

ORDINANCE NUMBER 301

An Ordinance to adopt the Uniform Standard Code for Mobile Home Parks; to repeal all ordinances in conflict therewith; and to provide an effective date.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA:

SECTION I. As used in this Ordinance unless the context otherwise requires:

(1) Mobile home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit;

(2) Mobile home lot shall mean a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants;

(3) Mobile home park shall mean a parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. The term mobile home park shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, corporation, company, or other entity on its own premises and used exclusively to house its own labor force;

(4) Board shall mean the Board of Health; and

(5) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock company or association, political subdivision, governmental agency or other

legal entity, and shall include any trustee, receiver, assignee or other legal representative thereof.

(6) City shall mean the City of Gothenburg, Nebraska.

SECTION II. No person shall establish, conduct, operate or maintain a mobile home park within this state without first obtaining an annual license therefor from the Board. Such license shall be issued for the calendar year applied for and shall expire at midnight on December 31 of such year.

SECTION III. The application for such annual license to conduct, operate and maintain a mobile home park shall be in writing and upon such form as the Board shall provide, and shall include the full name and address of the applicant or applicants or names and addresses of the partner if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the current or most recent occupation of the applicant at the time of the filing of the application, and such other pertinent data as the department may require by regulation.

SECTION IV. (1) The application for the first or initial annual license shall be submitted with the requirements mentioned in Section III of this Ordinance, accompanied by a fee of not less than five dollars nor more than fifty dollars, as determined by regulations of the Board, which regulations shall require different fees for the following categories of mobile home parks: (a) those having facilities for only three or fewer mobile homes, (b) those having facilities for more than three but not more than twenty mobile homes, and (c) those having facilities for more than twenty mobile homes. The fee charged for each category shall be in relation to the number of facilities for mobile homes it contains, with the lower the number of facilities for mobile homes in a category the lower the fee for that category. Such license fees must be paid for each of the categories as a condition of annual renewal of licensure.

(2) All license fees collected by the Board shall be paid into the City Treasury and shall be credited by the City Treasurer to the General Fund.

(3) When any application is received, the Board shall cause the mobile home park and appurtenances thereto to be inspected by representatives of the Board. When such inspection has been made and the Board finds that all of the provisions of this Ordinance and the rules, regulations and standards of the Board have been met by the applicant, the Board shall issue an annual license. Inspection by the Board or its authorized representatives at any time of a mobile home park is a condition of continued licensure.

SECTION V. No person shall construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park within this City without first obtaining a permit therefor from the Board, except that no such permit shall be required in the making of minor repairs or in matters of general maintenance. The application for such permit shall be made to the Board in such manner as may be prescribed by regulations of the Board, which shall require the applicant to supply plans and specifications and otherwise provide a description of the nature, type, location and extent of the sanitary facilities contemplated. When the application has been approved, the Board shall issue a permit to the applicant to construct, expand, remodel or make alterations to sanitary facilities, including water and sewage disposal, upon a mobile home park and the appurtenances thereto according to the plans and specifications and other data submitted with the approved application. No approval of plans and specifications and issuance of a permit to construct, expand, remodel or make alterations upon a mobile home park and

the appurtenances thereto by the Board shall be made unless such park is in compliance with the provisions of this Ordinance and the rules, regulations and standards of the Board. Such a permit does not relieve the applicant from obtaining building permits when located within the municipality or from complying with any other municipal resolution, ordinance, or regulation applicable thereto, and not in conflict with this Ordinance.

SECTION VI. If the application for a permit to construct, expand, remodel, or make alterations upon a mobile home park and the appurtenances thereto, pursuant to Section V of this Ordinance, is denied by the Board, it shall so state in writing, giving the reasons for denying the application. If the objection can be corrected, the applicant may amend his application and resubmit it for approval. No such permit shall be denied except after due notice and opportunity for a hearing before the Board.

