

CHAPTER 13: MOBILE HOMES

CHAPTER 13.01 MANUFACTURED/MOBILE HOME – GENERAL PROVISIONS

13.01.010 Description and purpose of provisions

This chapter establishes minimum standards and requirements for the occupation of manufactured homes and for the construction and operation of manufactured home communities. It is concerned with the relationship of the manufactured home to adjacent land uses in order to protect and secure the public health, safety and general welfare of the City of Rexburg.

The regulations in this chapter are intended to provide a stable, healthy environment, together with the full range of services, for those residents choosing to reside in Manufactured/Mobile Homes on a permanent or temporary basis.

13.01.020 Definitions

The following definitions are in addition to those found in Chapter two (2) of the Development Code.

Accessory Structure: A non-occupied subordinate structure detached from but located on the same Lot as the principal structure, the use of which is incidental to that of the principal structure without permanent foundation.

Accessory use: A use incidental to, and on the same parcel as, a principal use.

Access way: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a Manufactured/Mobile Home Community.

Awning: Any stationary structure used in conjunction with a Manufactured/Mobile Home, other than a window awning, for the purpose of providing shelter from the elements and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

Block: The space along one side of a street between the two nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

Building, detached: A Building surrounded by open space on the same Lot with permanent foundation.

Building, nonconforming: Any building which does not conform to the requirements of The Development Code.

Cabana: A stationary lightweight structure which may be prefabricated or demountable, with two or more walls, used adjacently to and in conjunction with a Manufactured/Mobile Home.

Carport: A stationary structure consisting of a roof with its supports and not more than one wall and used for sheltering a motor vehicle.

City: The City of Rexburg.

City Clerk: The City Clerk of the City.

Commission: The Rexburg City Planning and Zoning Commission hereinafter referred to as Commission.

Comprehensive Plan: The Comprehensive Plan for the City of Rexburg, or parts thereof, projecting future growth and development and for the general location and coordination of street and highways, schools and recreation areas,

City of Rexburg Development Code: Manufactured/Mobile Homes

public building sites and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code as adopted or amended.

Conditional Use Permit: A special use permit as provided for by Idaho Section 67-6512 in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, consistency with developed uses in the area, or other characteristics of operation, is permitted in certain districts subject to approval by the Planning and Zoning Commission or the City Council, subject to terms and conditions, depending upon the particular use.

Council: The Rexburg City Council hereinafter referred to as the Council.

Dwelling: A building or portion thereof that provides living facilities for one or more families.

Floor Area, Gross: The sum of the areas of all floors of a Building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls.

Height: The average vertical distance from the grade to the top of the horizontal Building walls, and does not include gables or dormers. Dormers and gables are encouraged in order to create more architectural interest to a building.

Lot: A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.

Manufactured home (defined under I.C. 39-4105(8)): A structure constructed for human habitation, after June 15, 1976, in accordance with the federal Manufactured Home Construction and Safety Standards (HUD) and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (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, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.

Note: A manufactured home does not include a mobile home, or a mobile home or house trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

Mobile home (defined under I.C. 39-4105(9)): A factory-assembled structure or structures constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

Note: The term "mobile home" means forms of housing known as "trailers", "house trailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

Mobile home, rehabilitated: A factory-assembled structure constructed prior to June 15, 1976, the effective date of the Manufactured Housing and Safety Standard Act (HUD code), that are currently sited in Idaho or that may be brought into the state after July 1, 1998, which have been upgraded to comply with *Title 44 Chapter 25 of the Idaho Statutes* and received a "Certificate of Compliance" from the Division of Building Safety of the State of Idaho.

Manufactured/Mobile Home Community: A parcel of land under single ownership that has been planned and improved for the placement of Manufactured/Mobile Homes.

Parking Space: A dedicated or delineated area other than a street or alley that is permanently set aside, reserved and maintained in accordance with the Rexburg City Development Code for the parking of one motor vehicle.

Ramada: A stationary structure having a roof extending over a Manufactured/Mobile Home which may also extend over a patio or parking space for a motor vehicle and is used principally for protection from the elements.

Service Building: A structure containing lavatories, water closets, showers and/or bathtubs, and laundry facilities for the use of Manufactured/Mobile Home Community occupants.

