

ORDINANCE NO. G-1124

**AN ORDINANCE AMENDING TITLE V. BUILDING AND CONSTRUCTION,
CHAPTER 585: MANUFACTURED HOME AND RECREATIONAL VEHICLE CODE, OF
THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.**

WHEREAS, the City Commission directed City staff to amend the Manufactured Home and Recreational Vehicle Code to reflect the actual procedures and practices in the administration and enforcement of the annual inspection program; and,

WHEREAS, City staff has met with the owners of the Manufactured Home Parks within the City and developed specific language regarding said Manufactured Home and Recreational Vehicle Code; and,

WHEREAS, this City Commission has reviewed the documents and been advised by staff of the outcome of said meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. Section 585.020, PURPOSE, is hereby amended by adding paragraph C. as follows:

C. Provide minimum standards for the operations of Manufactured Home Parks and Recreational Vehicle Campgrounds and the requirements to obtain annual licenses for the continued operations of the Parks and Campgrounds, including the responsibilities of the responsible parties/operators thereof.

Section 2. Section 585.030, APPLICABILITY, is hereby amended by deleting the existing paragraph and adding a new paragraph to read as follows:

This Code shall be applicable to the placement of manufactured homes and recreational vehicles within the City of Junction City. Nothing hereunder shall pertain to "job trailers," "construction trailers," "portable classrooms," or "portable offices."

Section 3. Section 585.040, DEFINITIONS, is hereby amended by repealing paragraphs Y., Z. and AA. and adding new paragraphs Y., Z., AA. And BB. to read as follows:

Y. **Responsible Party.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to a tract of land used as a Manufactured Home Park or Recreational Vehicle Campground within the City of Junction City. Said Responsible Party shall be the responsible person for compliance with the provisions of this Code regarding all licenses, administrative orders, and/or all other enforcement actions hereunder.

Z. **Roadway.** Any private street located within a park or camp and providing for the general vehicular and/or pedestrian circulation within the park or camp.

AA. **Service Building.** A building housing all of the following: separate toilet facilities for men and women, laundry facilities and separate bath or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the park or camp.

BB. **Trailer Camp.** A recreational vehicle campground.

Section 4. Section 585.050, MANUFACTURED HOMES AND RECREATIONAL VEHICLES; WHERE PERMITTED, is hereby amended by deleting the first paragraph and adding new paragraphs to read as follows:

All new placements of manufactured homes shall be within a licensed Manufactured Home Park and all new placements of recreational vehicles shall be within a licensed

Recreational Vehicle Campground, all in conformance with the provisions of this Code and with the Zoning Regulations of the City of Junction City.

Placement of residential-designed manufactured homes on an individual lot outside of a Manufactured Home Park shall be treated the same as the establishment of a single-family dwelling under the terms of the Zoning Regulations, but shall comply with the siting provisions of this Code. The only fee required for the placement of the residential-designed manufactured home shall be the building permit fee as established for other on-site residential structures.

Section 5. Section 585.060, INSTALLATION OR RELOCATION OF MOBILE HOMES OR NONCOMPLIANT MANUFACTURED HOMES PROHIBITED, is hereby amended by deleting the existing paragraph and adding a new paragraph to read as follows:

Mobile homes and noncompliant manufactured homes, as defined herein, shall not be moved into, relocated or installed within the City of Junction City.

Section 6. Section 585.080, RECREATIONAL VEHICLE CAMPGROUND LICENSE, is hereby amended by deleting the existing paragraph and adding a new paragraph to read as follows:

All responsible parties shall obtain a Recreational Vehicle Campground License from the City after approval by the Inspection Officer and the payment of the required fee. Such license shall expire on December 31 of the year of issuance, but may be renewed annually after approval by the Inspection Officer and the payment of the required fee, subject to the provisions of this code. No person shall operate a camp without a current Recreational Vehicle Campground License.

Section 7. Section 585.090, MANUFACTURED HOME PARK LICENSE, is hereby amended by deleting the existing paragraph and adding a new paragraph to read as follows:

All responsible parties shall obtain a Manufactured Home Park License from the City after approval by the Inspection Officer and the payment of the required fee. Such license shall expire on December 31 of the year of issuance, but may be renewed annually after approval by the Inspection Officer and the payment of the required fee, subject to the provisions of this code. No person shall operate a park without a current Manufactured Home Park License.

