

An Ordinance defining and regulating mobile home parks; establishing minimum standards governing the construction of mobile home parks; establishing minimum standards governing the provided utilities and facilities and other physical things and conditions of making mobile home parks safe, sanitary, and fit for human habitation; fixing the responsibilities and duties of owners and operators of mobile home parks; and fixing penalties for violations.

Be it ordained by the Board of County Commissioners of Kosciusko County' Indiana:

Article 1 – Definitions

Accessory Structure

A building subordinate to and attached to a mobile home, smaller than a principle building or mobile home, that contributes to the comfort, convenience, or necessity of the occupants of the principle building or mobile home.

Board of Appeals

The County Advisory Board of Zoning Appeals.

Manufactured Home

A dwelling designed and built in a factory in compliance with I.C. 36-7-4-1106, as amended, which was constructed after January 1, 1981, exceeds nine hundred fifty (950) square feet of occupied floor space or which is built in compliance with all State specifications as amended.

Mobile Home

Any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self propelled or not self propelled means, which is designed, constructed, or reconstructed, or added to by means of an enclosed addition or room in such a manner as will permit permanent occupancy thereof as a dwelling for one or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks, skirting, or other temporary supports, and which is not a manufactured home as defined in this section.

Mobile Home Lot

A parcel of land designed for occupancy by a single mobile home, also termed a “mobile home space”.

Mobile Home Park

An area of land upon which two (2) or more mobile homes are harbored either free of charge or for revenue purposes, and shall include any structure, building, tent, vehicle, or enclosure used or intended for use as a part of the facilities of that mobile home park.

Mobile Home Stand

That part of an individual lot which has been reserved for placement of the mobile home, appurtenant structures or additions.

Ordinance

This Code section shall be cited, known and referred to as the County Mobile Home Park Ordinance.

Ordinance Administrator

The legally designated County Area Planning and Zoning Ordinance Administrator.

Permit

A written authorization issued by the Ordinance Administrator permitting the owner to construct or alter a mobile home park under this Ordinance and the regulations promulgated under it.

Person

An individual, firm partnership, corporation, company, association, joint stock association, or body politic, including a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Service Building

A building manager's office, laundry facilities, maintenance equipment, toilet facilities for employees, and emergency sanitary facilities.

Article 2 – Minimum Regulations

Each park to be constructed under the provisions of this Ordinance shall adhere to the minimum regulations as are required by IC 13-1-7-1 to 13-1-7-36, the State Board of Health regulations governing mobile home parks, and the terms and provisions of this Ordinance.

Article 3 – Permit to Construction

No person shall construct or alter a mobile home park without first obtaining a permit for it. Each permit to construct and each permit to make alterations shall be prominently displayed in the office of the mobile home park for which it is issued or on the premises in a prominent location.

Article 4 – Application for Permit

In order to obtain a permit to construct a new mobile home park, or an alteration to an existing mobile home park, the applicant shall file with the Ordinance Administrator a written application setting forth the following:

- 4.1 The full name and address of the owner or owners of the park.
- 4.2 The location and legal description of the tract of land certified on a plat of a survey made by a Registered Land Surveyor licensed in this State and drawn to a scale of not less than one (1) inch = one hundred (100) feet.
- 4.3 The plat plans of the park drawn on a scale of not less than one (1) inch = one hundred (100) feet, plans and specifications for new buildings and facilities for water supply, garbage, sewage or waste disposal, community facilities, streets, parks, playgrounds or recreational areas, all in compliance with this Ordinance and in compliance with IC 13-1-7-1 to 13-1-7-36. If deemed necessary, the Plan Commission may request information on existing park facilities if they affect the proposed park addition or alteration.

The plat plan shall contain, among other things, the following:

- 4.31 The date on which the plat plan was prepared.
 - 4.32 An arrow indicating North.
 - 4.33 All mobile home lots shall be properly numbered on the plat plan.
- 4.4 The application shall append to its plans and specifications making provisions for among others:
 - 4.4.1 Discharge of waste, sewage, effluents, and storm water runoff.
 - 4.4.2 Elevations of highs and lows to show the general topography of the proposed mobile home park, with those elevations based on Mean Sea Level Datum as established by the U.S. Coast and Geodetic Survey; and
 - 4.4.3 Grades of streets and any ditches in the proposed mobile home parks.
 - 4.5 A statement of fire fighting facilities, public or private, which are available to the proposed mobile home park.
 - 4.6 An affidavit of the applicant as to the truth of the matters contained in the application shall be attached to it. Each application for a permit to construct shall be accompanied by an application fee in the amount of One hundred and fifty dollars (\$150) plus one hundred dollars (\$100) for each mobile home space to be established within the park. Each application fee shall be paid by certified check or money order made payable to the County Treasurer and shall be delivered to the County Treasurer for deposit in the County General Fund.