Setback: The minimum horizontal distance between a property line of a Lot and the nearest wall line of the eaves of the building (providing eaves are equal or less than two feet in depth), including any projection thereof, excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

Stand: The area of the Manufactured/Mobile Home reserved for the placement of a Manufactured Home.

Yard: Any open space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for Accessory Buildings, or such uses as provided by this Development Code. The minimum depth or width of a yard shall consist of the horizontal distance between the Lot line and the drip line of the main building unless otherwise noted in the Development Code.

CHAPTER 13.02 LOCATION, PARKING, AND STORAGE RESTRICTIONS

13.02.010 Location in Manufactured/Mobile Home Community required

It shall be unlawful to maintain a Manufactured/Mobile Home for residential purposes outside a Manufactured/Mobile Housing Community. Such prohibition shall apply regardless of whether the parking site shall be on private or public premises, streets, alleys, or highways.

Exceptions to the foregoing requirements: Manufactured/Mobile Homes used for residential quarters for watchmen or caretakers and located on the premises of an industrial establishment in any industrial zone shall be permitted. Also, Manufactured/Mobile Homes with a width greater than 24 feet which meet the definition on masonry foundations shall be permitted for residential purposes as per the Rexburg Development Code.

13.02.020 Wheel removal restrictions

Removing the wheels of a Manufactured/Mobile Home or setting the Manufactured/Mobile Home on posts or footing shall not make the Manufactured/Mobile Home exempt from the requirements of this chapter.

13.02.030 Wheel removal permissions

The wheels of the Manufactured/Mobile Home may be removed, but no axles, springs, and other equipment needed to mobilize. Jacks or stabilizers may be placed under the frame of the Manufactured/Mobile Home to prevent movement on the springs while the Manufactured/Mobile Home is parked and occupied. Must meet all safety inspection requirements.

13.02.060 Parking and storage of unoccupied Manufactured/Mobile Homes

Parking of unoccupied Manufactured/Mobile Homes is prohibited on public premises, streets, alleys, or highways, at all times, except for emergency purposes.

13.02.070 Parking space requirements for Manufactured/Mobile Homes

There shall be two (2) vehicle parking spaces at least nine feet by twenty feet (9' x 20') in size for each Manufactured/Mobile Home space, with clear and unobstructed access to an access way. Any parking in the access way shall not fulfill this requirement. Ten (10) percent visitor parking shall be required. Tandem parking is allowed with Community Development Director or Designee approval.

CHAPTER 13.03 CONDITIONS AND REGULATIONS

ARTICLE I MANUFACTURED HOMES

13.03.010 Density requirements

In no event shall the density exceed eight (8) mobile homes per gross acre without the acquisition of a Conditional Use Permit allowing said density to be increased. Density requirements shall be established as the minimum square footage of gross site area for each Manufactured Home. If it is determined by the City of Rexburg staff that a street widening or terminating dedication is necessary, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.

13.03.020 Setbacks from community boundary lines

Manufactured Home Parks shall observe the following setbacks between Manufactured/Mobile Home Stands and development boundary lines:

When abutting any residentially or agriculturally zoned property - fifteen (15) feet.

When abutting commercially zoned property - ten (10) feet.

The setback from any abutting street shall be at least twenty-five (25) feet.

13.03.030 Development of boundary lines

A sight-obscuring fence or wall of not less than six (6) feet nor more than eight (8) feet in height, and and/or evergreen planting of not less than six (6) feet in height, shall surround the Manufactured Home Community. Other considerations such as berms, deciduous bushes, or other landscaping options may be allowed as approved by the City of Rexburg Design Review Committee. As approved by Design Review Board.

13.03.050 Minimum land area

The following area requirements shall be deemed to be the minimum land area necessary to establish a Manufactured/Mobile Home Community:

- 1) The minimum parcel of land to be used for Manufactured/Mobile Home Community purposes shall contain not less than four (4) acres.

13.03.070 Sign regulations

Signs shall be regulated as provided in chapter ten (10) of this document. In addition, there shall be adequate signs and marks indicating direction, community areas, recreation areas and street names shall be established and maintained in the Manufactured/Mobile Home Community.

13.03.080 Access restrictions

A Manufactured/Mobile Home Community shall not be established on any site that does not have access to a public street on which the potential paving width is less than forty (40) feet.

