

ORDINANCE NO. 5612

AN ORDINANCE REPEALING CHAPTER 15.48 OF THE RAPID CITY MUNICIPAL CODE RELATING TO MOBILE HOMES AND MOBILE HOME PARKS AND ADOPTING A NEW REVISED CHAPTER 15.48 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the State of South Dakota has given municipalities the general police power to promote the health, safety, morals, and general welfare of the community; and

WHEREAS, the State of South Dakota has given municipalities the power to regulate buildings and construction; and

WHEREAS, the City of Rapid City desires to eliminate conflicting regulations contained within various Code sections; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to repeal Chapter 15.48 relating to Mobile Homes and Mobile Home Parks and adopt a new revised Chapter 15.48 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 15.48 is hereby repealed in its entirety.

BE IT FURTHER ORDAINED by the City of Rapid City that a new Chapter 15.48 be created to read as follows:

CHAPTER 15.48
MOBILE HOMES AND MOBILE HOME PARKS

15.48.010 Definitions

For the purpose of this chapter, the following definitions shall apply:

MOBILE HOME. A factory-assembled structure or structures transportable in one or more sections that are built on a permanent chassis and designed to be used as a dwelling without a permanent foundation where connected to the required utilities including the plumbing, heating, air-conditioning, and electrical systems contained therein. For the purpose of this chapter and unless otherwise indicated, the term "mobile home" includes manufactured homes.

MOBILE HOME ACCESSORY BUILDING OR STRUCTURE. Any awning, cabana, ramada, storage cabinet, carport, fence, windbreak, or porch established for the use of the occupant of the mobile home on a mobile home space.

MOBILE HOME SPACE. A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of its occupants.

MOBILE HOME PARK. A contiguous parcel of land that is used for the accommodation of occupied mobile homes.

LICENSE. A written license issued by the City Council pursuant to this chapter and regulations promulgated under this chapter.

15.48.020 Mobile Home Parks – License Required

Every lot or parcel where there exist more than 2 mobile homes shall apply for and obtain a license annually. The license application shall be provided by the Finance Officer. The applications shall be due by July 30 of every year. The fee shall be \$200 for each mobile home park license plus \$5 for each mobile home or lot shown on each application. The number of mobile homes in the park shall be the same as the number of mobile homes indicated on the application. Increasing the number of mobile homes within a mobile home park shall be done in compliance with 15.48. 220 and 17.50.110. Mobile home parks shall be in compliance with all the requirements of this section prior to the issuance of a license by the Finance Officer.

15.48.030 Expiration

All Mobile Home Park licenses shall expire on July 30 of each year. A 60 day grace period may be requested in writing to the Finance Officer. Such extensions may be granted for good cause.

15.48.040 Refunds

Mobile Home Park License fees are non-refundable. Refunds for other permit fees may be granted under the current fee policy on file at the Building Official's office.

15.48.050 Building Permit Required

A building permit is required for every new or used mobile home installed in a mobile home park, and must be obtained at the Growth Management office. Permits are also required for any gas, plumbing, electrical and mechanical work. All work shall comply with the currently adopted zoning, building, gas, plumbing, electrical and mechanical codes. The fees for permit applications shall be identical to the current building code fee schedule adopted by the City.

15.48.060 Accessory Buildings and Structures

Accessory garages, carports, sheds and decks are permitted. Permits are required in the same manner as for all building permits as provided for in the current building code adopted by the City. All new carports shall be of non-combustible materials.

15.48.070 Permit Exemptions – Building and Zoning Codes

Any permit exemptions allowed by the current Building and Zoning Codes, or any other Code adopted by the City shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter.

15.48.080 Clearances

When new or used mobile homes are placed in mobile home parks, the clearances shall be the following:

<u>Front clearance from interior park road edge:</u>	<u>5 feet</u>
<u>Side clearance from any mobile home or other structure:</u>	<u>20 feet</u>
<u>Rear clearance from any mobile home or other structure:</u> <u>In no case shall a mobile home be closer than 10 feet from another mobile home or other structure.</u>	<u>10 feet</u>
<u>Deck to any other deck:</u>	<u>5 feet</u>
<u>Carport to adjacent deck:</u>	<u>5 feet</u>
<u>Carport to adjacent carport:</u>	<u>5 feet</u>
<u>Carport to mobile home on the same mobile home space:</u>	<u>0 feet</u>
<u>Carport to mobile home on a separate mobile home space:</u>	<u>10 feet</u>
<u>Any other structure to any accessory structure:</u>	<u>20 feet</u>
<u>Any building or structure not listed shall have clearances as mandated by the current adopted building code for fire separation distance.</u>	
<u>Height:</u>	<u>15 feet maximum</u>
<u>Setback from right-of-way or property line:</u>	<u>Per applicable zoning district Title 17</u>

15.48.090 Anchorage

All mobile homes and accessory structures shall be anchored per the current adopted NFPA and Fire Code. Any mobile home or structure not anchored per the adopted code shall be anchored by a method approved by a registered engineer. In addition, anchorage shall comply with the current adopted building and fire codes for wind, seismic and flood loads.