Section 8. Section 585.100, PERMITS REQUIRED FOR INSTALLATION OF MANUFACTURED HOMES, is hereby amended by deleting the existing paragraphs and adding new paragraphs to read as follows:

A manufactured home installation permit shall be obtained from the Inspection Officer for every manufactured home placed or relocated within the City of Junction City. The purpose of such manufactured home installation permit is to assure the manufactured home is placed in conformance with the requirements of this Code and applicable Kansas State statutes. Manufactured home installation permits shall be obtained at least three (3) full business days prior to installation of any manufactured home within the City of Junction City. Manufactured home installation permits may only be obtained by a licensed Manufactured Home Installation Contractor (as defined in this Code) or by the responsible party, and shall be applicable to the placement exclusively of a manufactured home within a licensed Manufactured Home Park, unless otherwise allowed by this Code and/or the Zoning Regulations of the City of Junction City.

A manufactured home installation permit shall authorize the licensed Manufactured Home Installation Contractor to provide the required manufactured home anchorage, footings and foundations, and/or skirting; as well as the installation of heating and air conditioning systems and the hookup of electric, gas, water and sewer utilities to the extent defined in K.A.R. 127-2-1, as amended. All other work associated with the placement of a permitted

manufactured home regarding electrical, plumbing, sewer or mechanical construction work, or other building work associated therewith shall require a separate building permit as required by the applicable City of Junction City building, electrical, plumbing, sewer and mechanical codes of the City of Junction City, and shall be issued only to licensed contractors for those trades.

Section 9. Section 585.110, INSPECTIONS, is hereby amended by deleting the existing paragraphs and adding new paragraphs to read as follows:

All construction or work for which a manufactured home installation permit is required, whether under this Code or through a permit under the provisions of the adopted building codes, shall be subject to inspection by the City of Junction City. The City may, in its discretion, require a survey of the lot in question to verify that the manufactured home will be located on the lot in accordance with the approved plans.

It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection by the City. The City shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the person doing the work authorized by the manufactured home installation permit to notify the City that such work is ready for inspection at least twenty-four (24) hours notice prior to when such inspection is desired. All other work requiring permits under the adopted building codes shall be coordinated for inspection in conformance with the provisions of said codes.

Section 10. Section 585.120, REQUIRED INSPECTIONS, is hereby amended by deleting the last paragraph and adding a new paragraph to read as follows:

When the inspections set forth above have been approved by the City, a temporary occupancy certificate will be issued. The responsible party shall then have forty-five (45) days to have the home skirted as required by this Code before the final inspection. It shall be a violation of this Code to occupy a manufactured home prior to the issuance of a temporary occupancy certificate.

Section 11. Section 585.150, PERMITS FOR INDIVIDUAL MANUFACTURED HOMES AND RECREATIONAL VEHICLES LOCATED OTHER THAN WITHIN A PARK OR A CAMP, is hereby amended by deleting the second paragraph and paragraph A. and adding a new second paragraph and a new paragraph A. to read as follows:

Any person desirous of locating a recreational vehicle or manufactured home in accordance with Section 585.050 shall make an application to the Inspection Officer for a permit. Such application shall be in writing, signed by the responsible party, and shall include the name, address and telephone number of the responsible party; the location and legal description of the property on which the manufactured home or recreational vehicle is requested to be located; and all other applicable information as follows:

- A. The reason(s) such application is being made; the number of days the recreational vehicle or manufactured home is intended to be parked, which in no event shall exceed six (6) months for an administrative placement as authorized by the City Zoning Regulations; and a site or plot plan of the property in question which shows the location of all existing buildings and where the recreational vehicle or manufactured home will be installed.

Section 12. Section 585.160, RESIDENTIAL-DESIGNED MANUFACTURED HOME SITING STANDARDS, is hereby amended by deleting paragraph E. and adding new paragraph E. to read as follows:

- E. Each residential-designed manufactured home shall be placed on a permanent foundation and shall be set up in accordance with the recommended installation

procedures of the manufacturer. If those standards are not available, the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1) shall be followed. Further, a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the manufactured home. Both the permanent foundation and the masonry curtain walls shall have footers at or below frost levels.

