

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NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 15.48 is hereby repealed in its entirety.

~~15.48.010 Definitions.~~

~~For the purposes of this chapter, the following definitions shall apply:~~

~~**MOBILE HOME.** A movable living unit designed for year-round occupancy, having no foundation other than wheels, jacks or skirtings, and which is capable of being moved, towed or transported by another vehicle. Sometimes referred to as a trailer home.~~

~~**MOBILE HOME PARK.** Any area, tract or site or plat of land whereupon a minimum of 25 mobile homes as herein defined are placed, located or maintained, and includes all accessory buildings used or intended to be used as part of the equipment thereof.~~

~~**MOBILE HOME SPACE.** A plot of ground within a mobile home area which is designed for and designated as the location for only one automobile and one mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.~~

~~**PERMIT.** A written permit issued by the city council pursuant to this chapter and regulations promulgated under this chapter.~~

~~15.48.020 Mobile home parks Permit Required.~~

It is unlawful for any person to construct, maintain, operate or alter any mobile home park within the limits of the city unless he or she holds a valid permit issued annually by the council in the name of such person for the specific mobile home park.

15.48.030 Mobile home parks-Permit application.

A.—All applications for permits under this chapter shall be made to the Common Council. Such applications shall be in writing signed by the applicant, or accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

- 1.—The name and address of the applicant;
- 2.—The location and legal description of the mobile home park;
- 3.—A complete plan of the mobile home park, showing compliance with all applicable provisions of this chapter and regulations promulgated hereunder;
- 4.—Such further information as may be requested by the Building Inspection Department, the Fire Department or the Pennington Health Department to enable them to determine if the mobile home park will comply with legal requirements.

B.—The complete plan referred to in subsection A.3. of this section shall show:

- 1.—The area and dimensions of the tract of land;
- 2.—The number, location and size of all mobile home spaces;
- 3.—The location and width of roadways and walkways;
- 4.—The location of service buildings and any other proposed structures;
- 5.—The location of water and sewer lines;
- 6.—Plans and specifications of all buildings and other improvements, constructed or to be constructed, within the mobile home park;

C.—The application and licensing shall be controlled by Chapter 5.04 of this code unless clearly contradictory to a specific requirement of that chapter.

15.48.040 Mobile home parks-Permit Fee.

The permit fee for operating a mobile home park shall be \$50 per year for the first 10 mobile home spaces plus \$1.50 per year for each mobile home space in excess of 10. Any mobile home park adding a mobile home space during a permit year shall pay the sum of \$1.50 for each space so added for the unexpired portion of the permit year.

~~15.48.050 Mobile home parks-Permit Issuance.~~

~~The Common Council may issue a permit applied for under this chapter upon compliance by the applicant with the provisions of this chapter and regulations adopted pursuant to this chapter.~~

~~15.48.060 Notice of change in park's ownership.~~

~~Every person holding a permit under this chapter shall give notice in writing to the Common Council, within 30 days after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.~~

~~15.48.070 Mobile home placement-Setback requirements.~~

~~Mobile homes shall not be parked in the public street right of way or within 10 feet of the street curb line or whichever is the greatest distance from the street. If no curb, then 12 feet from the road edge.~~

~~15.48.080 Mobile home placement-Obstruction prohibited.~~

~~It is unlawful for any person to park a mobile home in a mobile home park so that any part of such mobile home obstructs any roadway or walkway within the park.~~

~~15.48.090 Mobile home placement-Prohibited unless space available.~~

~~It is unlawful for any person to allow any mobile home in a mobile home park unless there is a mobile home space available, or unless such mobile home is in dead storage. Such dead storage mobile homes shall not block access or exit roads, and shall comply with the provisions of § 17.50.110.~~

~~15.48.100 Permanent additions and skirting of mobile homes.~~

~~A.—No permanent additions of any kind shall be built onto or become a part of a mobile home park, unless a secondary or emergency exit from the mobile home is provided which does not open into the addition.~~

