

MOBILE HOME ORDINANCE

CASTLE HILL MAINE



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AMENDED 05- -2007

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Section 1. Legal Status Provisions

1. Purposes.

The purposes of this ordinance are to:

- A. Protect the health, safety, and general welfare of the residents;
- B. Encourage the appropriate use of land throughout the Town;
- C. Promote traffic safety;
- D. Provide safety from fire and other elements;
- E. Provide adequate light and air;
- F. Prevent overcrowding of real estate;
- G. Prevent housing development in unsuitable areas;
- H. Provide an allotment of land area in new developments sufficient for all the requirements of community life;
- I. Conserve natural resources and Town character;
- J. Provide for adequate public services as an integral part of a Comprehensive Plan for community development;
- K. Protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and land from flooding and accelerated erosion;
- L. Conserve shore cover, natural beauty, open space, and visual access and points of access to inland waters;
- M. Prevent and control water pollution; and
- N. Assure new development meets the goals and confirms to the policies of the Comprehensive Plan.

2. Authority.

This Ordinance has been adapted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A § 3001 (Home Rule) and 4401 (Subdivisions); and the State's Growth Management Law MRSA Title 30-A § 4311.

3. Title.

This Ordinance shall be known and may be cited as the ***“Mobile Home Ordinance of the Town of Castle Hill”***

4. Applicability.

The provisions of this Ordinance shall govern the placement of all Mobile Homes and the land that they shall be placed upon.

5. Effective Date. 03-21-07

This ordinance shall take effect and be in force from the date of its adoption by the Town's legislative body.

6. Conflict with Other Laws.

Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted rule, regulation, ordinance, or resolution, the most restrictive or that imposing the higher standard shall govern.

7. Severability.

Should any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance, as a whole or in any part thereof, other than the part so declared to be unconstitutional or invalid.

8. Availability.

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during normal business hours. Copies shall be made available to the public at a reasonable cost at the expense of the person making the request.

9. Administration and Enforcement.

This Ordinance shall be administered by the Planning Board or the Code Enforcement Officer, as indicated within, and shall be enforced by the Code Enforcement Officer.

Section 2. Mobile Homes.

1. General Requirements.

- A. All mobile home units to be located within the Town from outside of the Town and any mobile home unit from within the Town to be located to another lot within the Town shall be placed on a permanent foundation; have residential siding; have a pitched roof covered with shingles or other materials approved by the CEO; meet the requirements of subsection 2, below; and be approved by the CEO. The design and construction requirements contained herein shall be applied to all units moved or relocated within the Town.
- B. Any mobile home unit to be relocated to within the Town from outside of the Town and any mobile home unit from within the Town to be relocated on another lot within the Town shall have all required improvements completed and certifications for the mobile home unit prior to moving the unit to any lot. Under no circumstances shall the mobile home unit be occupied until a permit has been obtained from the CEO. If there are any questions concerning the movement or placement of a mobile home unit in Town the owner or applicant shall contact the CEO.
- C. It shall be unlawful to locate / relocate any mobile home unit in Town without first obtaining a mobile home permit issued in conformity with this ordinance from the CEO. An application for a mobile home permit shall be obtained from and returned to the CEO in writing and be signed by the applicant. Such application shall include information as lawfully may be required and shall include a site plan of suitable scale showing:
 - 1. The shape, size, and location of the lot on which the mobile home is to be placed.
 - 2. The make, model, year, serial number, length and width, number of bedrooms, location of kitchen and cost of mobile home.
 - 3. Any building already on the lot.
 - 4. Location, type, and age of each septic system component. (Tank, leach field, distribution box etc.)
 - 5. Location of well.
 - 6. Foundation plan.
 - 7. Setback lines of buildings on adjoining lots; and
 - 8. Any other information needed by the Code Enforcement Officer, Planning Board, or Board of Appeals to determine whether the provisions of this section are being observed.

- D. Any lot upon which a mobile home is proposed to be located shall meet the following standards:
1. Minimum lot size shall be one acre.
 2. Minimum road frontage along a public or private road shall be 200 FT.
 3. Minimum building setback shall be 40ft from the edge of the road right-of-way.
 4. Minimum side and rear setbacks shall be 25 ft from the property line.
 5. Net residential density shall be one dwelling unit per residential acre.
 6. Non-conforming lots of record may be utilized providing that a septic system complying with Maine Subsurface Wastewater Disposal Rules, (144 CMR 241), and all setback distances can be met or a variance has been obtained from the Board of Appeals.
- E. A mobile home may be permitted on the site of a construction project for not more than 2 consecutive six-month periods provided that a special permit is issued by the Code Enforcement Officer for each six month period. Such permit may only be issued if the CEO is satisfied that:
7. The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project; and
 8. No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.
- F. No mobile home shall be utilized for any purpose other than a single family dwelling. A mobile home not meeting all requirements of this ordinance in which the use as a single family dwelling is discontinued for a period of six (6) months must be removed from the lot and properly disposed of. The CEO may extend this period no more than three (3) months.

2. Mobile Homes.

The following standards shall apply to all mobile homes built before Jan 1, 1984, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1076, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the Town.

A. Exit Facilities – Exterior Door.

1. Required egress doors shall not be located where a lockable interior door must be used to exit.
2. Homes shall have a minimum of two exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35 Ft.
3. All exterior swinging doors shall provide a minimum of 32" wide by 72" high clear opening. Locks shall not require the use of a key from inside.

B. Exit Facilities – Egress Windows and Devices.

Homes shall have the following emergency egress facilities.

1. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.
2. The bottom of the window shall not be more than 44" above the floor.
3. Locks, latches, opening handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

C. Interior Doors.

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking devices on the inside.

D. Fire Detection Equipment.

1. At least one operating smoke detector shall be installed in the home in the following locations:
 - a. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area and in each bedroom.
 - b. When located in hallways, the detector shall be between the return air intake and the living area.

- c. The smoke detector shall not be placed in a location that impairs its effectiveness.
- d. Smoke detectors shall be labeled as conforming with the Underwriters Laboratory Standards No 217, Third Edition, 1985.
- e. Each smoke detector shall be installed according to its listing.

E. Flame Spread. (From NFPA Life Safety Code 101, fourth edition)

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than 12" horizontal to a window or exterior door.

F. Kitchen cabinet protectors.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" to the outside edge of the cooking range, shall be protected with at least 5/16th thick gypsum board or equivalent limited combustion material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th thick gypsum board or equivalent material may be supported by the hood. A 3/8th enclosed airspace shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood shall not be required if there is a oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

G. Carpeting.

Carpeting shall not be used in any space or compartment designed to contain only a furnace and/or a water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

H. Roof Loads.

All mobile homes with roofs added after construction shall require the CEO to inspect the roof to determine that the roof can hold one hundred pounds per square foot.

I. Heating and fuel burning system.

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adapted by the Board, or other applicable standards.

J. Electrical System.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that electrical system is safe and meets the requirements of the National Electrical Code in effect on the date the home was constructed.

Section 3. Administration.

1. General.

- A. The Code Enforcement Officer shall enforce this ordinance. No application for mobile homes shall be submitted without the necessary fees, a copy of the deed to the property in question, a scaled site plan, and a general narrative of intended work to be submitted by the owner, authorized agent, and / or contractor.
- B. No permit or Certificate of Occupancy shall be issued for the placement of a mobile home on any lot unless the Code Enforcement Officer determines that all of the above requirements have been met and that the mobile home and lot conforms to all other applicable federal, state, and local laws.

2. Permit.

- A. A permit from the Code Enforcement Officer is required prior to placement of a mobile home on any lot. Permits shall expire one (1) year from the date of issue and may be renewed once. All intended construction and land use as stated in the original permit shall begin within the one (1) year period. All applications for permits shall be in accordance with the provisions of this ordinance.
- B. Application for a mobile home permit shall be on a form provided by the Code Enforcement Officer. All requested information shall be submitted.

3. Code Enforcement Officer.

The Code Enforcement Officer shall act promptly within fifteen (15) days after receipt of a complete application for any mobile home. Notice of decision shall be given to the applicant or their agent in writing within the fifteen (15) day period and any application not approved shall state the reason for denial.

