

ORDINANCE OF THE LAPORTE COUNTY
BOARD OF COMMISSIONERS
NO. 82.7

AN ORDINANCE REGULATING THE PLACEMENT
OF MANUFACTURED HOUSING IN LAPORTE COUNTY

AN ORDINANCE regulating the placement of manufactured housing, amending the zoning ordinance, establishing permits, providing installation standards, and instituting penalties for violation.

WHEREAS, the Board of Commissioners of LaPorte County find that the standards contained herein can improve the public health, safety, convenience, and welfare and aid in the future development of LaPorte County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY THAT:

I. INTENT

It is the intent of this ordinance to encourage provision of alternative modest income housing in general residential areas by permitting the use of certain manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

II. DEFINITIONS

A. MANUFACTURED HOME

A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.

B. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE

Title IV of the 1974 Housing and Community Development Act (42 U. S. C. 5401 et seq), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include H.U.D. approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Indiana Administrative building Council.

C. MOBILE HOME

A transportable structure larger than three hundred and twenty (320) square feet and designed to be used as a year-round residential dwelling.

D. ONE AND TWO FAMILY DWELLING CODE, INDIANA

The mandatory statewide building code adopted by the Indiana Administrative Building Council for one and two family residential dwellings.

E. PERMANENT PERIMETER ENCLOSURE

A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

F. PERMANENT FOUNDATION

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

G. PUBLIC LAW 360, ACTS OF 1971

Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair or maintenance of factory-constructed one or two family residential dwellings.

H. VARIANCE

A device for permitting a use within a district other than a principally permitted use.

III. STANDARDS

A. PERMITTED PLACEMENT

The establishment, location, and use of manufactured homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to such residential use in the district and provided such homes shall meet the following requirements and limitations:

1. the home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications required by the code;
2. the home shall be larger than 950 square feet of occupied space or meet the minimum square footage requirements for the appropriate zone, and have a minimum width of twenty-three (23) feet;
3. the home shall be attached and anchored to a permanent foundation with a permanent perimeter enclosure in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer's installation specifications;
4. the home shall be covered with an exterior material customarily used on site built residential dwellings, and such material shall extend over the top of the foundation (see Exhibit "A");
5. the home shall have a roof composed of material customarily used on site built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used (see Exhibit "A");
6. the home shall have been constructed on or after January 1, 1981.

B. PLACEMENT WITH PERMIT

Manufactured homes not meeting the terms of Section III, Paragraph A, and mobile homes, shall be permitted within the County of LaPorte only after receiving a variance from the LaPorte County Board of Zoning Appeals.

C. FARM PLACEMENT

One manufactured or mobile home is permitted as an accessory use in an agricultural (A) or residential (R1 - R3) district provided it is located on a farm property of ten (10) acres or more having an existing permanent dwelling and the said unit is occupied by a member of the immediate family (father, mother, son, or daughter) residing in the permanent dwelling unit, or by an employee of the resident of the permanent dwelling unit.

D. STRUCTURAL ALTERATION

Due to its integral design, any structural alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the authorized building administrator (or other designee) of the County of LaPorte.

IV. TEMPORARY USE

A. CIRCUMSTANCES FOR PERMIT ISSUANCE

Subject to conditions, fees, and standards otherwise required in the zoning ordinance, a temporary use permit shall be issued:

1. to an applicant in the process of building a site built dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued;
2. to an applicant to use a manufactured or mobile home as a construction office at a job site.

B. LENGTH OF PERMIT

A temporary use permit may be issued, at the discretion of the Plan Commission or its designated administrator, for a period not to exceed two (2) years.

C. PERMIT EXPIRATION

At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within ninety (90) days.

D. UTILITY REQUIREMENTS

Manufactured or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate, and at the discretion of the Plan Commission or its designated administrator.

E. PERMIT FEE

A temporary use permit shall be issued by the Plan Commission's designated administrator. The fee shall be twenty-five dollars (\$25) and is in addition to all other required permits for utilities and sewage disposal systems.

V. PERMITS

A. IMPROVEMENT LOCATION PERMIT

1. REQUIREMENTS

Prior to the location, relocation or establishment of any manufactured or mobile home, the home owner or authorized representative shall secure from the Plan Commission's designated administrator an Improvement Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an Improvement Location Permit shall be accompanied by:

- a) those plot plans as required for all dwelling units, but which at a minimum include exterior dimensions, lot dimensions, well and septic system location, and the location of the unit on the parcel of land,
- b) health department approval for any sewage disposal or water supply, where applicable,
- c) a completed Manufactured Home Data Sheet (see Exhibit "B") signed by the homeowner or authorized representative,
- d) such other information, as may be required by the Plan Commission's designated administrator for proper enforcement of this ordinance.

2. ISSUANCE OF PERMIT

After receipt of the information required for an Improvement Location Permit, the Plan Commission's designated administrator shall review the standards set in this ordinance. If the applicant has met all required standards the Improvement Location Permit shall be issued by the designated administrator.

3. PERMIT FEE

The fee for an Improvement Location Permit shall be in accordance with the Uniform Schedule of Fees established by the LaPorte County Board of Commissioners and is in addition to all other required permits for utilities and sewage disposal systems.

4. DENIAL OF PERMIT

If any of the major elements are clearly out of line with the standards, within three (3) working days issuance of the Improvement Location Permit will be denied, with a written statement specifying the reasons for the denial.