SECTION VII. When the Board has approved an application for a permit to construct, expand, remodel or make alterations upon a mobile home park or appurtenances thereto, pursuant to Section V of this Ordinance, or a license to establish, conduct, operate or maintain a mobile home park, it shall retain the original and keep a file thereof. One copy shall be returned to the applicant or his agent.

SECTION VIII. The Board shall furnish all necessary forms to be completed in making application for all licenses or permits issued pursuant to this Ordinance.

SECTION IX. The Board shall adopt, promulgate and enforce by rules and regulations standards governing utility systems and sanitary conditions for mobile home parks. The Board shall not adopt or enforce by rules and regulations any design, construction, or land-use standards for any mobile home park. Mobile home parks in existence and operation on the effective date of this Ordinance shall have until December 31, 1980 within

which to comply with the Board standards required by this Section as a condition of licensure, except that in no case shall any such existing and operating mobile home park be required to comply with any electrical system standards.

SECTION X. The Board shall issue licenses for the establishment, operation and maintenance of mobile home parks which are found to comply with the provisions of this Ordinance and such rules, regulations and standards as are lawfully promulgated by the Board pursuant thereto. The Board shall deny, refuse renewal of, suspend or revoke licenses on any of the following grounds:

(1) Violation of any of the provisions of this Ordinance or the rules, regulations and standards lawfully promulgated pursuant thereto;

(2) Permitting, aiding or abetting the commission of any unlawful act; or

(3) Conduct or utility or sanitation practices detrimental to the health or safety of residents of a mobile home park. Should the Board determine to deny, refuse renewal of, suspend, or revoke a license, it shall send to the applicant or licensee, by either certified or registered mail, a notice setting forth the specific reasons for the determination. The denial, refusal of renewal, suspension, or revocation shall become final thirty days after the mailing of the notice in all cases of failure to pay the required licensure fee if not paid by the end of such period, and in all other instances unless the applicant or licensee, within such thirty day period, shall give written notice of a desire for a hearing. Thereupon the applicant or licensee shall be given opportunity for a formal hearing before the Board and shall have the right to present evidence on his own behalf. On the basis of the evidence presented, the determination involved shall be affirmed or set aside, and a copy of

such decision setting forth the findings of facts and the specific reasons upon which it is based shall be sent by either certified or registered mail to the applicant or licensee. The decision shall become final thirty days after a copy thereof is mailed, unless the applicant or licensee within such thirty day period appeals the decision of the Board as in appeals from the action of City Councils in cities of the second class.

SECTION XI. Any person who establishes, conducts, operates, or maintains a mobile home park without first obtaining a license therefor from the Board as provided in this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be liable to a fine of not more than one hundred dollars, and each day such mobile home park shall operate without a license after a first conviction shall be considered a separate offense. Such person shall also be guilty of maintaining a nuisance pursuant to Chapter 4, Article 3, of the Gothenburg Municipal Code of 1974, as amended, and upon conviction thereof, in addition to payment of the fine, such nuisance shall be removed.

SECTION XII. The Board may, in accordance with the laws governing injunctions and other process, maintain an action in the name of the City against any person for establishing, conducting, operating, or maintaining any mobile home park without first having a license therefor from the Board as provided in this Ordinance. In charging any defendant in a complaint in such action, it shall be sufficient to charge that such defendant did, upon a certain day and in a certain county, establish, conduct, operate, or maintain a mobile home park without having a license to do so without averring any further or more particular facts concerning the same.

SECTION XIII. This Ordinance shall be known and may be cited as the Uniform Standard Code for Mobile Home Parks.

SECTION XIV. Articles 10-418 through 10-428, both inclusive, of the Gothenburg Municipal Code of 1974, as amended, are hereby specifically repealed. All other ordinances or parts of ordinances in conflict herewith are hereby specifically repealed.

SECTION XV. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this 5th day of April, 1977.

CITY OF GOTHENBURG, NEBRASKA

BY: *John de Salvo*
Mayor

ATTEST:

Marcia Fokers
City Clerk

APPROVED AS TO FORM

Steve Winkler
City Attorney