4. Inspection.

- A. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions of permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this ordinance. The Code Enforcement Officer may enter any property at reasonable hours and any structure with the consent of the property owner, occupant, or agent to inspect the property or structure for compliance laws or ordinances set forth in this section.
- B. A Certificate of Occupancy shall be issued by the Code Enforcement Officer upon finding that the mobile home is in compliance with this ordinance and all applicable federal, state, and local laws. No mobile home shall be occupied prior to inspection and issuance of a certificate of occupancy.

5. Violations.

When any violation of any provision of this ordinance is found to exist the Code Enforcement Officer is hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Town Officials, or their designated agent, are hereby authorized to enter into consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue.

6. Fines.

Any person, firm, or cooperation being the owner, authorized agent, contractor, or having control or use of any structure or premises who violates any provision of this Ordinance shall upon conviction be fined in accordance with the provisions of Title 30-A MRSA § 4452. Each day the violation is permitted to exist after notification shall constitute a separate offense. Fines shall be payable to the Town of Castle Hill.

7. Fees.

A fee shall be paid for each permit in accordance with the current fee schedule established in the Town of Castle Hill.

Section 4. Board of Appeals.

1. Establishment and Administration.

- A. The Board of Appeals is hereby established. The word “Board” within this section shall mean Board of Appeals.
- B. Board members shall be: legal residents of the Town, citizens of the United States, appointed by the Selectpeople, no less than 18 years of age, and sworn in by the clerk or other person authorized to administer oaths.
- C. The Board shall consist of three (3) members and one (1) alternate member. Members shall be appointed to the Board so that their terms are staggered (1-1-1). Neither a Municipal Officer or their spouse may be a member or alternate member of the Board.
- D. The term of office for each Board member shall be 3 years and members shall be eligible for re-appointment . The term of office for an alternate is one year.
- E. When there is a permanent vacancy declared, the Selectpeople shall within sixty (60) days of its occurrence be required to appoint a person to serve the unexpired term.
- F. Any member can be removed for cause by the Selectpeople before the expiration of their term.
- G. The members of the Board shall receive no compensation for their services while under appointment.
- H. Board members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.

2. Organization and Rules.

- A. The voting members shall elect a chair and secretary, or other officers as needed. The terms of office shall be one (1) year with eligibility for reelection.
- B. When a person is unable to act because of interest, physical incapacity, absence, or any other reason the chair shall designate an alternate to sit in their chair.
- C. An alternate member may and should attend all meetings of the board and participate in the proceedings, but may vote only when they have been designated by the chair to sit for a member.
- D. No meeting of the Board shall be held without three (3) members or alternate members authorized to vote.

3. Duties and Powers.

The Board shall have the following duties and powers:

- A. **Administrative Appeals.**
To hear and decide appeals where it is determined that there is an error in any order, requirement, decision made by, or failure to act by, the CEO or Planning Board in the enforcement or administration of

this ordinance, provided the Board shall have no jurisdiction to review the merits of an approval or denial by the Planning Board, nor to consider the imposition of conditions of approval or the failure to impose one or more conditions. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the CEO or Planning Board for correction.

B. Variance Appeals.

To hear and decide applications requesting variance from the terms of this ordinance not in contradiction to the public interest in respect to a parcel of land or to an existing building thereon, where a literal enforcement of this Ordinance would result in unnecessary hardship. The Board shall consider conditions and safeguards in conformity with this Ordinance in granting any variance by majority vote.

1. Variances are obtainable for lot size, frontage & setbacks only.
2. The Board shall not grant a variance unless it finds that all of the following criteria are met:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted. Such hardship may be found by the Board of Appeals where this Ordinance, as applied to the applicants property, substantially destroys or decreases the value of the property in question for any permitted use to which the land can reasonably be put; and
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood; and
 - c. That the granting of the variance shall not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner. Mere inconvenience to the property owner shall not satisfy this requirement.

