

THE FLOYD COUNTY, INDIANA
MANUFACTURED HOME ORDINANCE

ORDINANCE NO. FCO 90-2

WHEREAS, the Board of County Commissioners of Floyd County finds that a broader use of manufactured housing can be beneficial in meeting the housing needs of the residents of Floyd County; and

WHEREAS, the Board of County Commissioners of Floyd County find that standards should be established for the installation of manufactured homes in order to protect their occupants and other persons from damage or injury resulting from inadequate installations; and

WHEREAS, the Board of County Commissioners of Floyd County find that the standards contained herein can improve the public health, safety, convenience, and welfare and aid the future development of Floyd County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FLOYD COUNTY THAT THE FLOYD COUNTY CODE READ AS FOLLOWS:

INTENT Section 1.01

It is the intent of this ordinance to encourage provisions of alternative modest income housing in general residential areas by permitting the use of certain manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

DEFINITIONS Section 2.01

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows: Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

Where the terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1981, shall be considered as providing ordinary accepted meanings.

ADD-A-ROOM A factory unit of State Approved manufactured housing not designed as a part of the original structure which is constructed to code requirements and is not a manufactured home. Not to be considered an accessory structure..

ANCHORING SYSTEM An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured home or mobile home.

APPROVED Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

EXPANDO UNIT An expandable manufactured housing unit.

INDIANA STANDARD FOR THE PERMANENT INSTALLATION OF MANUFACTURED HOMES
A standard regulating and controlling the design, construction and quality of materials for permanent foundation systems, and building services equipment connections which are necessary to provide for the permanent installation of one and two family manufactured homes.

MANUFACTURED HOME A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council. For flood plain management purposes the term, "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME INSTALLATION That construction which is required for permanent installation of a manufactured home, including construction of the foundation system and required structural connections thereto, and the installation and connection of on-site water, gas, electrical and sewer, which are necessary for the normal operation of the manufactured home. Proper installation, also, means using methods and practices which minimize flood damage.

Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Anchoring can be accomplished by meeting one of the following:

1. Compliance with minimum State standards for installation of manufactured homes as found in the One and Two Family Dwelling Code and/or Indiana Standard for the Permanent Installation of Manufactured Homes or

2. Compliance with the following specific standards:

(a) The manufactured unit shall be placed on a solid foundation; a minimum of 18" x 18" x 24" deep;

(b) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring only one additional tie per side;

(c) frame ties be provided at each corner of the home with two additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring one additional ties per side;

(d) all components of the anchoring system be cable of carrying a force of 4,800 pounds;

(e) Underpinning or skirting installed;

(d) all steps and landings shall be in place;

(g) the unit shall be completely set-up in accordance with the above standards before an electrical hook-up inspection can be made;

(h) any add-a-room or expando unit additions to the manufactured unit shall be similarly anchored.

MANUFACTURED HOME SUBDIVISION A parcel of land platted for subdivision according to all requirements of the Floyd County Subdivision Ordinance for residential occupancy primarily by manufactured units having more than nine hundred and fifty (950) square feet of occupied space in double-sections or larger, residential design home placed onto a permanent foundation meeting the terms of P.L. 312.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include HUD approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Indiana Administrative Building Council.

MANUFACTURED OR MOBILE HOME COMMUNITY (PARK) A parcel of land on which two (2) or more manufactured or mobile homes are occupied as residences.

MOBILE HOME A transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year around residential dwelling, and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

OCCUPIED SPACE The total area of the unit enclosed by the structure, excluding accessory structures, such as, but not limited to, garages, patios, and porches.

OFF-STREET PARKING Parking spaces shall be provided at a minimum of two for each unit.

ONE AND TWO FAMILY DWELLING CODE, INDIANA The nationally-recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Department of Fire Prevention and Building Safety (FPBS) as mandated through Public Law 360, Acts of 1971, and, which includes those supplements and amendments promulgated by the FPBS.

PUBLIC LAW 360, ACTS OF 1971 Enabling legislation requiring the Indiana Department of Fire Prevention and Building Safety regulations for construction, repair or maintenance of factory-built one or two family residential dwellings.

SPECIAL EXCEPTION PERMIT A device for permitting a use within a district other than a principally permitted use.

APPLICABILITY Section 3.01

A. PERMITTED PLACEMENT

The establishment, location, and use of manufactrued homes as scattered-site residences shall be permitted in any district permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential use in the district and provided such homes shall meet the following requirements and limitations:

1. the home shall meet all requirements applicable to single dwellings and possess all necessary improvement location, building and occupancy permits and other certifications required by code;
2. the home shall be a minimum of 750square feet of occupied space or meet the minimum square footage requirements for the appropriate site;

3. the home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer's installation specifications and/or the Indiana Standard for the Permanent Installation of Manufactured Homes.

B. LOCATION OUT OF PARKS

This shall only apply to manufactured or mobile homes located outside of manufactured or mobile home communities (parks). All manufactured homes shall be owner occupied.

C. NON-CONFORMING HOMES

A manufactured or mobile home placed and maintained on a tract of land and deemed to be legal non-conforming use prior to the adoption of this Ordinance, shall be a legal non-conforming use. If the non-conforming use is discontinued, the land thereafter must be used in conformity with all provisions of the Zoning Ordinance.

D. REPLACEMENT OF NON-CONFORMING HOMES

Thereafter, upon application to the designated administrator and subsequent approval thereof, a manufactured or mobile home, deemed a legal non-conforming use, may be replaced by a manufactured home provided the unit meets the requirements of this ordinance.

In no circumstance shall a Mobile Home having three hundred twenty (320) square feet to seven hundred forty-nine (749) square feet in a double or single section be considered for placement. An exception may be considered if minimum liveable ground floor area equals 750 square feet with the addition of an add-a-room or expando unit.

E. STRUCTURAL ALTERATION

Due to its integral design no structural alteration or modification of a manufactured home may be made. No additions shall be allowed other than an add-a-room or expando unit.

PERMITS Section 4.01

A. IMPROVEMENT LOCATION PERMIT

An Improvement Location Permit is required PRIOR to the location, relocation or establishment of any manufactured or mobile home. The home owner or authorized representative shall obtained an Improvement Location Permit in accordance with the conditions, fees and

standards of Floyd County Zoning Ordinance A 67-4. Each application for an Improvement Location Permit shall be accompanied by a copy of the approved instructions, which will be used for installation purposes, where applicable, and in addition any other information, as may be required by the Floyd County Building Commissioner for proper enforcement of this ordinance.

B. CIRCUMSTANCES FOR PERMIT ISSUANCE OF A TEMPORARY USE

Subject to conditions, fees, and standards otherwise required by Ordinance A 67-4 and this ordinance, a temporary use permit shall be issued:

1. to an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued.
2. to an applicant to use a manufactured or mobile home as a caretaker's quarters or construction office at a job site; such permit shall be for a 90 day period and shall not be lived in.
3. to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

C. LENGTH OF TEMPORARY USE PERMIT

A temporary use permit may be issued, at the discretion of the Floyd County Plan Commission's designated administrator, for a period not to exceed two (2) years. The temporary permit may be renewed for an additional one (1) year period upon showing good cause, and with permission to do so. However, at the discretion of the Floyd County Plan Commission's designated administrator, a temporary use permit may be issued to an applicant for health or age related circumstance for a period coterminous with the health or age related circumstance. The unit must meet all manufactured home installation requirements of this ordinance.

D. PERMIT EXPIRATION

At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within thirty (30) days.

E. UTILITY REQUIREMENTS

Manufactured or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections.

F. PERMIT FEE

A temporary use permit shall be issued by the Plan Commission's designated administrator. The fee shall be in accordance with fee for residential structures found in Floyd County Ordinance A 67-4 in addition an affidavit pledging building removal shall be signed and notarized.

FLOOD PRONE AREAS SECTION 5.01

ADMINISTRATION

The building commissioner shall review all applications for Improvement Location Permits for new construction, additions to existing construction, or other developments to ascertain as to whether the proposed construction, addition, or development lies in a flood hazard area as defined elsewhere by ordinance.

If the permit application lies in an identified floodway, then the building commissioner shall forward the application, along with all pertinent plans and specification, to the Natural Resources and apply for a permit for construction in a floodway from Natural Resources.

If the permit application lies in a floodway fringe district, then the building commissioner may issue a local building permit with the condition that the lowest floor, including the basement of the structure(s), is at least two feet above the 100 year frequency flood elevation.

If the permit application lies in a flood plain district, then the building commissioner shall forward the application, along with all pertinent plans and specifications, to Natural Resources for appropriate review and comment. A local building permit may only be issued after receiving the proper permit or letter of recommendations from Natural Resources.

If a floodway, floodway fringe, and flood plain district, the building commissioner will require such modification to the design and materials as the building commissioner may deem appropriate to prevent flotation, collapse, or lateral movement of the structure and minimize potential future flood damages.