13.03.100 Structures, alterations, and additions

Structures located in any Manufactured/Mobile Home space shall be limited to a storage building, ramada or carport. The storage structure, ramada or carport may be combined as one structure. No structural additions shall be built onto or become a part of any Manufactured/Mobile Home, and no Manufactured/Mobile Home shall support any building in any manner. The words structure additions shall not be construed to exclude the construction of an awning, patio cover, or cabana adjacent to a Manufactured/Mobile Home.

Exceptions:

Lightweight awnings, ramadas, and other lightweight structures and additions are allowed without a building permit. Accessory buildings that are less than two hundred (200) square feet do not require a building permit. All other structures will require a building permit, e.g., those attached to the home, those occupied on a daily basis, porches with covers, and any structure or addition which requires a railing.

13.03.110 Skirting

Skirting of Manufactured/Mobile Homes is required, but such skirting shall not attach the Manufactured/Mobile Home permanently to the ground or create a fire hazard.

CHAPTER 13.05 ZONING APPROVAL

13.05.010 Building permit and tentative approval

No building permit shall be issued for construction of a new Manufactured/Mobile Home Community or expansion of an existing Manufactured/Mobile Home Community in any district until the proposed location is approved with the stipulations of the approval stated therein.

At the time of the public hearing, the planning Commission may give tentative approval of the use of the proposed location for Manufactured/Mobile Home Community purposes. Final approval of said use shall be contingent upon the submission of acceptable detailed site plans of the proposed Manufactured/Mobile Home Community development as required by the City Development Code.

13.05.020 Site plans required

The application for a Conditional Use Permit to construct a new Manufactured/Mobile Home Community or to expand an existing Manufactured/Mobile Home Community shall be accompanied by four (4) copies of the site plan of the proposed community. The site plan should show the general layout of the entire Manufactured/Mobile Home Community, and should be drawn to a scale not smaller than one (1) inch representing forty (40) feet. As a minimum the site plan drawing shall show the following information:

- 1) Name of the person who prepared the site plan.
- 2) Name of the Manufactured/Mobile Home Community and address.
- 3) Scale and North orientation of the site plan.
- 4) Vicinity map showing relationship of Manufactured/Mobile Home Community to adjacent properties including the names of the contiguous owners.
- 5) Boundaries and dimensions of the Manufactured/Mobile Home Community.
- 6) Location and dimensions of each Manufactured/Mobile Home space.
- 7) Location and dimensions of all existing or proposed structures.
- 8) Location and width of roads or access ways.
- 9) Location and width of walkways.
- 10) Location and detail of all lighting fixtures for streets and spaces.
- 11) Location and screening of all garbage dumpsters.
- 12) Location and size of all proposed recreation areas and buildings.
- 13) Location and type of landscaping, planting, fence, wall, or combination of any of these or other screening materials.
- 14) Location and details of the proposed water and wastewater systems for the manufactured/Mobile Home Community.
- 15) Location of fire hydrants.

- 16) Enlarged site plan of a typical Manufactured/Mobile Home space, showing location of the pad, parking area, patio, storage space, sidewalk, utility connections and landscaping.
- 17) Draft of proposed documents including:
 - a) Management policies, covenants and restrictions.
 - b) Maintenance procedures.

13.05.21 Detailed development plan requirements:

- 1) Detail plans required. At the time of application for a permit to construct a new Manufactured/Mobile Home Community or to expand the community, the applicant shall submit four (4) copies of the following required detailed plans:
 - a) Any new structures.
 - b) Water and Sewer systems designed and signed by an Idaho registered engineer. The detailed plans shall show how connections are to be provided to each pad and how the water and sewer connections will be protected from freezing.
 - c) Electrical Systems for the development and connection details for each pad.
 - d) Road, sidewalk and patio construction.
 - e) Storm drainage system.
 - f) Recreation area detail.
- 2) Swimming pools require a building permit with detailed plans and District Health Department approval.

CHAPTER 13.06 SITE REQUIREMENTS

13.06.010 Access ways

Access ways shall connect each Manufactured/Mobile Home space to a public street and shall have the following minimum pavement widths:

- 1) Entrance Street and collectors with guest parking/community on both sides shall be no less than forty-four (44) feet wide with curb and gutter.
- 2) Collector Street with parking on one side shall be no less than thirty-six (36) feet wide.
- 3) Collector Street with no parking shall be no less than twenty-four (24) feet.
- 4) Minor street or cul-de-sac, no parking shall be no less than twenty-four (24) feet, and cul-de-sacs shall have a minimum radius of no less than thirty five (35) with no parking and forty five (45) feet with allowed parking.

