

ORDINANCE 97- 1

AN ORDINANCE AMENDING ORDINANCE NO. 77-2, AS PREVIOUSLY AMENDED, GOVERNING PLACING AND LOCATING MOBILE HOMES WITHIN THE TOWN LIMITS OF MICHIGANTOWN, INDIANA

IT IS HEREBY ORDAINED by the Town Council of the Town of Michigantown, Indiana, as follows:

SECTION 1. DEFINITIONS

a. Mobile Home. A mobile home or trailer is herein defined as any transportable structure being not less than 14 feet in width nor 70 feet in length used for living or sleeping purposes and may be equipped with wheels or similar devices used for the purpose of transporting said unit from place to place, whether or not the wheels have been removed therefrom, and including any vehicle mounted on wheels or cribs so that the same may be driven independently from the mobile home unit. This definition of mobile home does not apply to those mobile homes that are presently located and being occupied in the Town of Michigantown, Indiana, at the time of the adoption of this ordinance.

b. Non-mobile Home. All other units of similar nature not meeting the above description of a mobile home, including but not limited to travel trailers, house cars, campers, trailers, shall not be included with the meaning of mobile home.

c. Mobile Home Park. A mobile home park shall be any area authorized by the town council for use as a mobile home park and not prohibited by any state statute or town ordinance, which meets all the requirements of and is duly licensed by the Indiana State Board of Health as a mobile home park, which mobile home park may include non-mobile home units as herein defined.

SECTION 2.

a. No mobile home shall be located on any lot or parcel of ground containing less than 8700 square feet. Any mobile home shall be situated not less than 20 feet from any street or highway right-of-way and shall be situated not less than 10 feet from any lot or boundary line. Additionally, no mobile home, house trailer, or other transportable structure shall be located on U.S. Highway 29, otherwise known as Main Street, in the town of Michigantown.

b. For each mobile home to be placed within the town, a minimum of two off-street parking spaces shall be provided.

c. All mobile homes must be blocked up on an adequate foundation as herein defined so that the wheels are off the ground; the entire foundation and area below the mobile home must enclosed or skirted in a suitable manner.

d. The term "adequate foundation" shall be defined as:

(1) Two cement strips at least two feet (2') wide each and at least six inches (6") deep each with reinforcing rods or wire and running the entire length of said mobile home, or

(2) Two feet (2') by two feet (2') concrete pads at least four inches (4") thick and being no farther apart than ten feet (10') and beginning five feet (5') back from the end of each end of said mobile home, or

(3) Cement pillars with dimensions of at least two feet (2') by two feet (2') and being at least three feet (3') deep with each pillar beginning no farther than five feet (5') from the end of said mobile home and being no farther apart than ten feet (10') running the entire length of said mobile home and on both sides of said mobile home with a minimum of ten (10) such cement pillars per mobile home installed.

e. Each mobile home shall be considered and treated as any other home, business or establishment and subject to all ordinances pertaining to the water and sewer facilities and for the purpose of compliance with all ordinances pertaining to the same. In particular, each mobile home shall be required to connect to all sewer and water facilities of the town of Michigantown if a home or other permanent building would be required to make said connection on the lot under the pertinent ordinances.

f. All mobile homes must be installed with hurricane straps and/or adequate tie down straps.

g. All mobile homes must comply with all state and federal regulations and codes pertaining to the mobile home.

h. Prior to the location and placement of any mobile home in the town of Michigantown, Indiana, the owner of the mobile home must apply for a permit from the town council. The town council shall not issue a mobile home permit if any of the following conditions exist with regard to the mobile home:

1. It is less than fourteen feet (14') wide at its narrowest part or less than seventy feet (70') long;

~~2.~~ It contains less than 980 square feet of usable living area.

3. It is more than fifteen years of age according to the legal title, a copy of which shall be filed with the town clerk/treasurer;

4. It does not have galvanized usable unaltered tie-down straps extending from under the skin covering and located at not more than twenty foot center-to-center intervals;

5. It has any damaged windows or doors;

6. It has a damaged roof;
7. It has a damaged outer skin surface;
8. It has tie down straps that are rusted, drilled, foreshortened or altered in any way.

Each applicant for mobile home permit shall accommodate and permit the inspection of the mobile home for which a permit is sought prior to the issuance of a mobile home permit. If the mobile home is located at a distance of 150 miles or less from the town of Michigantown, the applicant shall accompany a town representative or employee who will inspect the mobile home prior to issuing a mobile home permit. If the mobile home is located at a distance greater than 150 miles from the town of Michigantown, the applicant shall provide photographs of the exterior and interior of the mobile home, and shall execute an affidavit provided by the town concerning the condition of the mobile home and shall provide a copy of the title to the mobile home evidencing the age of the mobile home. Prior to issuing a mobile home permit the town council may request all relevant documents to determine compliance with this ordinance. If the mobile home meets the requirements of this ordinance, and if the proposed placement of the mobile home complies with the lot size, set back and parking area provisions of the ordinance, the town council shall issue a mobile home permit. The town council shall establish a schedule of fees to be charged for mobile home permits for placement of mobile homes within the town.

