

**ORDINANCE NO. 2007-16**

**TOWN OF HIGHFILL, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE AMENDING ORDINANCE NO. 99-4 ESTABLISHING REQUIREMENTS FOR THE PLACEMENT, REGISTRATION AND REGULATION OF MOBILE HOMES AND MANUFACTURED HOMES WITHIN THE TOWN OF HIGHFILL, ARKANSAS; CREATING PROCEDURES THEREFOR; PROVIDING FOR ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATION THEREOF; FOR ESTABLISHING MOBILE HOME DEVELOPMENTS; CREATING PROCEDURES THEREFOR; AND FOR OTHER PURPOSES.**

**WHEREAS**, on October 14, 1999, the Town Council of the Town of Highfill adopted Ordinance No. 99-4 governing the placement of mobile homes within the Town's boundaries and establishing regulations relating to the placement, registration and regulation of the mobile homes; and

**WHEREAS**, since that time, the State of Arkansas' Eighty-fourth General Assembly, in regular session in 2003, enacted Act 624 of 2003 titled the "Affordable Housing Accessibility Act," that dealt with construction and installation standards, as well as municipal regulation of manufactured homes; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the citizens of the Town of Highfill to amend Ordinance No. 99-4, in its entirety, as set forth herein, in order to facilitate the Town's regulation of the placement and registration of mobile homes, and in order to comply with the Affordable Housing Accessibility Act.

**NOW THEREFORE, BE IT ENACTED**, by the Town Council of the Town of Highfill, as follows:

Ordinance No. 99-4 is hereby amended, in its entirety, to read as follows:

**Section 1. Definitions.** For purposes of this Ordinance, the following words or phrases shall mean:

Dependent Structure: A mobile home which does not have a flush toilet and a bath or shower. No dependent mobile home may be set or remain set within the Town of Highfill after the passage of this Ordinance.

Federal Standards: The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the Authority of 42 U.S.C. §5401, et seq., as it existed on January 1, 1976.

Independent Structure: A mobile home or manufactured home which has a flush toilet and a bath or shower.

Manufactured Home: A manufactured relocatable dwelling unit, specifically meaning a non-self propelled vehicle or similar portable structure used or so constructed as to permit its being transported in one or more sections upon the public streets or highways and duly licensable as such, and designed to be used, with or without a permanent foundation, as a dwelling or for sleeping purposes, constructed in a factory in accordance with the federal standards and meeting the definitions as set forth in the federal standards and under Arkansas Code Annotated §20-25-102.

Mobile Home: A manufactured relocatable dwelling unit, specifically meaning a non-self propelled vehicle or similar portable structure used or so constructed as to permit its being transported in one or more sections upon the public streets or highways and duly licensable as such, and designed to be used, with or without a permanent foundation, as a dwelling or for sleeping purposes, constructed in a factory before the enactment of the federal standards.

Mobile Home Development: A contiguous parcel of land which has been planned and improved for the placement of mobile homes or manufactured homes, and which has been zoned and approved by the Town of Highfill, Arkansas, for said purpose.

Placed or Set: Situated upon a foundation, tied down or connected by any means to any utility service or occupied as living or sleeping quarters by one or more persons.

**Section 2. Restrictions.** From and after the passage of this Ordinance, it shall be unlawful for any mobile home or manufactured home to be placed or set in any area or upon any lot or property in the Town of Highfill, other than as set forth herein:

(a) Mobile Home Development. Mobile homes or manufactured may be placed or set in a mobile home development specifically zoned for said purpose by the Town of Highfill, Arkansas, in compliance with this Ordinance; and

(b) Individual Structures. A single mobile home or manufactured home may be placed outside of a mobile home development, in compliance with the Town's zoning requirements and this Ordinance.

**Section 3. Preexisting Homes.** All mobile homes or manufactured homes set within the Town's corporate limits as of the date

of the passage of this Ordinance shall be considered legally and properly permitted; however, they shall be subject to the inspection and code compliance provisions of this Ordinance. In the event that (a) there is any change in ownership of an existing mobile home or manufactured home or any lot, tract or parcel of land where a mobile or manufactured home is located, (b) any expansions or additions are made to existing mobile homes or manufactured homes referred to in this Section, or (c) any such mobile homes or manufactured homes are relocated for any reason, then they shall become immediately subject to all of the requirements of this Ordinance.

#### **Section 4. Registration.**

(a) Any owner of a mobile home or manufactured home wishing to set a mobile home or manufactured home in the corporate limits of the Town of Highfill, Arkansas, from and after the date of passage of this Ordinance, shall comply with all provisions of this Ordinance, and shall be required to register said mobile home or manufactured home with the Town Recorder, submit the mobile home or manufactured home to inspection by the Building Inspector, obtain the approval of the Building Inspector, and receive a permit decal issued by the Town Recorder, before said mobile home or manufactured home is located upon any property in the Town of Highfill, Arkansas, or connected to any utility service.

