

APR 01 1992

ORDINANCE NO. 44

SUE HODGES
Clerk and Recorder
BENTON COUNTY, ARK.

AN ORDINANCE ESTABLISHING THE REGULATIONS AND GUIDELINES FOR OBTAINING A PERMIT TO PLACE A MOBILE HOME OR MANUFACTURED HOME WITHIN THE CORPORATE BOUNDS OF BETHEL HEIGHTS, ARKANSAS; FOR REGULATING THE PLACEMENT OF MOBILE HOMES OR MANUFACTURED HOMES WITHIN THE CITY LIMITS OF THE TOWN OF BETHEL HEIGHTS, ARKANSAS; ESTABLISHING MOBILE HOME COURTS, DESIGNATING THE SETBACK REQUIREMENTS; PROVIDING FOR THE ENFORCEMENT OF THOSE REGULATIONS AND PUNISHMENT FOR VIOLATION THEREOF, AND FOR DECLARING AN EMERGENCY.

WHEREAS, the Town of Bethel Heights, Arkansas, recognizes that its town is susceptible to the placement of mobile homes and manufactured homes within its corporate bounds; and

WHEREAS, the Town of Bethel Heights, Arkansas, recognizes the fact that the placement of mobile homes and manufactured homes within its boundary may effect the public peace, health and safety of the Town of Bethel Heights, Arkansas, and the inhabitants thereof; and

WHEREAS, the Town Council of Bethel Heights, Arkansas, feels that regulations and guidelines should be established concerning the placement of mobile homes and manufactured homes within the Town of Bethel Heights, Arkansas;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Incorporated Town of Bethel Heights, Arkansas:

SECTION 1. DEFINITIONS:

(a) A house-car, mobile home, or trailer-house (including double-wides) shall be and include any house or structure being used as living quarters for human beings which is vehicular in design, and which may be driven, towed, or propelled from one location to another without change in structure or design, and whether or not the same be supported by wheels, but not including recreational vehicles, travel trailers, and campers stored for occasional recreational use.

(b) A manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on sight, is Three Hundred Twenty (320) or more square feet, and which 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

5211
5196

contained therein. This term shall include any structure which meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacture voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the Federal Standards.

SECTION 2. PROHIBITED USE: From and after the passage of this Ordinance, it shall be unlawful for any person, firm, or corporation to camp, stand, place, park or locate any house-car, mobile home, trailer-house or manufactured home, as defined herein within the corporate limits of the Town of Bethel Heights, Arkansas, except within a qualified house-trailer court, or except as otherwise provided for hereinafter. Recreational vehicles, travel trailers and campers shall not be permitted as permanent living quarters for human beings.

SECTION 3. TEMPORARY USE: A house-car mobile home, trailer-house, or manufactured home may be parked outside a qualified house-trailer court temporarily, for a period not to exceed seventy-two (72) hours continuous time.

SECTION 4. REGULATION OF INDIVIDUAL STRUCTURES:

(a) A single mobile home, house-trailer, or manufactured home of metal or wood construction shall be permitted to be placed outside a trailer court or trailer park so long as such house-trailer, mobile home or manufactured home contains approved plumbing, utility, water and sanitary disposal connections which meet all state, county and city code requirements; meets the setback requirements hereinafter provided, and meets all other requirements set out and established herein, and provided further, that no more than one such mobile home, trailer-house or manufactured home shall be permitted on any one lot, tract, or parcel of land.

(b) The placement of single mobile home, trailer-house or manufactured home shall only be approved by the Town Council when they meet all requirements set out in Sections 6C, 6D, 6E, 6F, 6G, 6H, 6J, and 6K, as well as other requirements set out in Section 4 herein above.

(c) The minimum area requirements for an individual mobile home, trailer-house or manufactured home shall be as follows:

| | |
|----------------------------|---------------------|
| Minimum land area | 130,680 square feet |
| Minimum land area per unit | 130,680 square feet |

(One Hundred Thirty Thousand Six Hundred Eighty square feet is equivalent to three acres+.