~~B.—Skirting of mobile homes is permissible, but the skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. Skirting shall be installed on mobile homes of materials as recommended by the manufacturer of the mobile home or approved exterior rated sheathing material as allowed by the adopted building and fire codes. Materials such as tires, straw bales and similar combustible materials and uses are strictly prohibited.~~

~~15.48.110 Access roads to homes within park.~~

~~Access roads shall be provided to each mobile home space in a mobile home park. All access roads shall have a minimum width of 20 feet and shall meet all other minimum standards of the Street Design Criteria Manual pertaining to dead end roadways.~~

~~15.48.120 Parking for motor vehicles.~~

~~Areas shall be provided in mobile home parks for the parking of motor vehicles. The areas shall accommodate at least the number of vehicles equal to the mobile home spaces provided.~~

~~15.48.130 Water supply.~~

~~A.—All mobile homes within the city shall be connected to the public water supply and its supply used exclusively if it is within 200 feet. The development of any independent water supply to serve any mobile home park shall be made only after plans and specifications have been submitted to and approved by the Pennington County Health Department, the Department of Environment Protection, Pierre, South Dakota, and the Rapid City Engineering Department; provided that, an approved set of plans shall be on the job during construction.~~

~~B.—Repairs to, or expansion of the water distribution system that become necessary shall be made in accordance with the South Dakota State Plumbing Code and Rapid City ordinances.~~

~~15.48.140 Sewer system.~~

~~Repairs to, or expansion of the sewer system that become necessary shall be made in accordance with the South Dakota Plumbing Code and city ordinances.~~

~~15.48.150 Storage, collection and disposal of refuse.~~

~~A.—All mobile home units within a mobile home park shall dispose of their garbage in the same manner as provided for family domestic units in § 8.08.030.~~

~~B.—All garbage shall be collected at least once weekly. Rubbish shall be collected frequently enough to prevent it from overflowing available containers. If 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 and covered containers.~~

~~15.48.160 Insect and rodent control.~~

~~Accumulations of debris which may provide harborage for insects and rodents shall not be permitted in a mobile home park.~~

~~15.48.170 Electricity.~~

~~A.—Repairs to or expansion of the electrical distribution system within any mobile home park shall comply with the National Electrical Code, the state electrical wiring bulletin and city ordinances.~~

~~B.—Existing electrical installations shall be continued if approved by the Building Inspection Department the Fire Department and the Pennington County Health Department.~~

~~15.48.180 Fire protection.~~

~~A.—General mobile home park fire safety.~~

~~1.—The entrance to each row of mobile homes in a mobile home park shall have a directional sign with minimum 4-inch letters indicating mobile home lot numbers in each row.~~

~~2.—Each mobile home shall have a lot number with minimum 3-inch letters, and such numbers shall be placed at the same location on all mobile homes or mobile home lots and shall be readily visible from the access streets.~~

~~3.—a.—Each mobile home in a mobile home park shall be parked so that there is a minimum of 15 feet between mobile homes and appurtenances thereto, provided however, with respect to mobile homes parked end-to-end, the end-to-end clearances shall be not less than 10 feet. This section shall not be construed to be applicable to nonenclosed, noncombustible awnings which shall be allowed up to three feet from any adjacent mobile home.~~

~~b.—No mobile home and/or accessory structure in a mobile home park shall be located closer to any permanent building located within the mobile home park, as permitted by the locally adopted building and fire codes.~~

~~4.—Electrical heat tapes, if installed, shall be of a type that is approved and listed by a nationally recognized testing laboratory.~~

~~5.—Mobile home parks shall be kept free from any accumulation of rubbish, dry brush, leaves and weeds.~~

~~6.—No combustible material shall be stored or placed under a mobile home or appurtenance thereto.~~

~~B.—Water supply for fire protection. Standard fire hydrants shall be located along mobile home park streets or public ways readily accessible for Fire Department use and located within 500 feet of any mobile home lot.~~

~~C.—Portable fire extinguishers. Permanent buildings shall be provided with listed portable fire extinguishers in accordance with the provision of the National Fire Prevention Association standard for portable fire extinguishers. (NFPA No. 10-1974).~~