Section 13. Section 585.170, LICENSE AND PERMIT FEES, is hereby amended deleting paragraph C. and by adding new paragraph C. and new paragraph E. to read as follows:

- C. The fee for a manufactured home installation permit for initial placement of a manufactured home in a Manufactured Home Park shall be \$100.00.

- E. All manufactured homes, non-compliant manufactured homes, or mobile homes located outside a licensed Park or Camp shall be required to obtain an annual license from the City of Junction City that shall be valid for the calendar year it is issued. This provision shall be applicable for the first time beginning in the calendar year of 2013; however no permit shall require a fee for 2013. The annual renewal of the license for said manufactured homes, non-compliant manufactured homes, or mobile homes located outside a licensed Park or Camp for all subsequent years shall be thirty dollars (\$30.00). This provision shall not apply to residential-designed manufactured homes.

Section 14. Section 585.180, EXISTING PARKS, is hereby amended by deleting the existing paragraphs and adding new paragraphs to read as follows:

All persons operating existing parks shall obtain the appropriate license as required by this Code by December 31, 2011, and shall be subject to the annual renewal as provided herein. The Inspection Officer shall determine the appropriate classification for each park based on the records filed with the City in the application for the license.

All persons operating parks at the time of the adoption of this Code shall be permitted to continue to operate said park until December 31, 2011, but shall conform to the requirements as outlined herein for all annual license renewals. Failure to comply with this requirement may result in the imposition of penalties as provided herein.

Section 15. Section 585.190, EXISTING MANUFACTURED HOME PARKS, MANUFACTURED HOMES, ANNUAL PERMIT AND RENEWAL REQUIREMENTS, is hereby amended by deleting the existing paragraphs and adding new paragraphs to read as follows:

All responsible parties of a Manufactured Home Park shall be responsible for providing each lot within the Manufactured Home Park all required infrastructure and supporting materials for the placement of a Manufactured Home on the lot, including utility hook-ups, tie downs, blocking, skirting, and steps and railings for each exit from the Manufactured Home. Policies of the Manufactured Home Park may require some of these items to be provided by the occupant of the Manufactured Home, but it is the policy of the City of Junction City that the responsible party of the Manufactured Home Park shall be responsible for seeing these amenities are provided. In addition, each responsible party of a Manufactured Home Park shall be responsible for providing and maintaining all required infrastructure within the Manufactured Home Park required by this Code, including but not limited to storm shelters, recreational spaces, storage spaces and other similar amenities that exist as of November 1, 2012.

All responsible parties of existing Manufactured Home Parks shall obtain the appropriate license as required by this Code by December 31, 2011. The Inspection Officer, or other authorized representatives, shall conduct an inspection of each Manufactured Home Park for said license, and for each annual license renewal thereafter. In order to obtain the

license, the Manufactured Home Park shall meet the requirements of this Code, including the assurance that each occupied space shall meet the requirements of Section 585.120 herein, in order to pass the inspection. Deficiencies identified in the inspection of the Park for any occupied space shall be corrected before the license shall be issued. Failure to comply with this requirement may result in the imposition of penalties as provided herein.

All persons who own land outside of licensed Manufactured Home Parks on which existing manufactured homes are located, whether they meet the standards of the adopted HUD Code or are noncompliant manufactured homes or mobile homes as defined herein, shall obtain the appropriate license as required by this Code. The Inspection Officer shall determine the appropriate classification for each structure based on the records filed with the City in the application for the license.

All persons who own land outside of licensed Manufactured Home Parks on which existing manufactured homes are located, as noted above, at the time of the adoption of this Code shall be permitted to continue to occupy or permit the occupancy of said manufactured home or mobile home without meeting the requirements of the provisions of this Code until the first annual renewal after December 31, 2013. Subsequent license renewals shall require compliance with the provisions of the inspection items identified in Section 585.120 herein before such license shall be renewed. In all cases where deficiencies are found to exist, all items identified within the annual inspection shall be corrected before a renewal is made. Failure to comply with this requirement may result in the imposition of penalties as provided herein.