(b) Each owner of a mobile home or manufactured home set in the corporate limits of Highfill, Arkansas, as of the date of passage of this Ordinance, may submit a registration form for his or her mobile home or manufactured home to the Town Recorder of the Town of Highfill and the Town Recorder shall issue a permit decal for the mobile home or manufactured home at no cost or fee to the owner.

**Section 5. Information.** Each registration form submitted under this Ordinance shall include such information as required by the Highfill Planning Commission, which shall include, at a minimum, the following information:

- (a) Serial number of mobile home or manufactured home;
- (b) Location of mobile home or manufactured home by legal description and street address;
- (c) Name and address of legal owner of mobile home or manufactured home; and

(d) Date of registration.

**Section 6. Requirements for Registration of Individual Structures.** In order to register a single mobile home or manufactured home to be located outside a mobile home development, the following requirements must be met:

(a) The mobile home or manufactured home must comply with all applicable federal standards, including, without limitation, those relating to the construction and safety of mobile homes or manufactured homes;

(b) The mobile home or manufactured home must be installed in accordance with all federal, state and local regulations and requirements, including all regulations promulgated by the Arkansas Manufactured Home Commission establishing uniform reasonable standards for the proper installation thereof, including, but not limited to, foundations, supports, anchoring and underpinning of mobile homes installed in this State;

(c) The mobile home or manufactured home must contain approved plumbing, utility, water and sanitary disposal connections which meet with all requirements of state law and federal standards.

(d) The mobile home or manufactured home must meet all state standards for installation as set forth under Arkansas Code Annotated §20-25-106;

(e) The mobile home or manufactured home shall comply with the following setback requirements:

Setback from property line:	
Front	55 feet
Sides	30 feet
Rear	30 feet
Distance from any building	25 feet

“Front” shall be deemed to include all sides facing upon a public right-of-way; front setback shall be measured from right-of-way line;

(e) No more than one such mobile home or manufactured home shall be permitted on any one lot, tract or parcel of land which must also be owned by the owner of the mobile home or manufactured home;

(f) The minimum area requirements of any lot, tract or parcel of land where an individual mobile home or manufactured home will be located shall be as follows:

Minimum land area	87,120 square feet
Minimum land area per unit	87,120 square feet

Eighty-seven Thousand One Hundred Twenty (87,120) square feet is equivalent to two (2) acres; and

(g) The mobile home or manufactured home must meet all other requirements set out and established herein, including without limitation, all registration, inspection and code compliance requirements, as well as the requirements set out in Sections 7(c), 7(d), 7(e), 7(f), 7(g), 7(h), and 7(i).

**Section 7. Requirements for Registration of Mobile Homes or Manufactured Homes in Mobile Home Developments.** In order to register a mobile home or manufactured home to be located within a mobile home development within the corporate limits of the Town of Highfill, Arkansas, the following requirements must be met:

(a) Any mobile home or manufactured home permitted hereunder that is sited within a mobile home development shall comply with the following setback requirements:

Setback from property line of mobile home development:

Front	75 feet
Side	50 feet
Rear	50 feet

Distance from any building or structure on adjoining lots or spaces within the mobile home development: 25 feet

“Front” shall be deemed to include all sides facing upon a public right-of-way; front setback shall be measured from right-of-way line.

(b) Mobile homes or manufactured homes shall be placed on the spaces provided within a mobile home development so that there will be a minimum distance of 30 feet between mobile homes or manufactured homes, measured from the exterior wall of the original mobile home or manufactured home or exterior wall of any addition, garage, covered porch or deck if one is attached thereto. Only one (1) mobile home or manufactured home shall be parked or situated on each such space.

(c) Each mobile home or manufactured home shall have a UL approved 5-lb. A, B, C or dry powder fire extinguisher and smoke detector installed.

(d) All mobile homes or manufactured homes shall be equipped with modern utility connections and modern plumbing connected to individual septic tanks or Town sewage lines, if applicable, with water, under pressure, furnished to the inside of said mobile home or manufactured home.

(e) Every mobile home or manufactured home parked within the boundaries of the Town of Highfill shall be of metal or comparable construction and shall be maintained in a good condition and state of repair.

(f) No more than one family shall be permitted to reside in any mobile home or manufactured home situated within the boundaries of the Town of Highfill, Arkansas.

(g) No weeds or tall grass shall be permitted to exist around such mobile home or manufactured home.

(h) All mobile homes and manufactured homes must be permanently attached either (1) to a concrete foundation with acceptable skirting, or (2) with acceptable tie-downs and acceptable skirting. Acceptable skirting may consist of wood, fiberglass, metal or rock, but in no case shall it consist of any fibrous material consisting of fiber wood, sheetrock, etc. The installation shall also be in accordance with applicable federal and state laws and regulations.