SECTION 5. STORAGE BUILDINGS: Any structure meeting the definition of house-car, house-trailer or manufactured home contained in Section 1 hereof, except that it is not used for habitation by human beings, but is kept for storage or office space or other use, shall not be deemed subject to Section 2 hereof, but shall otherwise be governed by the provisions of this Ordinance.

SECTION 6. REQUIREMENTS FOR HOUSE-TRAILER COURTS / MOBILE HOME PARKS: All house-trailer courts or mobile home parks within the corporate limits of the Town of Bethel Heights, Arkansas, shall conform with the following:

(a) All such house-trailer courts or mobile home parks shall be subject to the provisions of the zoning ordinance of the city and shall be at least five (5) square acres in area.

(b) All such courts or parks shall have adequate roadways, which shall be constructed in accordance with city street standards now or hereafter placed in effect. The trailer parking areas shall be divided into spaces, each of which shall contain a minimum of 5,000 square feet and shall have a width of at least 50 feet and a length of at least 100 feet. House-trailers shall be parked on the spaces so that there will be a minimum distance of 30 feet between house-trailers, measured from the exterior wall of the original mobile home or exterior wall of any addition, garage, covered porch or deck if one is attached thereto. Only one (1) house-trailer or mobile home shall be parked or situated on each such space.

(c) All electrical wiring and sewerage facilities for the use of house-trailers shall be constructed underground. Each trailer house shall have a UL approved 5 lb. A, B, C or dry powder fire extinguisher and smoke detector installed.

(d) All house-trailers or mobile homes shall be equipped with modern plumbing connected to individual septic tanks or city sewage lines with water, under pressure, furnished to the inside of said mobile home or house-trailer.

(e) Every trailer-house or mobile home or manufactured homes parked within the corporate limits of the Town of Bethel Heights, Arkansas, shall be of metal or comparable construction.

(f) Every trailer-house or mobile home space shall be equipped with a sanitary garbage storage area, and no garbage shall be permitted to collect in said park.

(g) No more than one family shall be permitted to reside in any trailer-house or mobile home situated within the corporate limits of the Town of Bethel Heights, Arkansas.

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

(i) Any person or firm desiring to operate a house-trailer court or mobile home park in the Town of Bethel Heights, Arkansas,

shall first submit detailed plans for the proposed park or court to the City Recorder, and upon the receipt of such plans, the City Recorder shall schedule a public hearing within 30 days, and shall advertise such public hearing by one insertion in a newspaper of general circulation in Bethel Heights, Arkansas, at least 7 days prior to such hearing. After such public hearing, the Town Council shall either approve or disapprove such plans. If such plans are approved, the City Recorder shall issue to the person or firm desiring to operate such court or park an annual permit upon receipt of a fee to be paid by said person or firm as provided in Section 7 thereof

(j) All mobile homes, trailer-houses or manufactured homes must be permanently attached to a concrete foundation or have acceptable skirting and acceptable tie-downs. 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.

(k) No house-car, mobile home, trailer-house or manufactured home shall be permitted which was built prior to 1975 or which has less than 720 square feet of living space.

SECTION 7. PERMITS:

(a) No house-car, mobile home, trailer-house or manufactured home otherwise meeting the definition of Section 2 thereof, whether or not being used as living quarters for human beings, and no house-trailer court or mobile home park, shall be located within the Town unless a valid, unexpired permit specifying the location of the structure or court shall have been duly issued only upon the applicant's payment to the City Recorder of a fee as follows:

1. One-time fee for each structure or vehicle not located in a house-trailer court or mobile home park: \$25.00.

2. Persons or corporations desiring to place a house car, mobile home, trailer-house or manufactured home within the corporate limits, shall make application to the City Clerk/Recorder prior to placing the trailer on the premises for a temporary permit. Upon completion of the application and payment of the fee for the temporary permit, the Applicant shall receive a temporary permit which will be issued for ninety (90) days. The applicant shall have that time to make all repairs and/or improvements necessary to bring his/her trailer/manufactured home into compliance with the Ordinance.

(b) Applicants must petition for a permanent permit within seventy-two (72) hours of moving into the home and residing therein. The permanent permit may be obtained in the same manner as the temporary permit.