Section 16. Section 585.200, APPLICATION FOR NEW RECREATIONAL VEHICLE CAMPGROUNDS AND NEW MANUFACTURED HOME PARKS, is hereby amended by deleting the existing first paragraph and paragraph A. and adding new first paragraph and a new paragraph A. to read as follows:

All persons developing new Recreational Vehicle Campgrounds or new Manufactured Home Parks shall make an application to the Inspection Officer for the appropriate license. Applications may be made only after all approvals have been granted as required by the Zoning Regulations of the City of Junction City.

A. Name and address of the responsible party/applicant.

Section 17. Section 585.210, RECREATIONAL VEHICLE CAMPGROUND AND MANUFACTURED HOME PARK DESIGN STANDARDS, is hereby amended by deleting the first paragraph, paragraph A.1., and paragraphs B.5.b., B.5.i. and B.5.j. and adding new a new first paragraph, a new paragraph A.1., and paragraphs B.5.b., B.5.i. and B.5.j. to read as follows:

The following standards shall apply in the design of a proposed Recreational Vehicle Campground or a proposed Manufactured Home Park, provided said site has received appropriate approval in conformance with the Zoning Regulations of Junction City.

(1) The tract to be used as a recreational vehicle campground shall not be less than one (1) acre in area. Under no circumstances shall a mobile home or a manufactured home be parked in a recreational vehicle campground, except as provided by a Special Event Permit approved in conformance with the City Code of Junction City.

(b) Streets. All internal streets shall be asphalt or concrete surface and shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks, holes and other hazards by the Manufactured Home Park management. All internal streets shall be owned and maintained by the responsible party of the Manufactured Home Park.

- (i) Storm Shelter. A common storm shelter capable of providing adequate shelter from severe weather for all Manufactured Home Park residents shall be provided in each Manufactured Home Park constructed new, or altered or expanded after November 3, 1988 which results in new or additional manufactured home lots. Said storm shelter shall meet the following design requirements:
 - (I) Have a minimum floor area of ten (10) square feet for each manufactured home lot in said Manufactured Home Park.
 - (II) Be designed by a structural engineer or architect licensed by the State of Kansas and built in accordance with plans sealed by said structural engineer or architect and constructed to meet the following standards:
 - (A) Reinforced concrete walls able to withstand a horizontal wind load of three hundred (300) mph.
 - (B) Venting area in square feet equal to .0006 times the volume of the building in cubic feet.
 - (C) Illumination of not less than one (1) foot-candle at floor level supplied by the premises wiring system with an emergency system supplied from storage batteries or an on-site generator in the event of electrical service outage.
 - (D) Exit to comply with the currently adopted edition of the International Building Code and ADA requirements.
 - (III) Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements and guidelines if the shelter is located in a flood plain.
 - (IV) Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the City of Junction City's currently adopted editions of the International Building Code, International Mechanical Code and National Electrical Code where applicable.
 - (V) Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
 - (VI) Be located no farther than six hundred (600) linear feet from the furthest manufactured home lot in the Manufactured Home Park.
- (j) Storage Lot. All Manufactured Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, motor vehicles, snowmobiles, and other equipment for seasonal or periodic use to be noncommercially operated and for the exclusive use of residents of the Manufactured Home Park. Such items listed above shall not be stored upon a manufactured home lot nor upon the streets within a Manufactured Home Park. All storage lots shall be screened from external view to the standards listed in Section 585.210(B)(5)(g) above. This provision shall not apply to Manufactured Home Parks existing as of November 1, 2012, but shall apply to any alteration or expansion of existing Parks or establishment of a new Park.

Section 18. Section 585.240, REGISTER, is hereby amended by deleting the first paragraph and adding a new first paragraph to read as follows:

It shall be the duty of the person operating each camp or park to keep a register containing a record of all responsible parties, owners of manufactured homes or recreational vehicles and tenants located within each camp or park. The register shall contain the name and address of each occupant; the make, model, year and manufacturer of each recreational vehicle or manufactured home; and the dates of arrival and departure of each recreational vehicle and manufactured home, including the name of the contractors responsible for connections to the utilities. The person operating each camp or park shall keep the register available for inspection at all reasonable hours by law enforcement officers, assessors, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

Section 19. Section 585.260, MANUFACTURED HOME GROUND ANCHORS, is hereby amended by deleting the first paragraph and adding a new first paragraph to read as follows:

