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ORDINANCE NO. 48-417

AN ORDINANCE AMENDING SECTIONS 26.04.010 AND 26.04.020 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND REPEALING THE ORIGINALS OF SECTIONS 26.04.010 AND 26.04.020.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 26.04.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Sec. 26.04.010. Definitions.

As used in this chapter:

'Camp' means a recreational vehicle campground.

'Health officer' means the Director of Environmental Services or his or her authorized representative.

'House trailer' -- See 'Recreational vehicle.'

'Inspection officer' means the superintendent of central inspection, or his or her authorized representative.

'Licensed Manufactured Home Installer' means a contractor who has been licensed by the State of Kansas pursuant to the Manufactured Housing Act, K.S.A. 58-4202, *et seq.* and amendments thereto.

'Manufactured home' means a structure which is subject to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §4501, *et seq.*, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

'Manufactured home subdivision' means a subdivision within the 'MH' manufactured housing zoning district which is platted for development as individual home sites for manufactured homes, modular homes, or residential-design manufactured homes and site-built single-family dwellings, to be placed on permanent foundations as required for permanent structures.

'Mobile home' means a movable detached single-family dwelling unit that was manufactured prior to 1976 and is not subject to the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, *et seq.* and amendments thereto, or HUD code. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to the utilities in conformance with all of the applicable regulations. The term 'manufactured home' or 'mobile home' does not include a recreational vehicle.

'Manufactured home park' means a parcel of land, which has been planned and improved in some manner, and used or intended to be used by one or more occupied mobile homes or manufactured homes not placed on permanent foundations. The term manufactured home park does not include sales lots on which unoccupied mobile or manufactured homes, whether new or used, are parked for the purposes of storage, inspection or sale.

'Manufactured home space' means a plot of ground within a manufactured home park or non conforming mobile home park which is to accommodate one manufactured home or mobile home and which provides service facilities for water, sewage and electricity.

'Modular home' means a structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit, and placed on permanent foundations as required for permanent structures.

'Non-conforming use' means the use of any land, building or structure that does not comply with the use regulations of the zoning district in which such use is located, but that complied with the use regulations in effect at the time the use was established.

'Occupy,' 'occupancy,' or 'occupied' means the use of any mobile home, manufactured home or recreational vehicle by any person for living, sleeping, cooking or eating purposes for any period of four or more consecutive days.

'Operator' means the person or business that has charge, care or control of a licensed or unlicensed manufactured home park, nonconforming manufactured or mobile home park, or camp or portion thereof, and/or the person or business that holds the license for a manufactured home park, a nonconforming mobile home park, or camp.

'Park' means manufactured home or nonconforming mobile home park.

'Person' means any individual, firm, trust, partnership, association or corporation.

'Recreational vehicle' means a unit designed as temporary living quarters for recreational, camping or travel use; units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck

campers, camping trailers, converted buses, house boats or other similar units as determined by the superintendent of central inspection.

'Recreational vehicle campground' means a lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

'Residential-design manufactured home' means a manufactured home on a permanent foundation which has minimum dimensions of twenty-two body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and complies with the architectural and aesthetic standards specified in Section IV-D of the Unified Zoning Code, Title 28 of the Code of the city of Wichita. A residential-design manufactured home shall be considered a single-family dwelling.

'Roadway' means any private street located within a park or camp and providing for the general vehicular and pedestrian circulation within the park or camp.

'Self-contained recreational vehicle' means a recreational vehicle which was originally designed and manufactured for utilization as a recreational vehicle and which is less than fifteen years old. A self-contained recreational vehicle shall be equipped with a fully functioning toilet with a self-contained waste collection tank; a shower or bathtub; one or more sinks, each with connections to an on-board potable water supply with both hot and cold running water and a water refuse tank and/or ground connections for gray water and waste water disposal installed in accordance with manufacturer's instructions and as per city approved design standard.

'Service building' means a building housing all of the following: separate toilet facilities for men and women, laundry facilities and separate bath or shower accommodations. Such

building may also include other associated uses such as an office and recreational facilities for the camp or park.

'Trailer camp' -- See 'Recreational vehicle campground.'

(Ord. No. 43-648 § 1; Ord. No. 47-050, § 1, 6-2-06)

SECTION 2. Section 26.04.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

Sec. 26.04.020. Location of manufactured homes, mobile homes and recreational vehicles.

It is unlawful for any person to occupy a manufactured home or mobile home in the city unless such manufactured home or mobile home is located in a manufactured home park or a nonconforming mobile home park in conformance with all regulations for a manufactured home park or a nonconforming mobile home park; and it is also unlawful for any person to occupy a recreational vehicle in the city unless such recreational vehicle is located in a camp.

Exceptions:

(a) A manufactured home may be occupied at a construction site by a night watchman or construction project workmen when approved by the superintendent of central inspection when deemed necessary for security and/or construction purposes. Such permission may be canceled by the superintendent of central inspection upon three days written notice, when in his opinion the intent of this section is being violated.

(b) A manufactured home may be occupied other than within a park for a period not to exceed thirty days when a permit is secured in accordance with Section 26.04.060(c).

(c) A recreational vehicle may be occupied other than within a camp for a period not to exceed thirty days when a permit is secured in accordance with Section 26.04.060(c).

(d) A recreational vehicle may occupy a manufactured home space or mobile home space in a park for a period not to exceed thirty days, provided a service building as required for a camp is within two hundred feet of the space so occupied. Under no circumstances shall the number of manufactured home spaces and/or mobile home spaces within a park be occupied by recreational vehicles or self-contained recreational vehicles in excess of five percent of the total number of manufactured home spaces and/or mobile home spaces provided, or a total of two, whichever is larger.

(e) A self-contained recreational vehicle may occupy a manufactured home space or mobile home space in a park for a period not to exceed one hundred eighty days, without providing a service building as required for a camp, provided that an approved sewage system connection is available for each self-contained recreational vehicle. If no approved sewage system connection is available for each self-contained recreational vehicle, then an approved gray water and waste water dump station which connects to an approved sewage system shall be provided. Under no circumstances shall the number of manufactured home spaces and/or mobile home spaces within a park be occupied by self-contained recreational vehicles or recreational vehicles in excess of five percent of the total number of manufactured home spaces and/or mobile home spaces provided, or a total of two, whichever is larger.

(f) A manufactured home may be occupied on a lot in a manufactured home subdivision provided it is placed on a permanent foundation and a building permit is obtained for construction and conversion to a permanent structure.

(g) A manufactured home may be occupied as a one-family dwelling as a residence for a watchman, caretaker or guard for an industrial use in the "LI" or "GI" industrial zoning districts, provided such home is placed on a permanent foundation.

(Ord. No. 43-648 § 2; Ord. No. 47-050, § 2, 6-2-06)

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of September, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law