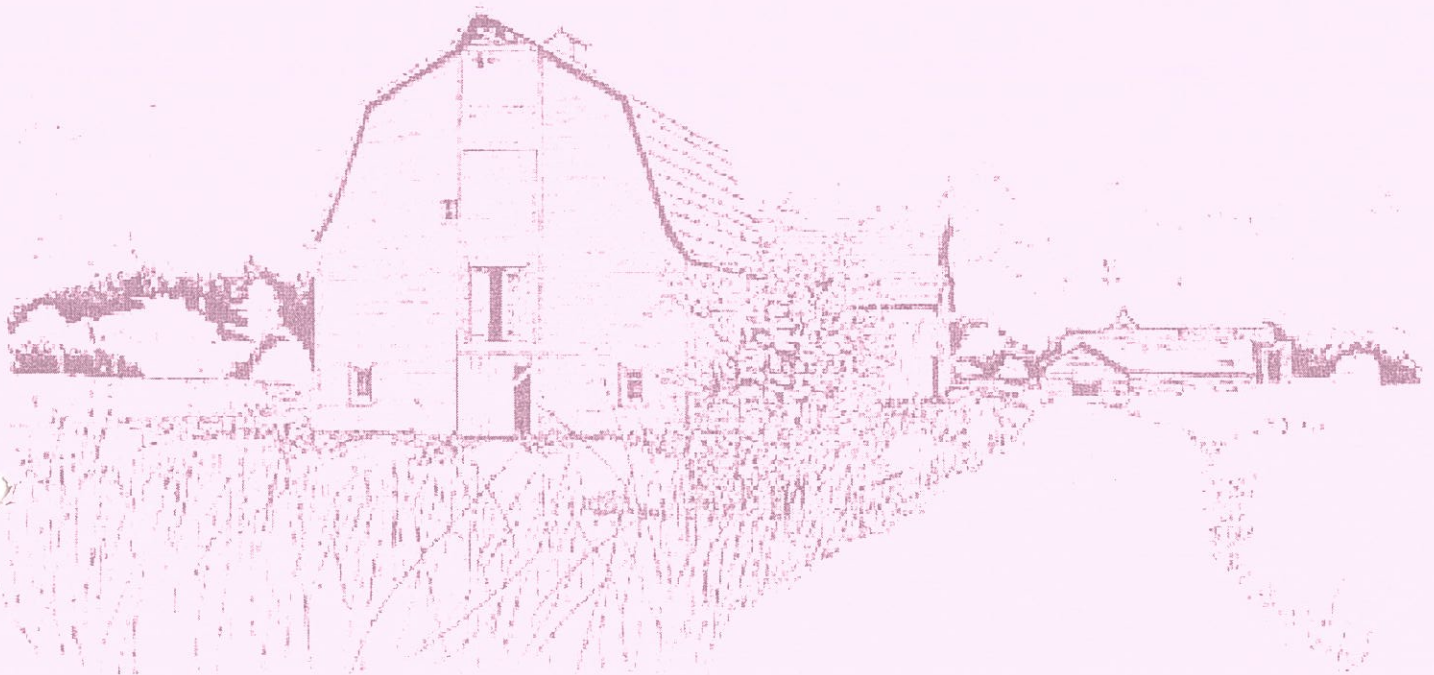


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TOWN OF NEWBURGH

MANUFACTURED HOUSING ORDINANCE



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TOWN OF NEWBURGH

ADOPTED AT ANNUAL TOWN MEETING

MARCH 13, 2005

**TOWN OF NEWBURGH
MANUFACTURED HOUSING ORDINANCE**

I. TITLE

This Ordinance shall be known and cited as the "Manufactured Housing Ordinance" of the Town of Newburgh." (Hereafter, it shall be referred to as "Ordinance" and the town as "the municipality.")

II. AUTHORITY

This Ordinance is pursuant to the municipal home rule enabling provisions of the Constitution of the State of Maine (Article VIII, Part 2) and Maine Revised Statutes Annotated (M.R.S.A.) Title 30-A, Section 3001 on home rule and Section 4312 et seq. on planning and land use regulation.

III. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of adoption by a majority of registered voters at Town Meeting, prior to which this Ordinance must be adopted by majority vote of the Newburgh Planning Board, subject to review by the Newburgh Select Board, the Town Manager and the Code Enforcement Officer for amendment or correction prior to presentation at Town Meeting.

IV. PURPOSE

The purpose of this Ordinance is to establish minimum standards governing the construction and maintenance of manufactured housing and mobile homes in order to protect the public health, welfare and safety of dwelling units within the municipality; to establish clear guidelines and standards for location of mobile homes and trailers and code enforcement.

V. DEFINITIONS

DWELLING UNIT – A structure comprising a room or group of rooms designed and equipped exclusively for use as a single housekeeping unit, including provision for living, sleeping, cooking and eating. The term will include mobile homes but not include recreational vehicles.

MOBILE HOME – Mobile home, hereinafter referred to as "Manufactured Housing" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to a building lot. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for dwelling and may be purchased or sold either for new tenancy at the same lot or for transport to another lot. For purposes of this section, two (2) types of manufactured housing are included:

(a) Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development (HUD) standards, meaning structures transportable in one or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are seven hundred and fifty (750) square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the

required utilities including plumbing, heating or electrical systems contained in the unit. This term also includes any structure which meets all the requirements of this subparagraph, 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 of established under the National Manufactured Housing and Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

(b) Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted 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 foundations when connected to required utilities, including the plumbing, heating or electrical systems contained in the unit.