Article 5 – Issuing of Permits

- 5.1 The ordinance Administrator shall issue a permit to construct or alter the proposed mobile home park following approval of the application by the County Area Plan Commission, and approval by the State Board of Health.
- 5.2 If a permit to construct a mobile home park is issued, the applicant shall, upon completion of it, notify the Ordinance Administrator, the Ordinance Administrator shall then inspect the park and if completed in accordance with the accepted application, the Ordinance Administrator shall issue a Certificate of Occupancy. No mobile home units shall be placed in the park until a Certificate of Occupancy has been issued. If the entire project is not completed at the time of the request for a Certificate of Occupancy is made, the Ordinance Administrator may issue a Certificate of Occupancy for the completed blocks of mobile home lots consisting of not less than five (5) mobile home lots or ten (10) percent of the total lots proposed, whichever is greater, additional Certificates of Occupancy shall be issued only for blocks contiguous to the original block. If the Ordinance Administrator refuses to issue a Certificate of Occupancy, he or she shall furnish a written statement stating the reasons for the refusal.
- 5.3 No change in any sanitary facilities methods of water supply, sewers, drainage, garbage or waste disposal, and no change in the plat plan shall be made without first making a written application to the Ordinance Administrator and receiving a permit to do so. The application shall be made in the way and manner as set forth in this Ordinance. No application fee shall accompany an application for a permit to alter a park it that alteration involves only a reduction in the number of mobile home spaces to a number less than that park is currently permitting. All changes shall comply with all applicable safety, sanitary, and building codes, rules and regulations.
- 5.4 A permit to construct does not relieve the applicant from securing any other permit or from complying with any other County Ordinances or any State law.

Article 6 – Environmental – Open Space – Access Requirements

- 6.1 The tract of land proposed for a mobile home park, if less than five (5) acres, shall be approved by the County Advisory Board of Zoning Appeals.
- 6.2 Soil and Ground Requirements
 - 6.2.1 Exposed ground surfaces in all parts of every park shall be paved or covered with stone screening or other solid materials or protected with vegetation that is capable of preventing soil erosion and the emanation of dust during dry weather.
 - 6.2.2 Where the topography has a slope of twenty-five (25) percent or more, a rip wall, cribbing, or other approved system of soil and slope stabilization shall be installed and maintained.
- 6.3 Physical Hazards in Parks
 - 6.3.1 Adequate protective barriers shall be provided and maintained where there is a slope in excess of forty-five (45) degrees and a change in elevation of six (6) feet. Those barriers may include, but are not limited to, continuous shrubs or fences.
 - 6.3.2 Swimming pools shall be screened, fenced or secured when not in active use to prevent injury. Fencing or other artificial enclosure shall completely enclose the pool area.
 - 6.3.3 Swimming pools shall be constructed and maintained in accordance with the requirements of the State Board of Health.
- 6.4 Non-Residential Uses
 - 6.4.1 No part of any park shall be used for non-residential purposes, except those uses required for direct servicing and well-being of the park residents and for the management and maintenance of the park, provided that coin-operated machines for the exclusive use of the park residents shall be permitted and deemed not to be in violation of the restrictions of this Ordinance. Nothing contained in this section shall be deemed to prohibit the sale of a privately owned mobile home situated on a stand and connected to pertinent utilities within a park if that home and park were in existence on March 1, 1975.
- 6.5 Required Separation between Mobile Homes
 - 6.5.1 Mobile homes shall be separated from each other and from other buildings and structures by a distance of at least twenty (20) feet. Every mobile home lot shall contain a minimum of five thousand (5000) square feet, and have a minimum lot width of fifty (50) feet.
 - 6.5.2 An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, attached to a mobile home, has an opaque top or roof that is higher than adjacent window sills of that mobile home, shall for purposes of this separation requirement be considered to be part of the mobile home. Roofed over patios, carports, and individual storage facilities

shall be included as part of the mobile home in determining separation between mobile homes.

6.6 Required setbacks, buffer strips, and screening in mobile home parks

6.6.1 All mobile home, if fronting upon a public road or street, and access to that mobile home lot is direct from that public road or street, shall be located at least fifty (50) feet from the right-of-way line of that public road or street, and at least ten (10) feet from any other park boundary. No individual mobile home, including any accessory structures, shall be placed less than fifteen (15) feet from the right-of-way of any park street, common parking area, or any other common area accessible to park residents.