15.48.100 Skirting

Skirting of all mobile homes shall be of non-combustible materials or of combustible materials that have a flame spread rating of 50 maximum and a smoke development rating of 450 maximum. Tires, hay bales, cardboard, foam insulation, lattice, T1-11, OSB and plywood are prohibited for use as skirting.

15.48.110 Additions

Additions to mobile homes are not permitted. Open non-enclosed decks and covered decks are permitted and carports may be attached to any mobile home. Carports shall be open on two or more sides.

15.48.120 Property Maintenance

All mobile home parks, including individual mobile home sites, shall be in compliance with the currently adopted International Property Maintenance Code.

15.48.130 Junk Cars and Nuisances

All mobile home parks shall be free from junk, unlicensed vehicles and nuisances per Title 8 of the Rapid City Municipal Code.

15.48.140 Fire Lanes

Fire lanes shall be constructed and maintained as per the current adopted Fire Code. Driving surfaces shall be able to withstand the loads of vehicular traffic and fire services apparatus.

15.48.150 Signage

Signs within mobile home parks shall be subject to the provisions of the current Sign Code adopted by the City.

15.48.160 Lot Numbering

Lot numbers shall be per the Fire Code adopted by the City. Lot numbering shall be subject to review at every annual license renewal to ensure continual compliance.

15.48.170 Drainage

Mobile homes, accessory structures, sheds, driveways, roadways, parking areas and grading shall be constructed or placed in such a manner so as to ensure adequate drainage and protect property and improvements.

15.48.180 Original Exits

Mobile homes shall have the original exit arrangement as at the time of manufacture. Mobile homes that do not have the original exit arrangement shall not be allowed.

15.48.190 Sewer and Water

Sanitary sewer and water supply systems shall be properly maintained at all times. New or replacement water and sewer lines shall be constructed per the current adopted City of Rapid City Utility Construction Code.

15.48.200 Parking

Adequate parking shall be provided at all times. Parking shall be provided per Section 17.50.270.

15.48.210 Violation-Penalty

Wherever in this chapter an act is prohibited or is made or declared unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, any person who shall be convicted of any such violation shall be fined and jailed in accordance with the City's general penalty RCMC § 1.12.10. Each day any violation of this chapter continues shall constitute a separate offense.

15.48.220 Appeals

- A. Any person directly affected by a decision, notice or order of the code official under this Code shall have the right to appeal to the International Property Maintenance Code Board of Appeals, provided that a written application for appeal is filed with the City Building Official or their authorized designee within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- B. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.
- C. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, any member of the City staff, or any person whose interests are affected shall be given an opportunity to be heard.
- D. The decision of the code official shall only be modified or reversed upon a majority vote of the members present. The decision of the Board shall be final.

15.48.230 Non-conforming Mobile Home Parks and Mobile Homes

A legal non-conforming mobile home park, mobile home or accessory structure existing at the time of the adoption of this chapter may be continued and maintained except as otherwise provided in this chapter.

15.48.240 Expansion of Non-conforming Mobile Home Parks

Mobile home parks shall not be expanded in area or by number of mobile homes without first being in compliance with this Chapter and Section 17.50.110. However, larger mobile homes may be placed on the site as long as all clearance requirements are met.

15.48.250 Inspections

- A. The Fire Department is authorized and directed to make inspections to determine the condition of mobile home parks located in the city in order that they may perform their duties of safeguarding the health and safety of occupants of the mobile home park.
- B. The Fire Department 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 chapter. It shall be the duty of the owner or occupant of the mobile home park and the mobile home contained therein or the person in charge thereof to give the Fire Department free access to such premises at reasonable times for the purpose of inspections.

15.48.260 Road Maintenance and Snow Removal

The owner of each mobile home park shall be responsible for road maintenance and snow removal within the mobile home park.

15.48.270 Garbage Removal

Garbage removal shall be as provided for in Title 8 of the Rapid City Municipal Code.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: