ORDINANCE NUMBER 2009-3

ORDINANCE FOR THE PRESERVATION OF MOBILE HOMES/MANUFAC TURED HOMES IN THE TOWN OF REDKEY, INDIANA

WHEREAS, the Town of Redkey, Indiana desires to set forth regulations for all mobile homes/manufactured placed, parked, stored, erected, maintained or kept within the corporate limits of the Town of Redkey, Indiana;

WHEREAS, the Town of Redkey, Indiana has determined that it needs to establish regulations concerning mobile homes/manufactured homes addressing foundation requirements, setbacks and square footage requirements; and

WHEREAS, the Town of Redkey, Indiana has determined that the public health, safety and welfare requires that conditions of mobile homes/ manufactured homes located in the corporate boundaries be regulated.

NOW THEREFORE BE IT ORDAINED by the City Council of the Town of Redkey, Indiana that :

Section I. Ordinance number 2002-34 adopted on December 16, 2002 shall be repealed.

Section II. For the purpose of this ordinance, the following definitions shall apply unless the context of the ordinance clearly indicates or requires a different meaning:

(a) Mobile Home: a large house trailer that can be connected to utilities and can be parked in one place and used as permanent housing.

(b) Manufactured Home: (also known as prefabricated housing) is a type of housing unit that is largely assembled in factories and then transported to sites of use.

(c) Recreational Vehicles: Any conveyance whether self propelled or propelled by other means which is not typically used as a dwelling, but which is

typically used as a place of temporary repose, and which shall include, but not be limited to, campers, fifth-wheels, motor homes and motor coaches. Any recreational vehicle which is used, or intended to be used as a dwelling within the corporate limits of the Town of Redkey, Indiana shall be deemed a mobile home for purposes of this Ordinance.

(d) Owner: That person having title to any ground upon which a mobile home, or recreational vehicle employed as a dwelling, is placed, whether such title be legal or equitable in nature, and the person having title to said mobile home.

(e) Dwelling: Shall be any place of repose where any person or persons reside for a period of two continuous weeks or more.

Section III. The owner of a mobile home/ manufactured home shall place the same on a foundation of concrete pads or concrete blocks and shall be strapped down. The owner of the mobile home/manufactured home shall cause the wheels to be removed from the mobile home/manufactured home at the time the same is place, parked, stored, erected, maintained or kept within the corporate limits of the Town of Redkey, Indiana. The owner of the mobile home/manufactured home shall install skirting around the required foundation.

Section IV. There shall be a setback for side yards of twenty (20) feet. The front yard setback shall be thirty (30) feet. The rear yard setback shall be twenty (20) feet.

Section V. The mobile home/manufactured home being placed, parked, stored, erected, maintained or kept within the corporate limits of the Town of Redkey, Indiana shall be no older than fifteen (15) years old

Section VI. The mobile home/manufactured home shall have a minimum of six hundred fifty (650) square feet and shall be no larger than two thousand (2,000) square feet.

Section VII. The owner of the mobile home/manufactured home shall obtain a permit from the Town Council of the Town of Redkey, Indiana before placing, parking, storing, erecting, maintaining or keeping the mobile home/manufactured home within the corporate limits of the Town of Redkey, Indiana.

Section VIII. It shall be unlawful for any person to place, park, store, erect, maintain, or keep any mobile home/manufactured home within the corporate limits of the Town of Redkey, Indiana without a permit issued by the Town of Redkey, Indiana.

Section IX. A permit fee of One Hundred Dollars ($100.00) shall be paid by the owner to the Town of Redkey, Indiana prior to obtaining a permit for placing, parking, storing, erecting, maintaining, or keeping a mobile home/manufactured home within the corporate limits of the Town of Redkey, Indiana.

Section X. The owner of the mobile home/manufactured home shall take all actions to have the placement of their mobile home meet all of the regulations of this ordinance within thirty (30) days of obtaining their permit from the Town of Redkey. The Town of Redkey shall take actions after thirty (30) days from the date that the permit is issued to determine whether the mobile home/manufactured home owner has complied with all requirements of this ordinance.

Section XI. Any mobile home placed in contravention to this ordinance subsequent to the effective date of this ordinance shall be deemed a public nuisance and shall be abatable as such.

Section XII. The owner of any real estate, within the corporate limits of the Town of Redkey, Indiana or the owner of any mobile home/ manufactured home parked, stored, erected, maintained, or kept within the corporate limits of the Town of Redkey, Indiana in violation of this ordinance, shall upon a finding of violation, be fined not less than Fifty Dollard ($50.00) and no more than One Thousand Five Hundred ($1,500) for such violation. For purposes of this ordinance, each twenty-four (24) hour period in which a mobile home/manufactured home is placed, parked stored, erected, maintained or kept within the corporate limits of the Town of Redkey, Indiana, in violation of this ordinance shall constitute a separate offense and be chargeable as such.

Section XIII. This ordinance shall be effective ten (10) days after publication of said ordinance.

Passed and adopted by the Town Council of the Town of Redkey Indiana on the 19th day of March, 2009.

Doug Stanley (Signed)

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Council Member

Dottie Quakenbush (signed)

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Council Member

Phil Philebaum (signed)

Council Member

Terri Taylor (signed)

Council Member

Charles Noble (signed)

Council Member

ATTEST:

Sandy Kirby, Clerk Treasurer (signed)

ORDINANCE NO. 1989-4

AN ORDINANCE amending Chapter 16.08 of the Town Code of the Town of Redkey, Indiana.

Chapter 16.08 of the Town Code of the Town of Redkey, Indiana is amended to read AS follows:

Chapter 16-08

Mobile Homes

Sections:

16.08.010 Definition. "Mobile Home". A factory - fabricated building built on a chassis and so constructed as to permit its being towed upon public thoroughfares and designed to be used for yearround living when connected to the required utilities.

16.08.020 Parking - Prohibited. Notwithstanding the provisions of chapter 16.04 of the Town Code of the Town of Redkey, Indiana, mobile homes narrower than twenty (20) feet wide shall not be parked, either temporarily or permanently, within the limits of the Town of Redkey, Indiana, except in situations prescribed herein.

16.08.030 Exceptions. (A) A mobile home may be parked in the rear yard of a lot and temporarily occupied in case of illness of a relative of the resident family who may need care and attention which he cannot otherwise receive. Prior to the parking of a mobile home, written

permission shall be obtained from the Town Board. The appellant shall furnish the Town Board with substantial evidence confirming the health condition and relation of the person who is to occupy the mobile home and any other information required by the Town Board to satisfy the request, and finding valid reasons for the same, the Town Board may issue a ninety (90) day permit. Such permit shall be renewable by favorable action of the majority of the Town Board. A mobile home permitted under this section may be provided with electricity but shall not be connected to sewer or water facilities and shall be removed with six (6) days after the expiration date of the permit.

(B) Construction: A mobile home may be parked on a lot or parcial of land as temporary office for a builder or contractor while construction is under way. Written permission shall be obtained from the Town Board. The mobile home shall be removed within six (6) days after completion or abandonment of the project.

(C) Mobile Home Court: A mobile home may be parked at any authorized mobile home court in the Town of Redkey.

16.08.040 Mobile Home Court - defined. (A) A mobile home court shall be an area or premises on which space available for two (2) or more mobile homes is rented, held out for rent, or on which free occupancy for such number is permitted to mobile home owners or users, not including automobiles or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale

16.08.050 Permit. No mobile home court shall be constructed, operated or maintained in the Town of Redkey without a permit from the Town Board. Applicatons for such permits shall be made in writing and shall be accompanied by plans and specifications sufficient to determine whether or not the applicant is able to comply with the requirements contained in this chapter. The permit shall carry a fee of One Hundred Dollars ($100.00) minimum and one Dollar ($1.00) for each mobile home space in the court, and shall be payable at the time of filing of an application.

16.08.060 Minimum Standards. (A) All mobile home courts shall have a minimum area of two (2) acres.

(B) The minimum area to be occupied by one (1) mobile home shall be twenty-five hundred (2,500) square feet,

clearly defined on the ground.

(C) All driveways within the court shall have a minimum width of twenty (20) feet, shall be surfaced with durable, dust-proof,hard surface, and shall have unobstructed access to a public street.

(D) Mobile homes shall not be closer than twenty (20) feet to each other, nor closer than thirty (30) feet to any street right-of-way, nor within twenty-five (25) feet of the boundries of the mobile home court.

(E) Mobile home courts shall comply with all local and state sanitary regulations.

(F) Provisions shall be made for the handling and removal of garbage, trash and refuse.

(G) All entrances,exits,lanes,driveways shall be lighted

(H) No business shall be conducted in any mobile home.

(I) Vehicles shall not be parked parallel with a mobile home unless the mobile home lot is large enough to permit a ten (10) foot separation between vehicle and mobile home. Vehicles shall not be parked on drives, but shall be provided with off-drive-way parking.

16.08.070 Hearings. Prior to the issuance of a permit for the construction and maintenance of a mobile home court if any person or persons aggrieved by said issuance shall file a written remonstrance, the Town Board shall within fifteen (15) days after said remonstrance is filed, hold a public hearing to hear all interested persons as to whether or not such a permit should be issued. The Town Board, after careful consideration will take whatever action is necessary.

16.08.080 Revocation of Permit. The Town Board may revoke any permit if, after investgation it shall determine that the standards of this chapter have been violated or that irregularities exist in the maintenance of said mobile home or moble home court.

16.08.090 Violation - Penalty. Any person violating any of the provisions of this chapter shall be fined not less than Ten dollars ($10.00) or more than One Hundred dollars ($100.00) per offense. Each day that a violation is per-

mitted to exist shall or may constitute a separate offense

16.08.100 Variances. The Town Board of Redkey, Indiana, upon petition, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variances as it deems necessary to assure compliance with the purchase of this Ordinance. A variance may be permitted if all the following requirements are met:

(A) Literal enforcement of the Ordinance would result in an unnecessary hardship with respect to the property; and

(B) Such unnecessary hardship results because of the unique characteristics of the property; and

(C) The variance would not change the land use of the property or the character of the neighborhood: and

(D) The variance observes the spirit of this Ordinance, produces substantial justice, and is not contrary to the public interest.

Passed by the Town Board of the Town of Redkey, Jay County, Indiana, this 26th day of April, 1989.

AYES 4 NAYES 0 ABSENT 0

Douglas Stanley (signed)

Presiding Officer

ATTEST:

Brenda Adkins (signed)

Brenda Adkins
Clerk-Treasurer of the Town
of Redkey, Jay County, Indiana