(i) No mobile home or manufactured home shall be permitted which was built prior to 1975 or which has less than 720 square feet of heated living space, excluding porches, garages or carports.

**Section 8. Code Compliance.** Upon the submission of a registration form for any mobile home or manufactured home hereunder, the Building Inspector of the Town shall inspect the mobile home or manufactured home to determine its compliance with applicable state standards, the Town code requirements, and all federal standards, including without limitation, fire, electrical and plumbing codes. If the Building Inspector determines that the mobile home or manufactured home fails to comply, he shall give written notice to the owner of the mobile home or manufactured home of the deficiencies, which deficiencies shall be corrected not less than sixty (60) days from the date set forth in the notice. When compliance has been completed, the

Building Inspector shall re-inspect the premises to determine said compliance. If compliance has been made, the Building Inspector shall approve the registration form submitted.

**Section 9. Appeals.** If the owner of a mobile home or manufactured home has reason to believe that he is or will be unable to fully comply with the requirements of the Building Inspector within the legal time limits he may appeal for a hearing before the Planning Commission by notifying the Town Recorder within twenty (20) days of the date set forth on the notice and stating the reason for his or her appeal. The Planning Commission must hear the matter within thirty (30) days of the date the appeal request is received by the Town Recorder.

**Section 10. Commission Findings.** The Planning Commission may affirm, modify or reverse the decision of the Building Inspector. If the Planning Commission upholds the findings of the Building Inspector in whole or part, it shall require compliance within the original period of time required by the Building Inspector. Upon substantial compliance with said requirements, the Building Inspector shall approve the registration form submitted. The Town Recorder may then issue a permit decal.

If the Planning Commission does not agree with the Building Inspector's findings, it shall set requirements for compliance and establish such time as it may deem sufficient within which compliance shall be made, not to exceed 120 days. Upon full compliance with said requirements, the Building Inspector shall approve the registration form submitted. The Town Recorder may then issue a permit decal.

**Section 11. Expirations.** Any mobile home or manufactured home which fails to comply with the requirements of Section 4 through Section 10 hereof, after expiration of all time limitations and extensions applicable hereunder, shall be removed within ten (10) days of said expiration from the city limits of the Town of Highfill, Arkansas. Continued occupancy of said mobile home after date of expiration shall constitute a violation hereof by both the owner and/or the occupant. The Mayor is specifically authorized to terminate all utility services to said mobile home or manufactured home upon expiration of time limitations.

**Section 12. Inspections.** Each mobile home and manufactured home within the Town shall be subject to inspection for compliance with all Town code requirements as provided in Section 8 through Section 10, as well as applicable state and federal laws, in each of the following events:

(a) there is any change in ownership of an existing mobile home or manufactured home or any lot, tract or parcel of land where a mobile home or manufactured home is located;

(b) any expansions or additions are made to existing mobile homes or manufactured homes referred to in this Section;

(c) any such mobile homes or manufactured homes are relocated for any reason;

(d) on each reconnection of any utilities, regardless of the provider of said utilities;

(e) upon change of ownership or account responsibility with regard to any utilities;

(f) upon visual evidence of violation of any Town code requirements, or applicable state and federal laws and regulations; or

(g) for fire and other safety purposes if deemed appropriate by the Highfill Volunteer Fire Department

All mobile homes and manufactured homes within the corporate limits shall be inspected pursuant to the provisions of Section 8 in the year 1999 and at 5 year intervals thereafter; said inspections subject to provisions of Section 8 through Section 10.

**Section 13. Records.** The Town Recorder shall keep a record of all permit decals issued by the Town, said record to reflect the information contained in the permit registration and the date of issuance. Additionally, the Town Recorder shall keep a record of the physical location, inspection and registration and permit status of each mobile home or manufactured home in the Town of Highfill.

**Section 14. Decals.** Permit decals shall be 5" x 7" in size, green in color with white lettering which shall indicate in bold numbering the issuance date of the permit decal, and shall also identify the address location, serial number and specific issuance date of the mobile home or manufactured home. Each mobile home or manufactured home permit decal shall be sequentially numbered, said permit decal number to correspond to a registration card. Each permit decal shall be prominently displayed to the right of the main entry to each mobile home or manufactured home.

**Section 15. Prohibitions.** No permit decal shall be issued for any mobile home or manufactured home set outside any area zoned appropriately therefor after October 14, 1999, nor for any replacement mobile home or manufactured home, nor for any mobile home failing to meet all Town code requirements, or any applicable state and federal laws and regulations until said requirements have been complied with.

