

ORDINANCE NO. 2005-05

AN ORDINANCE OF THE CITY OF VADER, WASHINGTON, REPEALING ORDINANCE NO. 2003-07, DEFINING MANUFACTURED HOMES; ESTABLISHING REQUIREMENTS FOR MANUFACTURED HOMES; ESTABLISHING APPLICATION REQUIREMENTS; SETTING NONCONFORMING STATUS; PROVIDING FOR PENALTY; REPEALING ALL OTHER ORDINANCES; PROVIDING FOR INVALIDITY; ESTABLISHING AN EFFECTIVE DATE HEREOF:

**THE CITY COUNCIL OF THE CITY OF VADER, WASHINGTON DO
ORDAIN AS FOLLOWS:**

Section 1. Applicability

The location of manufactured homes on real property within the jurisdiction shall be subject to the conditions hereinafter set forth.

Section 2. Definitions

For the purpose of this chapter, the words set out in this section shall have the following meanings:

(1) "Anchoring system" means a system of straps, cables, turnbuckles or chains, which is used to secure a manufactured home to ground anchors, and which complies with standards of the U.S. Department of Housing and Urban Development for manufactured homes;

(2) "Manufactured home" means a moveable or portable single-family structure, designed for long-term occupancy, with or without a chassis, designed to be used as a dwelling with permanent foundation when connected with required utilities. The structure shall have a minimum width of seventeen (17) feet, as measured at all points perpendicular to the length of the manufactured home, and designed and built to comply with applicable Washington State Department of Labor and Industries Rules and Regulations for Manufactured Home and Commercial Coaches or U.S. Department of Housing and Urban Development (HUD) Certification. A manufactured home unit may have collapsing or telescoping parts that can be expended, or consist of two or separate transportable units joined at the site into a single structure.

(a) Manufactured homes shall have a manufacture date no earlier than three (3) years prior to application to the City of Vader and shall be in good condition and manufactured homes older than three (3) years must be new or not previously occupied.

(b) No manufactured home shall be allowed which is smaller than seven hundred twenty square feet (720), exclusive of tongue and expansos.

(3) "Nonconforming use" means a manufactured home that was legally placed and maintained upon a lot prior to the effective date of the ordinance:

(4) "Permanent foundation" means a foundation that is constructed of masonry or concrete, or of other properly engineered design and meets standards as provided by the State of Washington Building Codes RCW 19.27;

(5) "Permanently affixed" means a manufactured home which has the running gear and tow hitch removed, is equipped with permanent foundation, anchoring system and conforming to the ordinance and has permanently installed utility connections conforming to applicable uses;

(6) "U.S. Department of Housing and Urban Development (HUD) Standards" means the National Mobile Home Construction and Safety Standards Act of 1974, and rules and regulations of the State of Washington Department of Labor and Industries, adopted pursuant to regulations of said department, and information supplied by the manufacturer of a manufactured home, which has been stamped approved by the U.S. Department of Housing and Urban Development pursuant to regulations of said department.

Section 3. Permitted use

The establishment and use of a manufactured home as a permanent dwelling is a principal was permitted outright in all residential areas subjected to compliance with the sewer and other applicable ordinances of the City of Vader.

The following requirements must also be met in order to permit the establishment of a manufactured home in a residential area as a permitted use. Such home:

(1) Shall bear the applicable tag or seal of approval of the State of Washington or of the U.S. Department of Housing and Urban Development;

(2) Shall be permanently affixed;

(3) Shall meet the requirements specified for homes constructed on site for sewerage and water facilities;

(4) Shall be installed so that the frame shall be a minimum of sixteen (16) inches and a maximum of twenty-eight (28) inches from the foundation footing or base of the stem wall. The space between the wall of the home and the ground shall be fully enclosed with a permanent foundation which is compatible with the home and which provides ventilation and access conforming to the Uniform Building Code. This exterior material shall consist of concrete, masonry, exterior wood paneling or other suitable skirting material for the outer portion of a finished residence. This skirting material must be in place before occupancy.