MOBILE HOME PARK – A mobile home park shall mean a parcel of land under unified ownership for the placement of two (2) or more manufactured homes, which are owned by the owner of the land or others.

RECREATIONAL VEHICLE – A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons to travel and/or vacation, which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer or motor home.

LOT – A parcel of land under separate ownership from adjacent property, as described on a deed, plat, or any similar legal document.

VI. CRITERIA AND STANDARDS

- A. No person shall locate, maintain, or operate a manufactured house within the Town of Newburgh, except that it be considered a dwelling within the lot regulations of the Land Use Ordinance of the Town of Newburgh 1990 and as amended: i.e.: no more than one (1) dwelling per two (2) acre minimum lot on road frontage and no more than one (1) dwelling per five (5) acre minimum lot on "back lots" without road frontage.
- B. No more than one (1) manufactured house may be situated on a lot. All other lots of multiple dwelling units must comply with the Town of Newburgh Subdivision Ordinance 2006 and as amended.
- C. All manufactured houses to be located within the Municipality shall meet the minimum standard set forth in the National Manufactured Construction and Safety Standards, Title 42 Chapter 70 as amended and M.R.S.A. Title 10, Part 11, Chapter 951.
- D. No manufactured house constructed before June 15, 1976 shall be permitted as dwellings, except those units in use within the Town of Newburgh at the time of adoption of this Ordinance.
- E. The manufactured home shall not have been modified after it was inspected and certified by the State of Maine Department of Business Regulation or, if it was modified, the manufactured home still meets or exceeds the standards of the National Manufactured Housing Construction and Safety Standards Act.
- F. All running gear including wheels, tires and axle assembly and all hitch assembly gear shall be removed from the mobile home or manufactured house.
- G. The manufactured house or mobile home shall be placed on a permanent foundation constructed according to standards for foundations set forth in the building code of the Town of Newburgh. In cases where a manufactured house or mobile home is not placed on a full foundation, the area below shall be fully enclosed with skirting properly installed in accordance with the BOCA /Basic National Building Code, most recent edition as published by the Building Officials & Code Administrators International, Inc.

H. The manufactured home shall have a roof of fire resistant material with a minimum pitch of 2 in 12, that is two (2) vertical units for every twelve (12) horizontal units.

I. The manufactured home shall have exterior siding that is residential in appearance, such as brick or masonry veneers, stucco or exterior plaster, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern, or hardboard siding.

J. A manufactured home cannot receive a Certificate of Occupancy for a dwelling if it lacks connection to plumbing, water and electricity in compliance with Municipal ordinance, National Electrical Code, State of Maine Plumbing Code and other applicable provisions of statute.

VII. EXCEPTION

Recreational vehicles associated with travel and/or vacations may be parked on a lot provided they are not used as a primary residence dwelling. No parked recreational vehicle may be inhabited on one property within the Town of Newburgh for more than fifteen (15) days in any contiguous ninety (90) day period.

VIII. GRANDFATHER

Manufactured homes situated within the Town of Newburgh at the time of enactment of this Ordinance by Town Meeting shall be grandfathered and allowed to continue as dwellings as before. However, upon demolition, sale or end of useful life, replacement manufactured houses on such lot shall be in accordance with this Ordinance.

IX. ENFORCEMENT

The Municipal Officers shall enforce this ordinance. The code shall be administered by the Code Enforcement Officer who shall be appointed by the Municipal Officers. The Code Enforcement Officer has authority to inspect premises to assure that manufactured houses with the Town of Newburgh comply with this Ordinance and all applicable State and Federal regulations. Violators of this Ordinance shall be served notice by the Code Enforcement Officer with a list of issues to be remedied. Remedial work must commence within 60 days, subject to applicable Municipal permits. Where health, welfare and safety are concerned, the Code Enforcement Officer shall have authority to deny occupancy of the dwelling until such health or safety concerns are corrected. Any trailer or mobile home in violation of the provisions of this ordinance shall be considered a public nuisance, per M.S.R.A. Title 30, Section 2151, Sub 4E1

X. PENALTY

Any person who violates any of the provisions of this Ordinance shall be subject to a minimum fine of one hundred dollars (\$100.00) up to a maximum fine of two thousand five hundred dollars (\$2,500) for each violation. Where the maximum number of days for remedial work to commence has expired and, to the Code Enforcement Officer's satisfaction no work has commenced, each day in which a violation is proved to exist shall constitute a separate offense under this section and fines shall accrue accordingly.

All fines shall be collected by the Town of Newburgh for the use of the Town of Newburgh, as determined by the Select Board.

XI. APPEALS

An appeal may be taken by the Newburgh Board of Appeals upon written application of an aggrieved party to a decision of Municipal Officers. The Board of Appeals may reverse a decision of the Code Enforcement Officer or the Municipal Officers only upon finding that the decision of the Code Enforcement Officer or the Municipal Officers is clearly contrary to this code.

XII. SEPARABILITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the code as a whole, or any part thereof, other than the part declared to be invalid.

Adopted by the Newburgh Planning Board on August 4, 2003 and forwarded to Municipal Officers.