C. Disability Variance.

A disability variance may be granted by the Board to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. For the purposes of this subsection, a disability shall have the same meaning as a physical or mental handicap under Title 5 MRS § 4553.

D. Setback Reduction Appeals.

To hear and decide upon appeal in specific cases a reduction from the standard setback requirements for a residential unit. The Board may reduce setbacks by no more than 20 percent.

SECTION 5. Definitions.

- Agent – Anyone having written authorization to act in behalf of a property owner.
- Alteration – Any change, addition, or modification in construction.
- Applicant – The person applying for approval under an Ordinance.
- Basement – The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structures foundation and having a clear height up to the joists of the floor directly above is three (3) feet or more.
- Board. - Means the Castle Hill Zoning Board of Appeals.
- Building – Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.
- Code Enforcement Officer – A person appointed by the Town Officers to administer and enforce an Ordinance.
- Commissioner - Means the Commissioner of Professional and Financial Regulation.
- Conforming – A building, structure , use of land, or portion thereof, which complies to all of the provisions of an appropriate Ordinance.
- Dealer - Means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.
- Deck – An uncovered, unenclosed structure with a floor, elevated above the ground level with or without a railing no higher than four (4) feet.
- Distributor. - Any person engaged in the sale and distribution of manufactured homes for resale.
- Dwelling – A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes and manufactured housing, but not recreational vehicles.
- Exterior Walls - Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles or shakes. The term shall also include masonry, wood board and batten, and texture 1-11 exterior plywood, but shall not include artificial masonry, or fake board and batten made from metal or plastic.

Floating Slab – A reinforced concrete slab which is designed to withstand pressures from both below and above.

Floor Area – The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

Foundation – The supporting substructure of a building or other structure, including but not limited to, basements, slabs, sills, posts, or frostwalls.

Frontage – The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Lot – A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily associated with it, including such open spaces as required by Ordinance, and having frontage on a public street, private street, or right-of-way.

Manufacturer - any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing homes for resale.

Manufactured Housing – means for the purpose of this subchapter, a structure, transportable in one or more sections, which, in traveling mode, is 8 body feet or more in width, and 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 dwelling, with or without permanent foundation when connected to the required utilities, including plumbing, heating, electrical, and air conditioning systems contained therein; except that the 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 a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction Safety Standards Act of 1974, 42 United States Code 5401. For the purposes of this Ordinance there are two (2) types of manufactured housing. They are:

- A. HUD – code homes, which are those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standard.
- B. Pre- HUD – code homes, which are those homes constructed prior to June 15, 1976.

Mechanic – an individual engaged in the installation or servicing of manufactured housing.

Mobile Home – Manufactured Housing.

Mobile Home Park – a parcel of land, under single ownership, that has been planned and improved for the placement of 3 or more mobile homes, but does not include a construction camp.

Mobile Home Park Lot – The area of land on which a mobile home is situated on within a mobile home park and which is reserved for use by the occupants of that unit. The Town requires all lots to be located on the mobile home park plan.

Modular Homes – Those units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et. Seq., and rules adapted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities.

Normal Wear and Tear – that deterioration that occurs, without negligence, carelessness, accident or abuse of the premises or equipment by the tenant, members of the tenants household or their invitees or guests.

Parking Space – An area on a lot for the use of temporary parking of a personal vehicle. Each parking space shall be nine feet by nineteen feet (9'x19'), exclusive of the drives or aisles for the parking of vehicles, and have a means of access to a public street.

Permanent Foundation – for the purposes of this ordinance a permanent foundation shall include a concrete floating slab, frost walls, piers, sills, footings.

Pitched Roof – A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units which is covered by approved roofing materials.

Secretary – the Secretary of the United States Department of Housing and Urban Development.

Setback – The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

State Administrative Agency – the department that has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to section 623 of the Housing and community act of 1974, Public Law 93-383, 42 United States Code, Section 5422 and 24 CFR, Part 3282 subpart G.

Subsurface Wastewater Disposal System – A collection of treatment tank, disposal area, and piping or other devices designed to function as a unit for the purpose of wastes or wastewater below the surface of the earth.

Variance – A relaxation of the terms of an Ordinance.