(5) Shall be constructed with siding and roofing which is architecturally compatible with on-site constructed homes and maintained comparable with existing homes in the surrounding neighborhood;

(6) Shall have a poured concrete foundation or "footer" under each I-beam for the length of the home. Each footer shall be not less than five and one-half inches thick and two feet wide shall contain at least two pieces of three-eighths of an inch rebar per foot. All grass and organic material shall be removed and the footer evenly bedded and leveled on firm undisturbed soil. For purposes of this section "footer" is defined to be that portion of the support system that transmits loads directly to the soil;

(7) Tiedowns shall be installed according to manufacturer's specifications, and in the absence of such specifications, there shall be a minimum of three tiedowns per side of each section of the home. Such tiedowns shall be capable of resisting an allowable working load equal to or exceeding three thousand one hundred fifty pounds and shall be capable of withstanding a fifty percent overload (four thousand seven hundred twenty-five pounds total) without failure of either the ground anchor, footer anchor or the attachment point on the frame of the home;

(8) Each manufactured home shall have a set-back of not less than five (5) feet from the property line on each side, and not less than twenty (20) feet from the property line on the street upon which it is located;

(9) Each manufactured home shall be located on lots which shall measure not less than fifty (50) feet by one hundred twenty (120) feet;

(10) Each manufactured home shall have permanent steps affixed to each exit;

(11) Shall be assembled on site in compliance with U.S. Department of Housing and Urban Development approved instructions and applicable city ordinances;

(12) All work shall be completed within 180 days after the issuance of the building permit.

The above requirements (1) through (12) inclusive shall be inherent conditions of any such conditional use authorization and, in the event of the applicant's failure to so comply, such failure shall constitute sufficient grounds for revoking the conditional use authorization, provided, however, before any such revocation may occur, ten days' written notice by personal service or certified mail return receipts requested shall be given by the building inspector to the applicant and, in the event of mailing same, shall be directed to the address shown on the application for such conditional use. This notice shall allow the applicant to correct the failure within the ten-day period and, upon the applicant's failure so to do, the conditional use and any building permit issued relative thereto shall be deemed immediately revoked without further action by the city.

For purposes of fulfilling the intent and purpose of this chapter, the city utilities superintendent and the county building inspector shall be allowed access to all reasonable times and places for necessary inspections.

Section 4. Accessory structures

Accessory structures shall be constructed in compliance with the standards specified by the Uniform Building Code.

If attached structurally to the home, such structures shall also conform to the State of Washington Department of Labor and Industries.

Section 5. Permits-Applications-Requirements

Prior to the location, establishment, or occupancy of any manufactured home, or the erection of any accessory structure, the owner or authorized representative shall secure any and all permits required.

Applications for such a permit will be made on pre-approval forms adopted by the city council and obtained from the office of the city clerk/treasurer.

Such forms will then be taken to the Lewis County Building Inspector for final approval and fee requirements.

Applicants shall be required

- (1) Provide plot plans as required;
- (2) Have approval for any city provided utilities and pre-pay for any services required, as set forth in the City of Vader water and sewer ordinances;
- (3) Submit to an on-site inspection by the city utilities superintendent and the county building inspector.

Section 6. Nonconforming status

A manufactured home which was placed and maintained upon a lot prior to the adoption of the ordinance or annexed by the city shall be a legal nonconforming use upon proof to the city that the manufactured home legally was placed and maintained upon such lot prior to the adoption of the ordinance.

Section 7. Violation-Penalty

Violations for failure to comply with any of the provision of this chapter are declared to be misdemeanors and convictions therefor shall subject the offender to a fine not to exceed five hundred dollars or imprisonment in the county jail for not to exceed thirty days, or to both such fine and imprisonment. The ordinance may also be enforced through civil proceedings, including, but not limited to, injunctive relief in the Lewis County District Court.

Section 8. Repeal

All Ordinances that are in conflict with this Ordinance are hereby repealed.

Section 9. Validity

The invalidity or unconstitutionality of any provision or portion of this Ordinance shall not render any other provision or section of this Ordinance invalid or unconstitutional.

Section 10. Effective date

This Ordinance shall be in full force and effect five days from and after its passage, approval and posting as provide by law upon publication in the City's official newspaper.

ADOPTED by the City Council of the City of Vader, Washington and **APPROVED** by its Mayor, at a special open public meeting thereof this 17th day of August 2005.