**ORDINANCE NO. 1807**

 **AN ORDINANCE AMENDING THE LA HARPE CITY CODE BY ENACTING A NEW CHAPTER IV, ARTICLE 9 RELATING TO THE PLACEMENT OF FACTORY-BUILT HOMES WITHIN THE CITY OF LAHARPE, KANSAS, AND REPEALING ORDINANCE 1754.**

 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAHARPE, KANSAS:**

**Section 1: Chapter IV of the LaHarpe City Code is hereby amended by adding a new Article 9 to read as follows:**

**Article 9. FACTORY-BUILT HOMES**

**9-101 Definitions:**

 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**(a) "Manufactured Home"** means a structure which is subject to the federal act and which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files with the United States department of housing and urban development a certification required by the secretary of housing and urban development and complies with the standards established under the federal act, except that such term shall not include any self-propelled recreational vehicle.

**(b) "Mobile Home**" means a structure which is not subject to the federal act and which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

**(c)"Modular Home"** means a structure which is: (1) Transportable in one or more sections; (2) designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and (3) certified by its manufacturer as being constructed in accordance with a nationally recognized building code.

**(d) "Factory-Built Home"** means a Factory-Built Home, mobile home, or modular home.

**9-102 Factory-Built Homes Authorized:**

**(a)** A Factory-Built Home that is less than ten (10) years old may be permitted for residential use within the LaHarpe City limits once the owner thereof has fully complied with the regulations set fourth in this section.

**(b)** A Factory-Built Home may be permitted temporarily upon application to the Governing Body for the purpose of serving as a construction office or for the temporary relief from a local disaster such as fire, wind, or flood damage. The temporary placement shall be limited to a period not to exceed 18 months. Additional time beyond the 18-month period may be granted by the Governing Body upon application and for good cause demonstrated.

**9-103 Factory-Built Home Regulations:**

**(a)** Factory-Built Homes shall comply with all rules and regulations applicable to other residential structures. Due to the special nature and construction of Factory-Built Homes, the following special rules shall also apply:

 **(1) Wheels.** All wheels shall be removed from any Factory-Built Home.

**(2) Foundations:**

 **(A) Pier Foundations.** Pier foundations installed directly under the main frame or chassis of a Mobile Home shall be 10 feet on centers or less. Each pier foundation shall consist of no less than a 24” X 24” inch square pad below finished grade. In the alternative, a design from a licensed structural engineer of a pier and pad system placed under the main frame or chassis of the Mobile Home in compliance with the manufacturers recommendations will be accepted.

 **(B) Stem Wall Foundations.** All Factory-Homesshall be set on a stem wall foundation constructed of concrete, concrete block, or brick.

**(3) Tie downs.** Approved tie downs shall be installed on any Factory-Built Home by tie downs and ground anchors that meet the manufacturer company’s recommendations. **All tie downs shall be completed within five (5) days of the Factory-Built Home being placed on the lot.**

.

**(4) Drainage and Lot Grade.** Factory-Built Homes shall be located on a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm water and other water.

**(5) Roof structure.** The roof structure of a Factory-Built Home shall provide an eave projection of no less than six (6) inches. The pitch of the roof must have a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof finished with a type of shingle or metal material that is commonly used in standard residential construction.

**(6) Exterior siding.** The exterior siding of a Factory-Built Home shall consist of predominately vinyl or metal lap siding (whose reflectivity does not exceed that of standard gloss white paint), cement, wood, or hardboard comparable in composition, appearance, and durability to exterior siding commonly used in standard residential construction.

**(7) House Numbering**. A Factory-Built Home shall have the street address number conspicuously affixed on the outside of the home and large enough to be seen from the street.

**(8) Utilities:**

**(A) Electric.** A Factory-Built Home shall have an electric disconnecting means approved by the National Electric Code located below the electric meter and a ground rod (approved by the National electric code) shall be installed. Primary electrical wiring must be copper.

**(B) Gas.** The gas line to a Factory-Built Home shall rise above the ground on the outside of the Factory-Built Home before entry through the pier foundation or stem wall.

**(C) Sewer.** Asewer vent shall be installed on the sewer line on the outside of the pier foundation or stem wall of any Factory-Built Home to allow for the escape of sewer gas.

**9-104 Building permits:** No Factory-Built Home shall be moved, relocated, replaced, or enlarged upon a lot within the City limits without first securing a building permit from the City Code Officer. No building permit shall issue until the applicant has done the following:

**(a) Fee.** Payment of the fee for Building Permits.

 **(b) Compliance with regulations.** Provided sufficient documentation or plans evidencing compliance with all applicable rules and regulations for the proposed structure, including site regulations, minimum setback and frontage requirements, utility hookups, etc.

**(c) Appeals**. Any person aggrieved by the granting or refusal of a building permit by the City Code Officer may request a hearing on the matter before the City Council by filing with the City Clerk within 10 days of the City Code Officer’s written decision a written appeal requesting such hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such written appeal, the City Clerk shall set a time and place of the hearing and shall give written notice thereof to the appellant and any other interested party. At such hearing the appellant and any appellees shall be given an opportunity to be heard and show cause why the relief requested in such appeal should or should not be granted. Appeals from a grant or refusal to grant a building permit for a Factory-Built Home shall be heard within 60 days of the date of filing of the written decision of the City Code Officer.

**Section 2.** The existing provisions of Ordinance 1754 are hereby repealed.

**Section 3.** This Ordinance shall take effect and be in force from and after its publication one time in the official city newspaper.

 **PASSED BY THE COUNCIL THIS 10TH DAY OF OCTOBER 2018.**

 **APPROVED BY THE MAYOR THIS 10TH DAY OF OCTOBER 2018.**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Ella Mae Crowell, Mayor**

ATTEST:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Michelle Altis, City Clerk**

PREPARED BY:

FREDERICK J. WORKS, PA

6 EAST JACKSON

Iola, Kansas 66749

(620) 363-0507