~~D.—*Fire safety rules and regulations.* The mobile home park management shall be responsible for posting in a conspicuous place the Fire Safety Rules and Regulations as set forth by the city's Fire Department.~~

~~15.48.190 Use of liquefied petroleum gases.~~

~~A.—Liquefied petroleum gas used at individual mobile homes or in a mobile home park shall comply with the provisions of the NFPA standard for liquefied petroleum gases (NFPA No. 58-1974).~~

~~B.—Empty liquefied petroleum gas containers shall not be placed under mobile homes. Any empty fuel containers shall be stored in an area designated for the storage.~~

~~15.48.200 Cumulative requirements.~~

~~The requirements of this chapter are minimal requirements for all mobile home courts; however, any mobile home court that was established after 1968 or is to be established in the future shall, in addition to the requirements of this chapter, fulfill and meet all the requirements under a mobile home park provided for in Title 17 of this code and if there is any conflict, the more stringent requirement shall control.~~

~~15.48.210 Inspections.~~

~~A.—The Building Inspection Department, the Fire Department or the Pennington County Health Department are 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 Building Inspection Department, the Fire Department or the Pennington County Health 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 Building Inspection Department, the Fire Department or the Pennington County Health Department free access to such premises at reasonable times for the purpose of inspections.~~

~~15.48.220 Violations Notice Hearing Determination.~~

~~A.—Whenever the Building Inspection Department, the Fire Department or the Pennington County Health Department determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any regulation adopted pursuant to this chapter, they shall give notice of the alleged violation to the person responsible therefor. The notice shall:~~

- ~~1.—Be put in writing;~~

~~2.—Include a statement of the reasons why it is being issued;~~

~~3.—Allow a reasonable time for the doing of any act it requires; and~~

~~4.—Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with regulations adopted pursuant to this chapter.~~

~~B.—The notice provided for in subsection A. shall be served upon the owner or his or her agent, or the occupant, as the case may require; provided that, the notice shall be deemed to be properly served upon the owner or agent, or upon the occupant, if a copy thereof is sent by registered mail to his or her last known address, or if a copy thereof is posted in a conspicuous place, or if he or she is served with the notice by any other method authorized or required by the laws of this state.~~

~~C.—Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter, or any regulation adopted pursuant to this chapter, may request and shall be granted a hearing on the matter before the Rapid City Common Council, provided the files in the office of the city's Building Inspection Department, a written petition requesting the hearing and setting forth a brief statement of the grounds therefor, within 10 days after the notice is served. Upon receipt of the petition, the Building Official or his or her designee shall set a time and place for the hearing before the Common Council and shall give the petitioner written notice thereof.~~

~~D.—At the hearing provided for in subsection C. of this section, 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 20 days after the date on which the petition was filed; provided that, upon application of the petitioner, the Building Official or his or her designee may postpone the date of the hearing for a reasonable time beyond the 20-day period, if in his or her judgment the petitioner has submitted a good and sufficient reason for the postponement.~~

~~D.—After the hearing provided for in this section, the Building Inspection Department, shall sustain, modify or withdraw the notice depending upon the findings of the Common Council as to whether the provisions of this chapter and of regulations adopted pursuant to this chapter have been complied with. If the original order of the Building Inspection Department, the Fire Department or the Pennington County Health Department is sustained, it shall be effective immediately. If the Common Council modifies or withdraws the notice, it shall be effective upon serving notice of the amended or withdrawn order in the same manner as required for in the original order under subsection B. of this section.~~

~~F.—Any proceedings by the Building Inspection Department, the Fire Department or the Pennington County Health Department shall be reduced to writing and entered in their respective records and the records shall include a copy of every notice or order issued in connection with the matter.~~

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. 240 and 17.50.110. Mobile home parks shall be in compliance with all the requirements of this Chapter 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.

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:

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| <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>10 feet</u> |
| <u>In no case shall a mobile home be closer than 10 feet from another mobile home or other structure.</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 for Mobile Homes:</u> | <u>15 feet maximum</u> |
| <u>Height for accessory structures:</u> | <u>Per applicable zoning district, Title 17</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: