECTION 2 MOBILE HOMES WHERE PERMITTED.

Within the zoning jurisdiction of the City of Lexington, a mobile home may be permitted only in an approved mobile home park. A modular home may be permitted in an approved mobile home park or on a lot which complies with all the regulations of the zoning and subdivision ordinances of the City of Lexington. A modular home may be permitted on a permanent slab or foundation on a lot which meets with all the regulations of the zoning and subdivision ordinances of the City of Lexington. Any such structure to be located outside an approved park shall first be submitted to the Planning Commission for review as to architectural conformity with the surrounding neighborhood based upon the following:

- A. The physical condition of the structure is sound, well maintained, and of neat appearance.
- B. The proposed site of the structure is not in a neighborhood which contains homes of size and value sufficiently higher than will result from the establishment of the double-wide mobile home or modular home that the contrast in appearance will depress property values in the neighborhood.

A mobile home may be permitted by the City Council after public hearing, for purposes of temporary relief from a local disaster, such as fire, wind, or flood damage, provided such mobile home shall be removed from the premises within one year of its original placement.

A mobile home shall not be temporarily or permanently parked or located on any public street, road or alley, nor on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinances of the City of Lexington.

#### SECTION 3 TRAILERS WHERE PERMITTED.

A. Camping trailers may be parked in a campground or trailer park, provided such camp area is in conformance with the zoning ordinances of the city. No such camping trailer shall be used for permanent or semi-permanent residential purposes. Nothing in this ordinance shall prohibit the use of tents, pick-up campers, and other such equipment from also utilizing an approved campground or camper park.

B. Camping trailers may also be stored, on the basis of one per family, in private garages, or in the side or rear yard of private homes, business or industrial area, provided no such trailer shall be used for residential purposes.

C. Advertising trailers may be permitted only on property zoned District C-2 to M-2 inclusive, and such trailers shall be off the public street, and conform to the setback height and area regulations for other signs in that district.

#### SECTION 4 MOBILE HOMES AND TRAILERS AS NON-RESIDENTIAL STRUCTURES.

One or more mobile homes or trailers may be used as a temporary office or other non-residential structure on the site of a construction project, provided such structure is removed upon completion of the project. Mobile structures may be used, also as temporary classroom facilities in connection with public schools, or private schools with equivalent curriculum.

SECTION 5 MINIMUM STANDARDS FOR MOBILE HOME PARKS.

A. Minimum Park size--No mobile home park shall have a site smaller than will accommodate thirty (30) mobile homes, or comprising less than five (5) acres.

B. Minimum Space Size--Each mobile home space shall have dimensions of at least forty-five (45) feet in width and ninety (90) feet in depth or an area of 4050 square feet.

C. Mobile Home Stands--The area of the mobile home stand will be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning by using one of the following methods:

1. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.
2. The mobile home stand will be provided with anchors and tie-downs such as cast-in-place concrete "Dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
3. Anchors and tie-downs will be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

Provision of this section shall be applicable to all mobile homes and modular homes, located in the City or in the zoning jurisdiction. Unless permanently attached, all such vehicles will be tied down using such mobile home stands within 48 hours after arrival in the zoning jurisdiction of Lexington.

D. Mobile Home Skirts--Skirting of mobile homes with approved materials is required within 30 days after placement of mobile home. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

Provision of this section shall be applicable to all mobile homes and modular homes located in the City of Lexington or in the zoning jurisdiction of Lexington.

E. Drives and Streets--

1. All public streets within the park shall be improved to City standards for residential streets. All private drives shall be not less than twenty-two (22) feet in width and be surfaced with at least six inches of portland cement concrete or six inches of compacted stone base with two inches of hot mix bituminous concrete as the surface course.
2. Street improvements shall be accomplished within six (6) months after establishment of the mobile home park.
3. Pavement edges shall be protected to prevent ravelling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

4. Grades of all streets shall be sufficient to insure adequate surface drainage.
5. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

F. Park Entrances--Entrances to mobile 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. One entrance is required for each 25 mobile homes.

G. Parking--At least two parking spaces for each mobile home shall be provided within sixty (60) feet of the mobile home. Such parking spaces shall be off the public street or private drive, and each shall be not less than nine feet by twenty feet (9 ft. x 20 ft.) in size, and shall be surfaced to at least the standard set out above for drives.

H. Illumination of Street System--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:

1. All parts of the park street system: 0.6 footcandle.
2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 footcandle.
3. The available light from existing City street lights may be used in the footcandle computations.

I. Walks--

1. General requirements: All parks shall be provided safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
2. 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 four feet.
3. Individual Walks: All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved streets. Such individual walks shall have a minimum width of four feet.

J. Open Space--Each mobile home shall be located on the mobile home space so that no part of one mobile home structure, including canopies, awnings, carports, and other protrusions, is closer than twelve (12) feet to another mobile home, or to the edge of the surface of a drive. No mobile home shall be located closer than twenty-five (25) feet to the boundary line of the mobile home park or to a public street.

K. Required Recreation Areas--

1. Park and playground Space--shall be provided for occupants of the mobile home park on the basis of three hundred (300) square feet for each space in the park. Playground space may be either attached to each space in the park or be separate and aside from the open space provided for each mobile home space. No play space will be placed closer than twelve (12) feet to any mobile home or twenty-five (25) feet to the edge of the surface of the drive. Play space attached to each mobile home space shall be 300 square feet.
2. Recreation Areas--shall be located so as to be free of traffic hazards.
3. Playgrounds--shall be equipped and maintained for the use of residents of the park. All playground equipment shall be of such construction, so as not to be less than the recommended standards as established by the National Recreation and Parks Association.

L. Service Buildings--

1. Each mobile home park that permits dependent mobile homes shall be provided with at least one service building adequately equipped with flush type toilet fixtures and other sanitary facilities as required in this ordinance. No service building shall contain less than one toilet for females, one toilet for males, one lavatory and shower for each sex and one laundry tray.
2. All sanitary facilities required to be provided by Section 5-L shall be located in a service building.
3. Every mobile home park that accomodates dependent mobile homes shall provide not less than the following facilities:
  - (a) For not more than ten (10) dependent mobile homes--one laundry tray, two water closets, one lavatory and one shower for females; one water closet, one urinal, one lavatory and one shower for males; and one slop-water closet consisting of at least one flush-type toilet bowl receptacle for emptying containers of human excreta with an adequate supply of hot and cold water for cleaning such containers, which shall be a separate room of a service building for a single direct opening to the outside.
  - (b) For more than 10 dependent mobile homes, the following additional fixtures shall be provided: one lavatory and one shower for each sex for every additional 10 dependent mobile homes or fraction thereof; one water closet for females for every additonal 10 dependent mobile homes or fraction thereof; one water closet for males for every additional 15 dependent mobile homes or fraction thereof; provided that urinals may be substituted for not more than one-third of the additional water closets required under this paragraph.
4. Dependent mobile home spaces shall be not more than 200 feet from a service building.
5. Service buildings shall:
  - (a) be located 15 feet or more from any mobile home space and where dependent mobile homes are accomodated not more than 200 feet from a dependent mobile home space.
  - (b) Be of permanent construction and be adequately lighted.

5.
  - (c) Be of moisture-resistant material to permit frequent washing and cleaning.
  - (d) Have adequate heating facilities to maintain a temperature of 70° F. during cold weather and to supply adequate hot water during time of peak demands.
  - (e) Have all rooms well ventilated with all openings effectively screened.
  - (f) Provide separate compartments for each bathtub or shower and water closet and a sound resistant wall to separate male and female toilet facilities.
6. Laundry facilities shall be provided in the ratio of two laundry units to every 30 mobile home spaces or portion thereof and shall be in a separate sound-proof room of a service building or in a separate building. A laundry unit shall consist of not less than one laundry tray, one clothes washing machine and one clothes dryer.

M. Water Supply--

1. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park, capable of furnishing a minimum of 250 gallons per day per mobile home space. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the Board of Health and the City Engineer. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively.
2. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces.
3. All water piping shall be constructed and maintained in accordance with State and Local law; the water piping system shall not be connected with non-portable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage. All water supply and distribution shall be approved by the City Engineer prior to construction.
4. Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the Board of Health.
5. Individual water service connections, which are provided for direct use by mobile homes, shall be so constructed that they will not be damaged by the parking of such mobile homes. The mobile home park water system shall be adequate to provide at least 20 pounds per square inch of pressure at all mobile home connections.
6. Where an independent or non-public water system is used to serve the mobile home park with water obtained from wells, the wells shall have been approved by the Board of Health, and shall have been drilled or driven. Springs or other sources of supply shall not be used unless approved by the Board of Health.
7. Every well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of 150 feet shall be maintained between the water supply and any cesspool. A minimum distance of 100 feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least 50 feet from any well or water-suction pipeline. Where such sewers or pipes are specifically constructed to provide adequate safeguards, and when specifically authorized by the Board of Health, such sewers or pipes (through which sewage may back up) may be closer than 50 feet, but not less than 30 feet from a wall.