VI. APPEAL

An action to review any order, requirement, decision, or determination made by an administrative official

or board charged with enforcement of the zoning ordinance shall be pursuant to I.C. 36-7-4-919.

VII. PENALTY FOR VIOLATION

A. FAILURE TO COMPLY

Each day of non-compliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to five hundred dollars (\$500) per day may be entered for a violation of this ordinance.

B. SUBJECT TO REMOVAL

A home, sited upon property in violation of this ordinance, shall be subject to removal from such property. However, the home owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

C. REMOVAL METHOD

The Plan Commission or its designated administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

VIII. DWELLING

The definition of "dwelling" as defined in Section 1.2 of the Zoning Ordinance of LaPorte County, Indiana is hereby amended to read as follows; "dwelling" means a building or part of a building that is used primarily as a place of abode, said structure having a minimum width of twenty three (23) feet in its shortest dimension, but not including a hotel, motel, lodging house, boarding house, or tourist home."

IX. REPEALER

All ordinances or parts thereof that are in conflict with the terms of this ordinance are hereby repealed.

X. SEVERABILITY CLAUSE

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance. It is being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

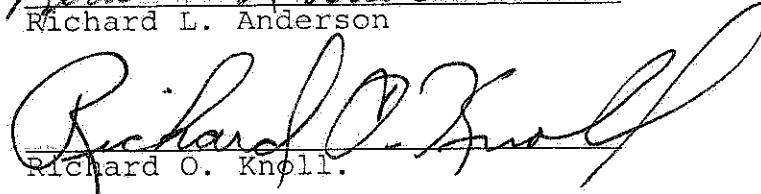
XI. EFFECTIVE DATE

This ordinance shall be in full force and effect on July 1, 1982.

BOARD OF COUNTY COMMISSIONERS OF
LAPORTE COUNTY, INDIANA


Kenneth W. Swanson, President


Richard L. Anderson


Richard O. Knoll.

Passed this 28th day of June, 1982.

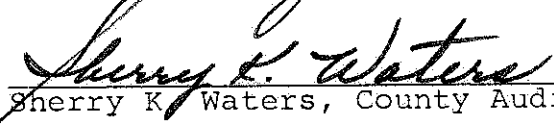
Attested to: 
Sherry K. Waters, County Auditor

EXHIBIT "A"

APPROVED SIDING AND ROOFING MATERIALS LIST

- 1) The following siding materials are approved for usage on manufactured homes:
 - a) residential horizontal aluminum lap siding,
 - b) residential horizontal vinyl lap siding,
 - c) cedar or other wood siding,
 - d) wood grain, weather resistant, press board siding,
 - e) stucco siding,
 - f) brick or stone siding,
 - g) other approved siding materials which are aesthetically compatible.

- 2) The following roofing materials are approved for usage on manufactured homes:
 - a) asbestos shingles on a roof pitched according to the design specifications of the shingles,
 - b) fiberglass shingles on a roof pitched according to the design specifications of the shingles,
 - c) shake shingles on a roof pitched according to the design specifications of the shingles,
 - d) asphalt shingles on a roof pitched according to the design specifications of the shingles,
 - e) tile materials on a roof pitched according to the design specifications of the materials.

EXHIBIT "B"

MANUFACTURED HOME DATA SHEET

(For Application For An Improvement Location Permit)

- 1) This data sheet is to be completed by the home owner or authorized representative and filed with the plan commission's designated representative as a portion of the application for an Improvement Location Permit.
- 2) Applicant data:
 - a) Name _____
 - b) Address _____

 - c) Telephone No. _____
- 3) Property data:
 - a) legal description _____
or _____
address _____
 - b) zoning designation _____
 - c) vicinity map (attach showing relative location to other property and dwellings)
- 4) Home data:
 - a) manufacturer _____
 - b) model name/serial number _____
 - c) year of manufacture _____
(note: verification of age must be submitted)
 - d) exterior dimensions _____ feet by _____ feet
 - e) roofing material _____
 - f) siding materials and treatment _____

(note: siding is required to extend over the top of the permanent perimeter enclosure)

 - g) foundation siding materials and treatment, where appropriate _____

(note: permanent perimeter enclosure data requested in 5c)
- 5) Attached are:
 - a) _____ copies of the plot plans showing:
 - i) location of proposed home on property,
 - ii) location of accessory structures and improvements on property, and
 - iii) sketches of all four sides of the home's elevations or photographs of all four sides of the home or a manufacturer's brochure picturing the home's exterior,
 - b) _____ copies of the foundation and anchoring system showing:
 - i) installation methods,
 - ii) materials to be used, and
 - iii) sketches of all dimensions,

- c) _____ copies of the permanent perimeter enclosure, where applicable showing:
 - i) installation methods,
 - ii) materials to be used, and
 - iii) sketches of all dimensions,
- d) _____ copies of health department approval for sewage or water supply, where applicable.

6) The following additional information is required by the plan commission's designated representative for proper enforcement of this ordinance:

- a) _____
- b) _____
- c) _____

I certify that the above information is factually correct, and that if any amendments or corrections to the above data are made during the term of installation or construction, I will notify the plan commission's designated administrator in writing. I consent to all necessary inspections incident to the issuance of this permit. I understand that each day of non-compliance with the provisions of the adopted zoning ordinance is a separate and distinct ordinance violation and that judgments of up to five hundred dollars (\$500) per day may be entered for violation of this ordinance.

Signature of home owner

Date