Manufactured homes to be placed in manufactured home parks or subdivisions on existing pads are required to be elevated to the recommended flood protection grade of that district and be properly anchored in accordance with the standards outlined in "Manufactured Home Standards" found in the Definitions Section of this ordinance.

No longer are new placements of manufactured homes into existing parks or subdivision "grandfather in." New placements must be properly elevated and anchored or else be granted a properly administered Variance in accordance with the provisions of Ordinance A67-4.

In reviewing the applications for improvement location permits for compliance with the requirements of this ordinance, the building commissioner shall assure that all necessary permits from other state, federal, and local agencies have been obtained.

All manufactured home installations shall require a building permit, unless said manufactured unit is located in a Licensed Mobile Home Park and/or Licensed Manufactured Home Park.

The Plan Commission shall not issue any permit or variance for the location or occupancy of any manufactured home in a Floodway (FW), Floodway Fringe (FF), or Flood Plain (FP) until such time as proper notice written or lease, deed, or purchase contract is given to the manufactured home owner that such manufactured home is in a flood hazard area.

In connection with the flood plain district established by Ordinance FCO-87-6, the degree of flood protection established by that ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes such as ice or debris jams. This Ordinance does not imply that areas outside flood hazard districts as defined in ordinance FCO-87-6, will be free of flooding or flood damage.

Ordinance FCO-87-6 does not create any liability on the part of the County of Floyd, Indiana, the Floyd County Plan Commission, the Indiana Department of Natural Resources, the State of Indiana, or any other elected or appointed official or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made hereunder.

STORAGE OF MANUFACTURE HOMES. Section 6.01

The storage of any number of manufactured units for any purpose for any length of time is prohibited except where Manufactured Home Sales are permitted.

PENALTY FOR VIOLATION Section 7:01

A. FAILURE TO COMPLY

If any person, firm, or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, with the time prescribed by the Floyd County Plan Commission's designated administrator, or shall fail, neglect or refuse to obey any lawful order given by the Floyd County Plan Commission's designated administrator in connection with the provisions of this Ordinance, for each such violation, failure or refusal, such person, firm, or corporation shall be fined in any sum not less than \$10.00, nor more than \$300.00 Dollars. Each day of such lawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

Section 7.01, G. PERMITS, Item 5) FAILURE TO OBTAIN REQUIRED PERMITS states: Failure to obtain an Improvement Location Permit shall be a violation of this ordinance and punishable under the provisions of Ordinance FCO-87-8 dated December 7th, 1987. FCO-87-8 states: If any person, firm or corporation fails to obtain a permit before start of construction a fine of \$100.00 shall be collected at the time an application for a permit is made in addition to the required cost of the permit.

B. SUBJECT TO REMOVAL

A home, sited upon property in violation of this Ordinance, shall be subject to removal from such property. However, the home owner must be given thirty (30) days to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be a lien against the property.

C. REMOVAL METHOD

The Zoning Officer may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

APPENDIX

MANUFACTURED HOMES REQUIREMENTS
FOR HOMES NOT LOCATED IN A PARK

REQUIREMENTS

Minimum lot size in square feet per dwelling unit	18,000 square feet
Minimum lot width in road frontage	100 feet
Minimum front yard in feet	60 feet from the right of way line of a county road.
Minimum ground floor building size in square feet	750 square feet of enclosed liveable ground floor area
Minimum number of vehicle parking spaces to be provided on the lot	2
Turn-around on driveways are required on all lots.	
Maximum lot coverage in % of lot	35%
Vision clearance on corner lot	Yes

SEVERABILITY CLAUSE Section 8.01

If any section subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance. It is being expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

EFFECTIVE DATE Section 9.01

This Ordinance shall take effect upon its passage by approval of the Board of County Commissioners, County of Floyd, Indiana.

REPEALER Section 10.01

An amendment to Ordinance No. A67-4 classifying, regulating, and restricting, the use of mobile homes, compact homes, and mobile home parks in the unincorporated territory of Floyd County adopted February 21, 1970 and all ordinances or parts thereof that are in conflict with the terms and conditions of this ordinance are hereby repealed.

ADOPTED this 5th day of FEBRUARY, 1990

BOARD OF COMMISSIONERS:
THE COUNTY OF FLOYD

Edmund R. Knable
Member, Mr. Edmund R. Knable, President

Carl Percy, Jr.
Member, Mr. Carl Percy, Jr.

Charles Zipp
Member, Mr. Charles Zipp

ATTEST:

Beth A. Sharp
Floyd County Auditor