- M. 8. No well-casings, pumps, pumping machinery, or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor of rooms above ground shall be at least six inches above the ground's surface. All floors shall be water tight, and sloped from the pump pedestal to the drain. The pedestal shall be not less than 12 inches above the floor.
9. Underground stop-and-waste cocks shall not be installed on any connection.

N. Sewage Disposal--

1. All plumbing in the mobile home park shall comply with State and Local plumbing laws and regulations.
2. Each independent mobile home space shall be provided with at least a 3 inch sewer connection. The sewer connection shall be provided with suitable fittings, so that water-tight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connection shall be so constructed that they can be closed when not linked to a mobile home and shall be capped so as to prevent any escape of odors.
3. Sewer lines shall be constructed in accordance with plans approved by the Board of Health and the City Engineer. All sewer lines shall be adequately vented, and shall be laid with sufficient earth to prevent breakage from traffic.
4. Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the Board of Health and in accordance with State Law, shall be provided. The design of such sewage treatment facilities shall be based on the maximum capacity of the mobile home park. Effluents from sewage treatment facilities shall not be discharged into any waters of the State, except with prior approval of the appropriate State authority and the local Board of Health. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The approval of the Health Board and the Engineer shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to construction.

O. Refuse Disposal--

1. The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
2. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to property store all refuse.
3. Racks or holders shall be provided for all refuse containers, such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spilling and container deterioration, and to facilitate cleaning around them.



0. 4. All refuse shall be collected in accordance with existing ordinances. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
5. The mobile home park operator shall dispose of the refuse in an approved manner.
6. Refuse shall be buried only at locations approved by the Board of Health and the City Engineer.
7. Refuse incinerators shall be constructed only with the approval of the Board of Health and the City Engineer. Such approval shall be based on a review of the plans and specifications for such incinerators and approval of the site where they will be located. Such approval shall specify the type of material which may be placed in the incinerator.
8. Incinerators shall be operated only when attended by some person specifically authorized by the owner of operator of the mobile home park. All such burning shall comply with all local business ordinances.
9. Garbage and trash shall not be burned on the premises.

P. Insect and Rodent Control--

1. Insect and rodent control measures to safeguard public health, as required by the Board of Health, shall be applied in the mobile home park.
2. Effective larvicidal solutions may be required by the Board of Health for fly or mosquito breeding areas, which cannot be controlled by other, more permanent measures.
3. The Board of Health may require the mobile home park operator to take suitable measures to control other insects and obnoxious weeds.
4. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.
5. When rats or other objectionable rodents are known to be in the mobile home park, the park operator shall take definite action, as directed by the Board of Health, to exterminate them.

Q. Electricity and Telephone--

1. An electrical outlet supplying at least 115 volts shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be grounded and weatherproof.
2. All power and telephone lines shall be underground and shall be in compliance with standards of the utility corporation involved.

R. Fuel--All piping from outside, fuel storage tanks, or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or less than 5 feet from any mobile home exit.

S. Fire Protection--

1. The mobile home park area shall be subject to the rules and regulations of the City of Lexington, and the fire prevention code.
2. Mobile Home Park areas shall be kept free of litter, rubbish and other flammable materials.
3. Portable fire extinguishers of a type approved by the Fire Chief shall be kept in service buildings and at all other locations designated by the Fire Chief and shall be maintained in good operating condition.
4. Standard fire hydrants shall be located within 400 feet of each mobile home or building.
5. Fires shall be made only in stove, incinerators, and other equipment intended for such purposes.

T. Alterations and Additions. Restriction of Animals and Pets--

1. All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations.
2. No permanent additions shall be built onto or become a part of any mobile home unless they are in accordance with requirements established by the Board of Health.
3. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large, or to commit any nuisance within the limits of any mobile home park.