- i. Within fifteen days (15) after a mobile home has been placed or located on a lot or parcel of ground in the town of Michigantown, Indiana, but prior to any occupancy of the mobile home, the mobile home must be inspected and approved by the town council of the town of Michigantown or by a duly authorized appointee.

j. Prior to the commencement of any improvement or alteration to any mobile home occupied and located in the town of Michigantown, application must be made for a permit at the town hall from the clerk/treasurer. Within thirty (30) days after the improvement plans have been received by the clerk/treasurer, the plans shall be examined by the Michigantown town council or by a duly authorized appointee for compliance with all provisions of this ordinance. Approval of the town council must be obtained prior to the commencement of the proposed improvements or alterations. A permit for the improvements or alterations shall be issued by the town council upon the submission of a copy of the plans and specifications for the improvement or alteration, provided that the proposed improvement or alteration complies with the provisions of this ordinance. If the council or its authorized agent denies permission for the proposed improvements or alterations, the town shall state in writing the reasons for refusal; permission shall not be unreasonably or capriciously denied. Upon completion of the improvements or alterations but prior to any occupancy of the improvements or alterations, a final inspection and approval of the Michigantown town council or its duly authorized appointee or regulatory committee must be obtained.

SECTION 3.

a. From and after the effective date of this ordinance (with the exception of Section 4 pertaining to mobile homes occupied and located in the town of Michigantown at the time of the passing of this ordinance), it shall be unlawful and a violation of this ordinance for any person, firm or corporation to place, park, stand, locate, keep or maintain any house car, trailer, tent house, camper, travel trailer, or other non-mobile home unit as herein defined, which is used for human habitation, on any lot or parcel of ground in the town of Michigantown, Indiana,

except as herein provided. The provisions of this section, however, shall not apply to parking of trailers or house cars in an authorized mobile home park within the town.

SECTION 4.

This ordinance is subject to the following exceptions:

(a) That those mobile homes occupied and located in the town of Michigantown prior to February 1995 shall not be required to comply with paragraph 2(a) of this ordinance pertaining to the 8700 square feet lot requirement. It is further provided that should any mobile home presently occupied and located and existing at the time of the passage of this ordinance be damaged by fire, windstorm, or other catastrophe, that said mobile home may be replaced, repaired, or improved on the same location without being in violation of this ordinance with respect to the 8700 square foot requirement provided, however, that the same owner who owns the mobile home at the time of the passage of the ordinance also owns the mobile home at the time the repairs, improvements or replacements are required due to a catastrophe and that the improvements, repairs and replacements take place on the same lot upon which the mobile home was located at the time of the passage of this ordinance.

Should a mobile home be located on any lot prior to February 1995 and subsequently removed or changed and another mobile home is placed on the same lot, the replacement mobile home must comply with all the requirements of this mobile home ordinance except as to Section 2(a) which requires that the lot be 8700 square feet. Should any lot on which a mobile home was located at the original passage of this ordinance in December 1976 become vacant and unoccupied by a mobile home and such vacancy continues for a period of six (6) months, then this exemption shall terminate and no longer apply and further mobile homes placed on the

property must comply with Section 2(a) requiring 8700 square feet.

(b) That all mobile homes presently occupied and located in the town of Michigantown, Indiana at the time of the passage of this ordinance shall not be required to comply with the size requirements of mobile homes as defined in Section 1(a) of this ordinance, provided, however, that any replacements or improvements made on any of said mobile homes must bring the mobile home into compliance with this ordinance. This exception runs only to the present owner and occupier of the mobile home at the time of the passage of the ordinance.

(c) That all mobile homes occupied and located in the town of Michigantown prior to February 1995 shall not be required as they presently exist on said lots to comply with Section 2(a) pertaining to the distance from a lot boundary line and the distance from the edge of an alley or public road. Any improvements, repairs, replacements, or alterations in respect to said mobile home must be, however, in compliance with said Section 2(a) of this mobile home ordinance.

SECTION 5.

The town council shall have the power and authority to approve the construction and installation of a mobile home park within the limits of the town of Michigantown provided proper notice is afforded lot owners within a one hundred (100) feet radius of the real estate proposed as a mobile home park and upon proper notice to the residents of the town of Michigantown and upon a hearing at a regularly-scheduled or specially-called meeting of the town council of the town of Michigantown.

SECTION 6.

The town council of Michigantown, Indiana, in its official capacity, may institute a suit

for injunction in the Circuit or Superior Courts of Clinton County, to restrain or prohibit any person, firm or corporation from violating any of the provisions of this ordinance. The town council of the town of Michigantown, Indiana, may also institute an action for injunction directing any person, firm or corporation to remove the mobile home unit or any other non-mobile home unit as herein defined which is in violation of the provisions of this ordinance. Any mobile home unit or non-mobile home unit in violation of any of the provisions of this ordinance or requirements or regulations thereof is hereby declared a common nuisance and as such may be abated in such a manner as nuisances may be abated under existing laws. In addition to any other remedy of the town of Michigantown, if inspection and issuance of permit is performed according to photographs and affidavit as provided above at Section 2(h) and if once the mobile home is moved into the town of Michigantown it does not meet any requirement of this ordinance, the town council or a town employee shall notify the owner and/or resident of the mobile home and the mobile home shall be removed from the town limits. Likewise, if any person, firm or corporation shall locate a mobile home within the town limits without obtaining a permit, upon notice to the owner or resident of the mobile home, the mobile home shall be immediately removed from the town of Michigantown. Any person in violation of any portion of this ordinance shall be fined \$100 per day, and shall pay all expenses, court costs and attorney fees incurred by the town of Michigantown, Indiana, in pursuing any of the above-described court actions or remedies herein.

SECTION 7.

This ordinance amends and restates that mobile home ordinance dated December 13, 1976, as amended November 14, 1977 and February 13, 1995. All ordinances or parts thereof

in conflict with the provisions of this ordinance are hereby repealed. This ordinance as restated and amended shall be in full force and effect from and after the date of its passage this 6 day of February, 1997.

Town Council, Town of Michigantown

By David L. Collins

By Paul Willard

By _____

Attest: Judith F. Rule
Clerk/Treasurer