13.06.020 Walkways

Walkways shall be provided from each Manufactured/Mobile Home space to the service building and recreational area or areas, and from the patio to the access way. Common walkways shall have a minimum width of four (4) feet and private walkways shall have a minimum width of two (2) feet.

13.06.030 Recreation area

A minimum of eight percent (8%) of gross Manufactured/Mobile Home area shall be reserved for recreation. The recreation area may be in one (1) or more locations in the community. At least one (1) recreation area shall have a minimum size of five thousand (5,000) square feet, and be of a shape that will make it usable for its intended purpose.

13.06.040 Electricity

All electrical conductors, wiring, and equipment as it applies to Manufactured/Mobile Home Communities shall comply with article 550 in the current State of Idaho (Division of Building Safety) adopted version of the National Electrical Code. All electrical conductors, wiring, and equipment within the Manufactured/Mobile Home Community shall comply with the ordinances of the City of Rexburg, Idaho along with the remaining portions of the currently adopted National Electrical Code as it applies.

In addition, an electrical outlet supplying at least 200 amps shall be provided for each Manufactured/Mobile Home space. Such electrical outlets shall be weatherproof. No energized conductors or cabling shall be permitted to lie on the ground, or be suspended less than fifteen (15) feet above the ground. Electrical outlets shall be provided at each Manufactured/Mobile Home space supplying voltages of 220 volts and 110 volts nominal. All driveways, accessways, and walkways within the Manufactured/Mobile Home Community shall be lighted at night (from one hour after sundown to one hour before sun up) with electrical lamps of not less than 300 lumen output, each spaced at intervals of not more than 100 feet.

13.06.050 Wastewater management

Manufactured/Mobile Home Community wastewater management systems shall be connected to the city collection system and comply with State and Local plumbing laws and regulations.

Each Manufactured/Mobile Home space shall be provided with at least a four inch (4") sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the Manufactured/Mobile Home drain and sewer connection. Such individual Manufactured/Mobile Home connections shall be so constructed that they can be closed when not connected to a Manufactured/Mobile Home, and shall be trapped in such a manner as to maintain them in an odor free condition.

Determination of the amount of wastewater discharged to the city shall be determined by the average winter water usage as determined by the facility water metering system.

13.06.060 Water supply system

An accessible, adequate, safe and potable central supply of water shall be provided in each Manufactured/Mobile Home Community. The proposed facility shall be connected to the city water system unless special conditions granted by the city allow for a local community system. The water supply system shall be able to provide fire protection as required by local codes and ordinances.

The design and extension of water mains shall conform to existing city requirements. Fire hydrants shall be located as required by the Uniform Fire Code as adopted by the city.

13.06.070 Water supply piping and maintenance

All water piping shall be constructed and maintained in accordance with State and Local law. The water system within the facility is to be maintained by the owner of the facility and shall be operated in accordance with existing laws. The water supply system shall be protected from back flow as required by the city's back flow protection ordinance.

Individual water service connections which are provided for direct use by the Manufactured/Mobile Homes shall be so constructed that they will not be damaged by the moving of the homes. Connections are to be constructed and isolated so that they will not freeze if they are connected to a home or not.

The use of ordinary stop and waste valves where back flow can occur into the potable water system are prohibited.

The water system for the Manufactured/Mobile Home facility shall be metered at the connection to the city system

or as determined by the City Engineering Department.

CHAPTER 13.07 SPACE REQUIREMENTS

13.07.050 Space required between Manufactured/Mobile Homes

Minimum space requirements between Manufactured/Mobile Home stands:

- 1) End to end, fourteen (14) feet;
- 2) Side to side, twenty (20) feet;
- 3) Temporary or permanent structures situated in one (1) space shall be separated by at least ten (10) feet from temporary or permanent structure or Manufactured/Mobile Homes in an adjoining space;
- 4) Distance from the sidewalk to a stand, five (5) feet.

CHAPTER 13.08 IMPROVEMENT REQUIREMENTS

13.08.010 Roadway surfacing

Roadways within access ways and sidewalks shall be paved with a gravel base and asphaltic or concrete surfacing according to structural specifications established by the City Engineer.

13.08.020 Patios and decks

Patios may be paved with asphalt, concrete, or suitable hard surfaced material or if decks are used, they shall be of durable, safe construction.