U. Registration of Occupants. Reporting of Communicable Diseases--

1. Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for the period required by the Board of Health. Such register shall contain the names and addresses of all mobile home occupants stopping in the park; the make, model, and license number of the motor vehicle and mobile home; the state, territory, or county issuing the mobile home license; the dates of arrival and departure of each mobile home; and whether or not each mobile home is a dependent or independent mobile home.
2. Every owner, operator, attendant, or other person operating a mobile home park shall notify the Board of Health or City Manager immediately of any suspected communicable or contagious disease within the mobile home park. In the case of diseases diagnosed by a physician as quarantinable, the departure of a mobile home or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection without approval of the Board of Health is prohibited.

V. Supervision--The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with this Ordinance and regulations issued thereunder, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

W. General Requirements of the Park--

1. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
2. Exposed ground surfaces in all parts of every mobile 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.
3. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner. The proposed drainage systems shall be approved by the City Engineer prior to construction of streets or other portions of the park.
4. Type of mobile home--It shall be unlawful to allow the following: (a) any mobile home to be occupied in a mobile home park unless a mobile home is situated on a mobile home space, or (b) an independent mobile home to be located on a dependent mobile home space.

SECTION 6. PLAN APPROVAL.

Construction of a mobile home park within the zoning jurisdiction of the City of Lexington shall begin only after a Special Use Permit has been granted by the City Council, in compliance with the zoning ordinance. No such permit shall be granted, however, until a preliminary development plan for the proposed mobile homes park has been prepared and submitted by the developer to the Planning Commission, and found satisfactory by said Commission, and further submitted to the City Council with the Commission's recommendation.

The Commission shall notify the Board of Education of each school district, in which the real estate or some part thereof to be affected by such a proposal lies, of the next regular meeting of the Planning Commission at which such a proposal is to be considered and shall submit a copy in writing of the proposal to the Board of Education at least ten days prior to such a meeting. Any action of the Board of Education concerned is advisory only.

The Commission shall submit, to the Board of Health in writing, a copy of the proposal, at least ten (10) days prior to the Commission's meeting at which it is to consider the proposal. The Board of Health shall submit its recommendations to the Planning Commission at the time of the said meeting.

Such plans submitted to the Planning Commission shall be accurately drawn to scale and shall also be submitted to the City Engineer and shall show the following:

1. Proposed street and drive pattern.
2. Proposed mobile homes spaces and their approximate dimensions.
3. Any existing streets in or abutting the property.
4. Location and size of parking spaces.
5. Location and size of park and playground area.
6. Screening and landscaping.
7. Legal description of the tract.
8. Name of the developer and the firm preparing the plan.
9. North point, scale, and date.
10. Location of water and sewer lines in rise pipes.
11. Plans and specifications of the water supply, refuse, and sewage disposal facilities.
12. Plans and specifications of all buildings to be constructed within the mobile home park.
13. Location details lighting and electrical systems.
14. Place for endorsement by the appropriate approving agencies.

The Planning Commission shall, upon submission of three copies of the plan and an application for a Special Use Permit, publish notice and hold a hearing on the proposal, in conformance with the Zoning Ordinance. The decision of the Commission to recommend approval or denial of the proposed mobile home park shall be based upon the following criteria:

1. The proposed project will be in harmony, in general, with the Comprehensive Plan of the City of Lexington.
2. Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services is assured.
3. A safe and healthful living environment will exist for the occupants of the park.
4. Specific recommendations by the Board of Health.

Upon hearing and consideration of the project, the Commission shall, within reasonable time, submit its recommendations and an endorsed copy of the plans to the City Council for final action.

After twenty-four (24) months from the date of approval of a special use permit by the City Council, if the mobile home park is not improved in accordance with the plans to extent that utilities, surfaced drives, and occupied mobile homes spaces exist over at least twenty percent (20%) of the area of the approved park, the Special Use Permit shall expire, and further development and additional occupancy of the park shall be prohibited. All mobile homes shall be removed within six (6) months of the date of expiration of a Special Use Permit. The owner or his agent may apply for a new Special Use Permit in the case of expiration or cancellation under procedures set out in the Zoning Ordinance.