6.6.2 All mobile home parks shall provide a buffer strip at least five (5) feet wide along all or part of the property lines. Where effective visual barriers do not already exist along that property line, buffer strip may be furnished with screening at least six (6) feet high and consisting of fences, free-standing walls or natural hedges, evergreens, or other suitable planting sufficient to serve as an effective visual screen. Fences or walls shall not contain electric charges, barbed wire, broken glass, or other material designed to do bodily harm.

6.7 Required recreation areas in mobile home parks

6.7.1 In all parks accommodating or designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of these recreation areas shall be based upon a minimum of two hundred fifty (250) square feet for each space that is designed to accommodate a mobile home. A minimum of one-half (1/2) acre shall be set aside for recreation area. Recreation areas shall be free to traffic hazards and should, where topography permits, be centrally located.

6.8 Street construction and design standards

6.8.1 Street Widths: All multi-lane streets having on-street parking shall have a minimum width of thirty-two (32) feet. All multi-lane streets with no parking permitted shall have a minimum width of twenty-five (25) feet. One way streets with no parking shall have a minimum width of fifteen (15) feet.

6.8.2 Pavement Design: All entrance roads which exceed twenty-five (25) feet in width shall have the standard County cross-section. All streets must be hard surfaced regardless of width.

6.8.3 Intersections: Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty (150) feet shall be maintained between centerlines of off-set intersecting streets. Intersections of two (2) or more streets at one point shall be avoided.

- 6.8.4 Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight (8) percent. Short runs with a maximum grade of twelve (12) percent may be permitted, provided traffic safety is assured by the appropriate paving, adequate leveling areas and avoidance of lateral curves.
- 6.8.5 Temporary Street Approval: The Ordinance Administrator may, upon written request from the developer, permit a temporary gravel street, covered with an approved dust sealer for a period of six (6) months from the date of the waiver. An additional six (6) months extension may be granted if the Plan Commission deems it necessary. If the developer, owner, or leasee fails to install the streets after that six (6) month deadline and after any extension, he or she be deemed to have committed a violation of this Ordinance.
- 6.8.6 All streets within any mobile home park shall remain private. The owners of each mobile home park shall remain responsible for the maintenance of all streets within that park.

6.9 Parking Requirements

- 6.9.1 At least two (2) parking spaces shall be provided for each mobile home lot. Parking bays shall provide convenient access to mobile home spaces. On-street parking may be utilized in meeting this requirement.
- 6.9.2 The following minimum standards for parking spaces shall be used: The minimum size per parking space is nine (9) feet wide by twenty (20) feet in length. The following standards will apply to angle parking:

Parking Angle	Curb Length	Minimum Bay Depth	Minimum Backing Depth *
90 degrees	9'	18'	26'
60 degrees	12.5'	17'	20'
45 degrees	12.7'	16'	19'

- Measured perpendicular to the curb

6.10 Pedestrian Access

- 6.10.1 All parks shall provide safe, convient pedestrian access between individual mobile homes, the park street system, and all community facilities provided for park residents and all required open areas, by adequate pedestrian ways.

6.11 Required illumination of Park Street System

- 6.11.1 All parks shall be furnished with sufficient electrical systems and lighting units at the owner's expense, so spaced and equipped with luminaries placed at mounting heights which will provide adequate levels of illumination for the safe

movement of pedestrians and vehicles during the hours of darkness.

6.12 Existing Mobile Home Parks

6.12.1 Any mobile home park which existed on March 1, 1975 shall be regarded as a conforming use and may be continued, except that any change in layout, expansion or extension shall be subject to all provisions of this Ordinance, and the rules and regulations promulgated by the State and County Boards of Health.

Article 7 – Water Supply

7.1 General Requirements

7.1.1 Every park shall have a water supply capable of providing a sufficient supply of portable water under adequate pressure to water supply facilities for mobile homes, service buildings, drinking fountains, and other accessory facilities, as required for the well-being of park residents and for park maintenance. These systems shall be designed, constructed, and maintained in accordance with the rules and regulations promulgated by the State and County Boards of Health.

Article 8 – Sewage Disposal

8.1 Sewage System and Connections

- 8.1.1 All sewage and other water carried wastes shall be disposed of into an adequate sewage system. All sewage systems shall be constructed in conformity with all applicable State laws, rules, and regulations and with County Code section 16-1-3-13 and any other applicable County ordinance, rules, or regulations.
- 8.1.2 Each mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of that mobile home park to provide an approved type of water-tight and odor-tight connection, and it shall be the duty of that owner or operator to make that connection and keep all occupied mobile homes connected to that sewer system while located in a mobile home park. Sewer connections in unoccupied mobile home sites shall not emit odors or be a breeding place for insects. No waste shall be allowed to fall on the ground from a mobile home.