Every new or relocated manufactured home installed after the effective date of this code shall be anchored in accordance with the manufacturer's printed instructions complying with the National Manufactured Home Construction and Safety Standards Act and any regulations promulgated there under. It shall be the responsibility of the responsible party or licensed manufactured home installer to demonstrate compliance with this anchoring requirement. In the event the responsible party or licensed manufactured home installer is unable to do so, the manufactured home shall be anchored in the following manner:

Section 20. Section 585.270, APPEALS, is hereby amended by renaming the Section, deleting the existing paragraph and adding new language to read as follows:

Section 585.270 **NOTICE OF VIOLATION, HEARINGS AND APPEALS**

A. Notice of Violations. Whenever the Inspection Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article except Section 585.080, Section 585.090, and Section 585.170, the Inspection Officer shall give notice of such alleged violation to the responsible party/person to whom the permit or license was issued or their named managing agent as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow a reasonable time not to exceed thirty (30) days for the performance of any act it requires;
4. Be served upon the responsible party, or an agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such responsible party or agent when a copy thereof has been sent by registered mail to the license application address or when the responsible party or agent has been served with such notice by any method authorized or required by the laws of the State, to include personal service by an employee of the City; and,
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and all other applicable ordinances, rules and regulations of the City.

Notice shall not be required to be given for alleged violations of the licensing requirements of this Chapter.

- B. Hearings and Appeals. The responsible party or agent affected by any notice which has been issued in connection with the enforcement of any provision of this Article may appeal the decision of the Inspection Officer by requesting a hearing on the matter before the Governing Body of the City of Junction City; provided that such person shall file a written request in the office of the City Clerk within ten (10) days after the notice was served, asking for a hearing and setting forth a brief statement of the grounds therefore. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension of the timeline directed there under. Upon receipt of such written request, the Governing Body shall set a time and place for such hearing within thirty (30) days and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. After the hearing provided in Section 585.270(B) above, the Governing Body shall make findings as to compliance with the provisions of this Chapter and shall issue an order in writing sustaining, modifying or withdrawing the notice of the Inspection Officer, which shall be served to the responsible party or agent following the same provisions outlined in Section 585.270(A) above.
- C. Upon failure to comply with any Notice of Violation issued by the Inspection Officer or any order of the Governing Body sustaining or modifying a notice, the license or permit of the Manufactured Home Park affected by the notice or order shall be revoked and the construction or operation of the Manufactured Home Park shall be terminated on the terms and conditions then specified by the Inspection Officer as the case may be. Whenever the Inspection Officer finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but may submit a written request for an Appeal Hearing before the Governing Body in the manner provided for in Section 585.270(B) above.

Section 21. New Section 585.290 is hereby added to read as follows:

Section 585.290 **LICENSE – REVOCATION**

- A. The City Commission, upon five (5) days written notice to the licensee, shall have the authority to revoke a Manufactured Home Park or Recreational Vehicle Campground license for one or more of the following reasons:
1. The making of a false statement as to a material matter in an application for a license or license renewal;
 2. Violation of any of the provisions of this Chapter by the licensee, operator or any employee of the licensee.

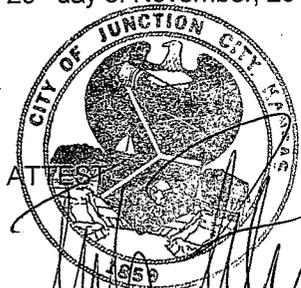
In case of the revocation of a license of any licensee, no new license shall be issued to such person or to any other person acting for or on such person's behalf for a period of eighteen (18) months after the revocation becomes effective.

- B. The order of revocation shall set forth the time period allowed for the licensee to cease park operations. Notice of the revocation shall also be served by the Inspection Officer to each occupant of the Manufactured Home Park and/or Recreational Vehicle Campground by regular mail, hand delivery or posting the order on the manufactured homes, mobile homes and/or recreational vehicles with said Park or Campground.

- C. Within thirty (30) days after the order revoking any license, the licensee may appeal from such order to the District Court of the county in the manner provided by law; provided, that any appeal taken from an order revoking such license shall suspend the order or revocation during the pendency of such appeal.

Section 22. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Junction City, Kansas, this 20th day of November, 2012.



Tyler Ficken, City Clerk

James Sands, Vice-Mayor