#### SECTION 7. STRUCTURAL QUALITY OF MOBILE HOMES.

No mobile home shall be permitted to be moved into the zoning jurisdiction of the City of Lexington, except for purposes of sale by a licensed dealer, until a building permit has been issued for its location in a specified mobile home park, mobile homes subdivision, or other approved location, in compliance with this and other ordinances of the City. In addition to compliance with ordinances of the City, the mobile home shall comply with the minimum standards of the Standards for Mobile Homes published by the American National Standards Institute, publication No. A-119-1, including any revisions and supplemental reports relative to the same. Compliance with these standards shall be shown by an approval report prepared by Underwriters Laboratories or other inspection agency, referring to the particular type and model of mobile home for which a permit is requested. In the event that a code compliance report is unavailable, the Building Inspector may, at his discretion, inspect the structure prior to its transportation into the zoning jurisdiction, and determine whether it complies with the said standards. In the event that all standards, codes and ordinances are complied with, the applicant shall be issued a building permit, and the mobile home shall be established in accordance therewith within six (6) months, or the permit shall become invalid.

#### SECTION 8. MANAGEMENT.

Each mobile homes park, or subdivision, shall be operated in a sanitary, orderly and efficiently manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirtings and anchors, the collection of trash and garbage, the attachment of appurtenances to the mobile homes shall be continually enforced. All drives, playground area and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the City. All portions of the mobile homes park shall be open and accessible to fire, police, and other emergency and protective vehicles and personnel, including city, county and state inspectors.

SECTION 9. OPERATING PERMITS.

It shall be unlawful for any person to maintain or operate any mobile homes park within the limits of the City of Lexington and in the zoning jurisdiction of said City unless he holds and displays (at this park) a valid, operating permit issued annually by the City Clerk, with the approval of the Board of Health in the name of such person for the specific mobile homes park. All applications for permits shall be made to the Board of Health, which shall issue a permit on compliance by the applicant with provisions of this Ordinance and of any regulations adopted pursuant thereto, and of any other applicable legal requirements. No permit shall be transferable. Every person holding such a permit shall give notice in writing to the City Clerk within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile homes park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile homes park.

- A. Application for permits for mobile home parks existing within the zoning jurisdiction of the City of Lexington at the time of implementation of this Ordinance, shall be submitted to the Board of Health and contain the same data as indicated in Section 6. New mobile home parks established after the implementation of this Ordinance, will be required to obtain an operating permit under the provisions of this section.
- B. Unless otherwise provided herein, all mobile home parks will conform under this Ordinance. Permits will be withdrawn if mobile home parks are operated in violation of this Ordinance.
- C. Applications for renewals of license shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of \$25.00, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
- D. All permits shall be for the calendar year, shall not be prorated, and shall expire on December 31st. No permit fees shall be subject to refund.
- E. Any person whose application for a permit under this Ordinance has been denied may request and shall be granted a hearing on the matter before the City Council under the procedure provided by Section 11 of this Ordinance.
- F. Whenever, upon inspection of any mobile home park, the Board of Health or the City Manager finds that conditions or practices exist which are in violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, the City Manager or the Board of Health shall give notice in writing in accordance with Section 11 to the person to whom the permit was issued that unless such conditions or practices are corrected within 60 days, the permit will be suspended. At the end of such period, the Board of Health or its authorized representative shall re-inspect such mobile home park and, if such conditions or practices have not been corrected, shall suspend the permit and give notice in writing of such suspension to whom the permit is issued. Upon receipt of notice of suspension, such person shall cease operation of such mobile home park except as provided in Section 11.
- G. Any person whose permit has been suspended, or who has received notice from the City Manager or the Board of Health that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, any request and shall be granted a hearing on the matter before the City Council, under the procedure provided by Section 11 of this Ordinance; provided, that when no petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) day period.

SECTION 9,

- H. The Board of Health and the City Manager are hereby authorized and directed to make inspections to determine the condition of mobile home parks located within the City of Lexington and in the two mile zone, in order that they may perform the duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.
- I. The Board of Health and the City Manager shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance or of regulations promulgated thereunder.
- J. The Board of Health or the City Manager shall have the power to inspect the register containing a record of all mobile homes and occupants using the mobile home park.
- K. It shall be the duty of the owners or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the City Manager or the Board of Health free access to such premises at reasonable times for the purpose of inspection.
- L. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance, or with any lawful regulations adopted thereunder, or with any lawful order issued pursuant to the provision of this Ordinance.

SECTION 11. NOTICES, HEARINGS, AND ORDERS.