Article 9 – Electrical Distribution System

9.1 General Requirements

9.1.1 Every park shall contain an electrical wiring system consisting of approved wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the applicable codes and regulations governing those systems. All parts of the park electrical distribution system shall conform with approved standards for safety to life and property and with accepted engineering practices. Electrical wires may be underground.

Article 10 – Fuel Supply and Storage

- 10.1 Natural Gas System: Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and all applicable ordinances, rules, and regulations.
- 10.2 Fuel Oil Systems: All fuel systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with all applicable ordinances, rules and regulations. Fuel oil systems underground shall be located at a minimum of ten (10) feet horizontally from waterlines and at necessary crossings shall be placed in substantial pipe sleeves extending ten (10) feet each side of a water pipe.

Article 11 – Alterations – Additions – Occupancy

11.1 General Requirements

11.1.1 All building, plumbing, heating, air-conditioning, and electrical alterations and repairs in mobile home parks and individual mobile homes, shall be a made in accordance with applicable State laws, rules, or regulations and County ordinances and codes.

11.2 Permanent Additions

11.2.1 No permanent additions involving footings, foundations, or other structural changes in or to a mobile home or mobile home stand shall be built onto or become a part of any mobile home or mobile home stand unless a building permit for it has first been secured. Nothing contained in this Section shall prohibit the installation of awnings or temporary seasonal structures not requiring a permanent structural modification of a mobile home or mobile home stand.

11.3 Occupancy of Mobile Homes

11.3.1 Occupancy of the mobile home shall be limited to design capacity of the mobile home.

Article 12 – Temporary Use

12.1 Temporary Occupancy

12.1.1 Nothing in this Ordinance shall be constructed to include any State Park. The term “Mobile Home Park” shall not be constructed to include buildings, tents, or other structures maintained by individuals or a company on their premises and used exclusively to temporarily house their own farm labor. The term does not include any military establishment of the United States or of this State; nor any park or State or County Fairgrounds for a period during, immediately prior to and immediately subsequent to the holding of the fair, not to exceed two (2) weeks in all. Neither should it include the area or premises on any farm upon which is harbored mobile homes occupied by persons employed upon those farms for not more than ninety (90) days in any calendar year in the production, harvesting, or processing of agricultural or horticultural products produced on those farms. Sanitary facilities for any and all of the above type installations shall be subject to the approval of the County Board of Health.

12.1.2 Nothing in this Ordinance shall be deemed nor constructed to apply to the establishment or continuance of any recreational park or campground wherein campers, travel campers, or other occupied mobile recreational units may be harbored or kept so long as the occupancy of it is restricted to non-continuous recreational purposes only.

Article 13 – Inspections

13.1 The Ordinance Administrator shall enforce the provisions of this ordinance and shall inspect, at least once a year, each mobile home park and all its accommodations and facilities. The Ordinance Administrator is hereby granted the power and authority to enter upon the premises of any mobile home park at any reasonable time to enforce this ordinance. He or she is further empowered to certify to the State Board of Health or any licensing agency, the fact that a park is being constructed, or that any operator is in violation of this Ordinance.

Article 14 – Hearing

14.1 Any person refused a permit to construct or alter a mobile home park shall have the right to a hearing before the County Advisory Board of Zoning Appeals, which shall have full power to conduct any hearings, issue subpoenas, administer oath and affirmations, and all other powers necessary to those hearings.

14.1.1 All hearings before the Board of Zoning Appeals shall be open to the public.

14.1.2 The Board of Zoning Appeals shall keep minutes of the proceedings, showing its determination and shall also keep record of its official actions.

14.1.3 In the performance of its duties under the provisions of this Ordinance, the Board of Zoning Appeals may incur such expenditures as shall be authorized by the County.

Article 15 – Penalties

- 15.1 An person who violates and provision of this Ordinance, or any provision of any regulation adopted by the Ordinance Administrator pursuant to authority granted by this Ordinance shall, upon conviction; be deemed guilty of an ordinance violation and subject to a fine of not less that twenty (200 dollars nor more that three hundred (300) dollars for each violation. Each day a violation occurs or continues constitutes a separate and distinct ordinance violation.

Article 16 – Conflict and Effect

16.1 This Ordinance shall not be construed to repeal or replace the County Zoning Ordinance but shall be deemed an addition to the requirements contained in that Ordinance.