13.08.040 Wiring to be underground

Wires for service to light poles and Manufactured/Mobile Home spaces shall be underground.

13.08.050 Manufactured/Mobile Home Stand surfacing

Manufactured/Mobile Home Stands shall be paved with asphalt or concrete surfacing or with crushed rock contained within concrete curbing or pressure-treated wooded screens.

13.08.060 Drainage requirements

The Manufactured/Mobile Home Community shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the City Engineer.

13.08.100 Mail delivery facilities

Each Manufactured/Mobile Home site shall be equipped with a receptacle for mail deliveries in accordance with standards recommended by the local postmaster.

CHAPTER 13.09 HEALTH, SANITATION, AND MAINTENANCE REQUIREMENTS

13.09.010 Refuse management intent

The storage, collection and disposal of refuse in the community shall be so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution.

13.09.020 Refuse containers

All refuse shall be stored in fly tight, watertight, rodent proof containers which shall be located not more than one hundred fifty feet (150') from Manufactured/Mobile Home space. They shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Dumpsters are to be enclosed as per the requirements of the City Development Code.

13.09.070 Fire protection requirements

The community area shall be subject to the rules and regulations of the Rexburg City Fire Department.

Manufactured/Mobile Home Community areas shall be kept free of litter, rubbish, and other flammable materials.

Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

No open fires shall be permitted in any Manufactured/Mobile Home community in any place where the same shall endanger life or property.

13.09.110 Liquefied petroleum gas restrictions

Liquefied petroleum gas for cooking purposes shall not be used at individual home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be so fastened in place, and shall be adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a Manufactured/Mobile Home nor within five (5) feet of a door thereof.

CHAPTER 13.10 INSPECTIONS

13.10.010 Building inspector and duties generally

The Building Inspector is hereby authorized and directed to make inspections to determine the condition of Manufactured/Mobile Home communities within the City, in order that they may perform their duty of safeguarding the health and safety of occupants of Manufactured/Mobile Home communities and of the general public.

13.10.020 Register inspection

The Building Inspector shall have the power to inspect the register containing a record of all Manufactured Homes, Mobile Homes, or Trailers within the communities.

13.10.030 Right of entry for enforcement

The Building Inspector 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 regulation set forth in the chapter with owner's permission.

13.10.040 Owner or occupant duty to grant access for inspection

It shall be the duty of the owners or occupants of the community and Manufactured/Mobile Homes contained therein, or of the person in charge thereof, to give the Building Inspector free access to such premises, upon notice to the management, at reasonable times for the purpose of Inspection.

13.10.050 Occupant duty to permit access for repairs or lawful orders

It shall be the duty of every occupant of a community to give the owner thereof or his agent or employee access to any part of such community or its premise at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter, or with any lawful order issued pursuant to the provisions of this chapter.

13.10.060 Violation of inspections

Whenever any inspection reveals that conditions or practices exist which are in violation with any provision of this ordinance, or any ordinance of the City of Rexburg, Idaho, or law or laws of the State of Idaho, the inspecting officer shall give notice in writing to the person in charge of such Manufactured/Mobile Home Community, and unless such conditions or practices are corrected within a reasonable period of time, such period of time to be determined by the inspecting officer, the Manufactured/Mobile Home shall cease operation.

CHAPTER 13.12 NONCOMPLIANCE AND SEVERABILITY

13.12.010 Enforcement

An enforcing officer shall be appointed by the Mayor and City Council and such officer shall be responsible for the enforcement of the provisions of this ordinance.

13.12.020 Severability

If any provisions of this Ordinance or the application thereof to any persons or circumstances are held invalid, the remainder of the Ordinance or the application or provisions to other persons or circumstances shall not be affected thereby.

It is not intended by this Ordinance to impair or interfere with other regulations of State or Local law, or with private restrictions on the use of land, improvements, and structures.

Where this Ordinance imposes greater restriction than that imposed by other law or private restrictions, this Ordinance shall prevail.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this ordinance.

13.12.030 Violation – Penalty

Any person, firm or corporation violation any of provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted.

Upon conviction of any violation of any of the provisions of this ordinance such persons shall be punished by a fine of not more than One Hundred Dollars, (\$100.00) or by imprisonment for not more than thirty (30) days, or both such fine and imprisonment.

