

# Town of Whitefield Manufactured Housing Ordinance

Purpose: The purposes of this Ordinance are to establish minimum standards for the placement of manufactured housing in the Town of Whitefield, and to require that manufactured housing be compatible with site built homes, and to provide opportunities for the location of affordable and safe housing in the community.

Applicability: This Ordinance shall apply to all the land area within the Town of Whitefield and it shall apply to all manufactured housing to be located in or moved from one part of the community to another.

## Prohibitions:

No person, firm or corporation or other legal entity shall locate or move from one lot or parcel of land to another, an older mobile home, trailer or manufactured home which fails to meet the requirements of this Ordinance.

The following standards shall govern the location and placement of all manufactured housing in the Town of Whitefield.

Placement on Individual Lots: Manufactured housing units and appurtenances shall meet the following standards in order to be placed on any conforming residential lot (see definitions) in the Town of Whitefield.

- A. The unit as installed on the site shall have the minimum horizontal dimension of fourteen feet in width.
- B. The unit shall contain at least seven hundred fifty square feet of living space.
- C. The unit complies with the construction standards of the U.S Department of Housing and Urban Development and the standards of the State of Maine Manufactured Housing Board.
- D. The unit has siding that is residential in appearance including clapboard siding in wood, metal or vinyl, shingles or shakes, board and batten, or other sidings commonly found on site-built housing.
- E. The unit is placed on a permanent foundation, which shall consist of either a poured concrete or block frost wall or a poured concrete pad or a gravel pad meeting the above mentioned State of Maine Manufactured Housing Board standards.
- F. The unit shall have properly attached and residential appearing skirting, or a full poured concrete or block basement.

## Definitions

Conforming Residential Lot: A lot or parcel of land that may be legally built upon in accordance with all applicable land use laws and regulations enforced by the Town of Whitefield.

Dwelling: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, eating, and sanitary facilities. The term shall include newer mobile homes and modular homes but shall not include older mobile homes or recreational vehicles.

Manufactured Housing: A structure unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on a independent chassis, to a building site. The term includes any type of building which is constructed at any

manufacturing facility and then transported to any building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this Ordinance, three types of manufactured housing are included. They are newer mobile homes, older mobile homes, and modular homes.

Mobile Home - Newer: A manufactured housing unit constructed after June, 15 1976, which the manufacturer certifies is constructed in compliance with the State of Maine Manufactured Housing Act and regulations, and with the United States Department of Housing and Urban development standards, meaning structures, transportable in one or more sections, which, in traveling mode, are fourteen body feet or more in width and are seven hundred fifty or more square feet, and which are built on permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure that meets all the requirements of this paragraph, 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 and Safety Standards Act of 1974.

Mobile Home - Older: A manufactured housing unit which does not meet the definition of a newer mobile home or modular home or which was constructed prior to June 15, 1976.

Modular Home- A manufactured housing unit which the manufacturer certifies are constructed in compliance with the State of Maine' s Manufactured Housing Act and regulations, 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 foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Nonconforming structures: Older mobile homes and trailers and manufactured homes which fail to meet the standards of this ordinance, which were lawfully established prior to the effective date of this ordinance, shall be considered nonconforming structures and may continue and may be maintained, repaired, improved, and expanded. No nonconforming structure may be moved to another lot or parcel in the Town of Whitefield. Nonconforming structures may not be replaced by another nonconforming structure. Nonconforming structures shall only be replaced by a manufactured home that meets the requirements of this ordinance.

## Enforcement

Administration: It shall be the responsibility of the Planning Board and the Codes Enforcement Officer to administer the provisions of this ordinance. If the administering officers find that any provision of this ordinance is being violated, they shall notify in writing the person( s) or legal entity responsible for such violation, indicating the nature of the violation and a description of the action(s) necessary to correct said violation(s).

Continuing noncompliance of Town enforced ordinances shall result in enforcement actions by the CEO, Planning Board, or other municipal officers, including, but not limited to Board Orders, CEO Orders, and fines as indicated below. These orders may include discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. Copies of any enforcement actions shall be submitted to the Selectmen and be maintained as a permanent record.

Fines: Any person who continues to violate any provisions of this ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of not less than \$25 and not more than \$100 a day until such violation is addressed.

Amendments: This ordinance may be amended by a majority vote of the Town of Whitefield.

Validity and Severability: Should any -section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

### **Appeals to Board of Appeals**

#### **A: Variance Appeals:**

The Board of Appeals may, upon written application of the affected landowner or his legal representative, grant a variance from the strict application of the Ordinance when the strict application of the terms of this ordinance would result in undue hardship "to the applicant. T term "undue hardship" shall mean:

- 1) that the land in question cannot yield a reasonable return unless the variance is granted;
- 2) that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- 3) that the granting of a variance will not alter the essential character of the locality;
- 4) that the hardship is not the result of action taken by the applicant or a prior owner.

#### **B: Administrative Appeals:**

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Municipal Officers in the administration of this ordinance. Such hearing(s) shall be held in accordance with State laws. Following such hearing(s), the Board of Appeals may reverse the decision of the above mentioned Officers only upon a finding that the decision is clearly contrary to specific provisions of this ordinance.

#### **C: Appeal to Superior Court:**

An appeal may be taken within thirty days after any decision is rendered by the Board of Appeals, by any party, to Superior Court in accordance with State law.