**Section 16. Unlawful to Remain.** It shall be unlawful for any mobile home or manufactured home to remain set upon any lot or property in the Town of Highfill after October 14, 1999, without a permit decal affixed, unless exempted by Sections 3 or 4, or by the Planning Commission under the provisions of Section 6, 7, or 8 of this Ordinance. The Mayor is specifically authorized to suspend all utility services thereto.

**Section 17. Unlawful Decals.** It shall be unlawful for any unauthorized person, to manufacture duplicate, counterfeit, display or affix any mobile home or manufactured home permit decal not specifically issued by and registered in the records of the Town of Highfill, Arkansas.

**Section 18. Penalties.** Any person violating any provision of this Ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine not in excess of \$500.00. Each day that such violation continues shall be deemed a separate offense.

**Section 19. Remedies.** Prosecution for said offenses shall not bar the Town from employing any additional civil remedies or procedures which may be necessary to enforce the provisions of this Ordinance.

**Section 20. Enforcement.** As stated in this Ordinance, the Town's Building Inspector, or if there be no such designated officer, the Mayor or his or her designated agent is hereby authorized and directed to make inspections pursuant to this Ordinance to determine compliance with applicable laws and regulations and condition of locations of mobile homes, manufactured homes or mobile home developments located within the Town in order that he may perform his duty of safeguarding the health, safety and welfare of occupants thereof and of the general public. He or she 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 Ordinance.

**Section 21. Mobile Home Developments.**

Requirements: All mobile home developments within the corporate limits of the Town of Highfill, Arkansas, shall be submitted to

the Planning Commission for approval as set forth herein, and must meet the following requirements:

(a) All such mobile home developments shall be subject to the provisions of the zoning ordinance of the Town and shall be at least five (5) square acres in area;

(b) All such mobile home developments shall have adequate roadways, which shall be constructed in accordance with Town street standards now or hereafter placed in effect.

(c) The areas designated for the location of the mobile homes or manufactured homes within a development shall be divided into spaces for single-wide mobile homes or manufactured homes, each of which shall contain a minimum of 7,500 square feet and shall have a width of at least 50 feet and a length of at least 150 feet.

(d) All electrical wiring and sewage facilities for the use of mobile homes shall be constructed underground.

(e) Every mobile home or manufactured home space shall be equipped with a sanitary garbage storage area, and no garbage shall be permitted to collect in said mobile home development.

(f) No weeds or tall grass shall be permitted to exist in any mobile home development or around such mobile home.

(g) All mobile homes and manufactured homes must meet the requirements of Section 7 and comply with all code enforcement and inspection provisions hereof.

Development and Approval Process: Any person or firm desiring to operate a mobile home development in the Town of Highfill, Arkansas, in addition to complying all of the requirements hereof relating thereto, as well as applicable provisions of the Subdivision Regulations of the Town of Highfill, Arkansas, shall first submit an application to the Town Planning Commission, which shall include such information as required by the Highfill Planning Commission, including, at a minimum, the following information:

- (a) A detailed survey and legal description of the proposed development;
- (b) Name and address of the legal owner of the land where the proposed development shall be located;
- (c) detailed plans for the proposed development;

- (d) the names, addresses and phone numbers of all landowners adjoining the land where the proposed development will be located; and
- (e) a non-refundable application fee of \$150.00.

Upon the receipt of the foregoing, the Planning Commission shall schedule a public hearing within thirty (30) days, and shall advertise notice of said public hearing by one insertion in a newspaper of general circulation in the Town of Highfill, Arkansas, at least seven (7) prior to such hearing. The applicant shall provide a written notice of the public hearing to all adjoining landowners and shall provide evidence thereof to the Town Recorder. The detailed plans shall include all information requested by the Planning Commission as deemed necessary to make an informed decision.

After such public hearing, the Planning Commission shall then decide whether the plans shall be approved, and in connection with such approval may impose additional requirements deemed necessary for the public health, safety and welfare and designed to insure orderly growth of the Town. Upon final approval, the Town Recorder shall issue to the person or firm desiring to operate such development a permit, to be renewed annually as provided herein, upon receipt of the annual fee to be paid by said person or firm in the amount of \$125.00. In the event that the Planning Commission fails to approve the plans, said person or firm may appeal the decision to the Town Council at its next regularly scheduled meeting. The Town Council shall then decide whether the plans shall be approved, and in connection with such approval may impose additional requirements deemed necessary for the public health, safety and welfare and designed to insure orderly growth of the Town.

**Section 22. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 23. Severability.** The Town Council of the Town of Highfill, Arkansas ascertains that the provisions of this Ordinance are separate and independent, and if any portion should be held invalid or unenforceable, all other provisions shall continue in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of September, 2007.

**APPROVED:**

\_\_\_\_\_  
Chris Holland, Mayor

**ATTEST:**

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Town Recorder-Treasurer

(SEAL)