(c) Upon proof of compliance by the Applicant of all requirements, at a subsequent meeting of the Town Council, the Council shall issue a permanent permit for the Applicant.

(d) Failure to apply for the temporary permit when required and failure to petition for approval of the final permit within seventy-two (72) hours as required herein will result in citation for violation of this Ordinance and will subject Applicant(s) to the penalties set out hereinafter.

(e) Annual fee for each house-trailer court or mobile home park: \$50.00.

Except as hereinafter provided, the permit shall be valid for a period of 12 calendar months, or may annually be renewed upon payment of the fee.

(f) Any permit issued pursuant to this Section shall expire and be of no further force or effect:

1. Upon removal of the mobile home, trailer-house or manufactured home from the permitted site, or

2. Upon removal of the mobile home, or trailer-cars from a house-trailer court.

SECTION 8. SETBACK REQUIREMENT:

(a) No house-car, mobile home, trailer-house or manufactured home otherwise meeting the definition of Section 1 hereof, whether or not being used as living quarters for human beings, which structure is not sited within a qualified house-trailer court, shall be located in the Town except in accordance with the following setback requirements:

| | |
|-----------------------------|---------|
| Setback from property line: | |
| Front | 50 feet |
| Side | 30 feet |
| Rear | 30 feet |
| Distance from any building | 15 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) No house-car or mobile home described in Paragraph A which is sited within a qualified house-trailer court or mobile home park shall be located within the Town except in accordance with the following setback requirements:

| | |
|--|---------|
| Setback from property line of house-trailer court: | |
| Front | 75 feet |
| Side | 50 feet |
| Rear | 50 feet |
| Distance from any building (on the same lot) | 15 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.)

SECTION 9. ENFORCEMENT: The Town's health officer or code enforcement officer, or if there be no such designated officer, the Mayor or his designated agent, is hereby authorized and directed to make inspections to determine the condition of locations of mobile homes, trailer-house or manufactured homes or the condition of house-trailer courts or mobile home parks located within the Town in order that he may perform his duty of safeguarding the health and safety of occupants thereof and of the general public. He 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 10. PENALTIES: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined no less than \$25.00, nor more than \$250.00. Each and every day that such violation is permitted to exist shall constitute a separate offense.

SECTION 11. EXEMPTIONS:

(a) The provisions of this ordinance shall not apply to trailer courts or parks which exist within the city limits of Bethel Heights at the time of the passage of this ordinance, but shall apply to any expansions or additions thereto or relocations thereof except that Section 2 shall apply to all such courts, and to all mobile homes or trailer-houses in the Town commencing upon _____, 1992.

SECTION 12. SEVERABILITY: If any section, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 13. EMERGENCY CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed. This action being necessary for the preservation of the peace, health and safety of the Town of Bethel Heights, Arkansas, and the inhabitants thereof, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after the date of its passage and publication.

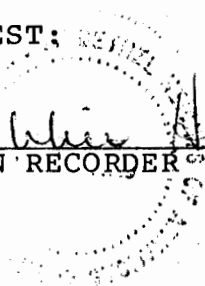
PASSED AND APPROVED this 17 day of March, 1992.

TOWN OF BETHEL HEIGHTS, ARKANSAS

BY: Gary Howard
GARY HOWARD, MAYOR

ATTEST:

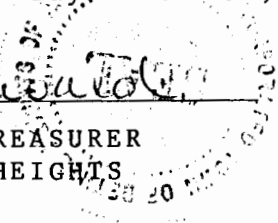
Debbie Howard
TOWN RECORDER



CERTIFICATION

I, Debbie Howard Town Recorder of the Town of Bethel Heights Arkansas, hereby certify that this Ordinance was duly passed and approved by a two-thirds vote of the total number of the governing body of the Town of Bethel Heights, Arkansas this 17 day of March, 1992.

Debbie Howard
TOWN RECORDER/TREASURER
TOWN OF BETHEL HEIGHTS



ORDINANCE NO. 18878
CITY OF BETHEL HEIGHTS
P.O. BOX 222
Springdale, AR 72765

City of Bethel Heights