- A. Whenever the Board of Health determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person to whom the permit was issued, as hereinafter provided: Such notice shall (1) be in writing; (2) include a statement of the reasons for its issuance; (3) allow 60 days for the performance of any act it requires; (4) be served upon the owner or his 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 last known address; or when he has been served with such notice by any other method authorized or required by the laws of the State; and (5) contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Ordinance and with regulations adopted pursuant thereto.
- B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the City Council, provided, that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under Section 11-E. Upon receipt of such petition, the City Council shall set a time and place for such hearing, and shall give the petitioner written notice thereof, a copy of said notice

SECTION 11

- B. notice to be given to the Board of Health. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than the next regular meeting of the City Council after the petition was filed: provided: that upon application of the petitioner, the City Council may postpone the date of the hearing for a reasonable time beyond such regular meeting when in their judgment the petitioner has submitted good and sufficient reasons for such postponement.
- C. After such hearing, the City Council shall make findings as to compliance with the provisions of this Ordinance and regulations issued thereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in Section 11-A. Upon failure to comply with any order sustaining or modifying notice, the permit or the mobile home park affected by the order shall be revoked.
- D. The proceedings at such a hearing, including the findings and decision of the City Council and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the City Clerk-Treasurer, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the City Council may seek relief there from in any court of competent jurisdiction, as provided by the law of this State.
- E. Whenever, the Board of Health or the City Manager finds that an emergency exists which requires immediate action to protect the public health, either may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as may be deemed necessary to meet the emergency including the suspension of the permit. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the City Council, shall be afforded a hearing as soon as possible. The provision of Section 11-C and 11-D shall be applicable to such hearing and the order issued thereafter.

SECTION 12. REQUIREMENT FOR TRAILER PARKS

- A. Every trailer camp shall have facilities for five or more trailers.
- B. Camping trailers need not be tied down nor skirted.
- C. All streets may be either gravel or paved. Streets will be well drained and constructed in a manner approved by the City Engineer.
- D. Walks and the illumination of street system are not required.
- E. The playground space required for the mobile home parks is not required for trailer parks.
- F. Water need not be piped to each trailer space.
- G. The Planning Commission shall not notify the appropriate Board of Education concerning its hearing of a Special Use Permit for the construction of a Trailer Park.
- H. Trailer parks do not have to comply with the twenty (20) percent requirement indicated in Section 6 of this Ordinance.
- I. Section 8 is not applicable to camping trailers and other camping vehicles.

SECTION 13. ADOPTION OF REGULATIONS BY THE CITY COUNCIL.

The City Council is hereby authorized to make and, after public hearing, to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this Ordinance. Such regulations shall have the same force and effect as the provisions of this Ordinance, and the penalty for violation of the provisions of this Ordinance, as hereinafter provided.

SECTION 14. PENALTIES.

Any person who violates any provision of this Ordinance, or any provision of any regulation adopted by the City Council pursuant to authority granted by this Ordinance, shall upon conviction be punished by a fine of not more than thirty (30) days, and each day's failure of compliance with any such provision shall constitute a separate violation.

SECTION 15. REPEAL.

That Original Chapter 25, City Code is repealed.

SECTION 16. CONFLICT OF ORDINANCES--EFFECT OF PARTIAL INVALIDITY.

- A. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Lexington existing on the effective date of this Ordinance, the provision which, in the judgment of the City Manager with the Board of Health establishes the higher standard for the promotion and protection of the Health and Safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Lexington existing on the effective date of this Ordinance, shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.
- B. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force, and effect; and to this end the provisions of this Ordinance are hereby declared to be severable. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 17. IMPLEMENTATION.

All existing mobile home parks within the zoning jurisdiction of the City of Lexington on the effective date of this Ordinance shall be authorized to be non-conforming to the Sections 5-A, 5-B, 5-E, 5-F, 5-G, 5-H, 5-J, 5-I, 5-K, 5-L, 5-Q2 of this Ordinance. Every other structure which is non-conforming to the provision of this Ordinance is authorized to continue as such unless a change necessitating the issuance of a building permit or special use permit or special use permit is accomplished.

SECTION 18. PUBLICATIONS.

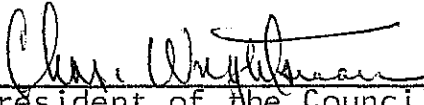
This Ordinance shall be published in pamphlet form to be distributed by the City.



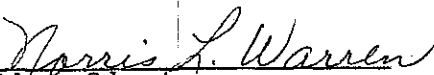
SECTION 19. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 9th day of February, 1971.

  
\_\_\_\_\_  
President of the Council

ATTEST:

  
\_\_\_\_\_  
City Clerk

( S E A L )