**TOWN OF ST. ALBANS**

**MOBILE HOME PLACEMENT and RELOCATION ORDINANCE**

**SECTION 1. TITLE AND PURPOSE**

   This ordinance shall be known as the Town of St. Albans Mobile Home Placement and Relocation Ordinance.  It is enacted by the inhabitants of St. Albans to promote the health, safety and welfare of said inhabitants by requiring notification of mobile home placement, relocation and minimum standards of occupancy as defined in this ordinance.

**SECTION 2. AUTHORITY**

   2.1  This Ordinance is enacted pursuant to the authority given to the Town under Title 30-A MRSA 3001 (Home Rule).

   2.2  This Ordinance shall in no way impair or remove the necessity for complying with any other rule, regulation, by-law, permit or provision of law.

   2.3  When any provision of this Ordinance conflicts with any provision of any other local ordinance or regulation, or of any other state or federal law or   regulation, the more restrictive provision shall control.

   2.4  This ordinance will apply to all mobile homes brought into the Town of St. Albans and to the relocation of existing mobile homes already within the town after the effective date of this ordinance.

   2.5  This ordinance will not apply to modular homes.

**SECTION 3. DEFINITIONS**

   3.1  Mobile Home – The term mobile home shall mean a manufactured housing unit, built after June 15, 1976 and  which the manufacturer certifies as having been  constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which in the traveling mode, are 8’ body feet or more in width, 40’ or more in length and are 320 or more square feet, and which are built on a chassis and designed to be used as dwellings, with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and the electrical systems contained therein; except the term shall include any structure that meets all the requirements of this paragraph, except the size requirements with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, Section 5401, et seq.

   3.2  Older Mobile Home – Older mobile home shall mean a manufactured housing unit as defined in Section 3.1 which was built before June 15, 1976 and whose manufacturer does not certify that the unit complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, Section 5401, et seq.

   3.3  The word "dwelling" shall mean a manufactured housing unit which houses people either temporarily, seasonally, or as a permanent residence.

   3.4  The word "lot" means a parcel of land under separate ownership from   adjacent property.

   3.5  Modular Homes – The term modular home shall mean manufactured housing units which the manufacturer certifies are constructed in compliance with the State’s Manufactured Housing Act Regulations, 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 the required utilities, including the plumbing, heating, air conditioning, or electrical systems contained therein.

   3.6  Placement - Placement of any mobile home shall mean the act of or the result of placing any manufactured housing on any piece of land within the boundaries of the town of St. Albans. This includes mobile homes to be stored or used for storage.

   3.7  The term "Code Enforcement Officer" shall also include the Assistant Code Enforcement Officer, should there be one.

   3.8  Relocation – The term Relocation shall mean the movement of an existing  mobile home from one lot in town to a separate, different lot in town.

**SECTION 4. ADMINISTRATION**

   4.1  The Code Enforcement Officer is hereby empowered to administer and  shall enforce the provisions of this Ordinance, and shall work under the direction of the Town Manager.

   4.2  Completed "Notification of Intention to Build" forms shall be filed at the Town Office.

**SECTION 5. NOTIFICATION OF INTENT TO PLACE OR RELOCATE A MOBILE HOME**

   5.1  Any Individual or organization who brings a mobile home into the Town of St. Albans or who relocates a mobile home within the Town of St. Albans shall comply with the Town of St. Albans Building Notification ordinance.

**SECTION 6.  OLDER MOBILE HOMES**

   6.1  Older mobile homes, currently located on a lot and being used as a dwelling, may continue to be used and are not subject to this ordinance.

   6.2  No older mobile home shall be placed or relocated on a lot to be used as a dwelling after the effective date of this ordinance unless it is made to conform to HUD standards current at the time of location or placement on a lot.

   6.3  If an older mobile home is vacant and not used as a dwelling for a period of 12 consecutive months, it cannot be reoccupied as a dwelling until a Certificate of Occupancy has been issued by the Code Enforcement Officer.

   6.4  If an older mobile home is used for any purpose other than a dwelling, all  plumbing fixtures will be removed from the unit.

**SECTION 7. OCCUPANCY**

   7.1  No person shall at any time occupy as a dwelling any mobile home placed in or relocated within the Town of St. Albans before obtaining from the Code Enforcement Officer a "Certificate of Occupancy" after the effective date of this Ordinance.  Said "Certificate" shall be issued by the Code Enforcement Officer when all provisions of this Ordinance and any other law, regulation, rule or ordinance the Code Enforcement Officer is authorized to enforce are complied with.

   7.2  No person shall occupy any mobile home as a dwelling until it complies with the State of Maine Wastewater Rules.

   7.3  The Code Enforcement Officer shall act within 10 days on a request for a "Certificate of Occupancy", and shall issue such Certificate only when all provisions of this ordinance are complied with.  In order for the Code Enforcement Officer to determine that a dwelling is in compliance with this Ordinance and that a "Certificate of Occupancy" may be issued, the applicant shall arrange to give the Code Enforcement Officer access during his/her normal working hours to any property subject to this Ordinance.

   7.4  In the case where a mobile home is owned by one individual or organization and the mobile home is placed on or relocated to the land, lot or property of another or different individual or organization, it shall be the responsibility of the mobile home owner to apply for and obtain a Certificate of Occupancy prior to using the mobile home as a dwelling.

   7.5  It is the intent of this ordinance that a mobile home used as a dwelling shall need a Certificate of Occupancy only at the time it is first occupied following placement or relocation. A Certificate of Occupancy is not needed each time a new, subsequent tenant moves in.

**SECTION 8. ENFORCEMENT & VIOLATIONS**

   8.1  The Code Enforcement Officer shall determine that a "Building Notification" form is on file for each mobile home and older mobile placement or relocation.  When the Code Enforcement Officer finds that any individual or organization has placed or relocated a mobile home or older mobile home covered in this Ordinance without such prior notification, the Code Enforcement Officer shall notify that individual, organization and the property owner, if different, in writing that the activity is to be discontinued until the required notification has been provided.  A copy of each such notification shall be maintained as a permanent record in the Town Office.

   8.2  Any person or organization, including but not limited to the mobile home owner, a landowner, a landowner's agent or contractor, who occupies or allows to be occupied a dwelling without a valid "Certificate of Occupancy" having been issued, shall have committed a civil violation and will be subject to a fine of not less than $ 100.00 and not more than $ 2500.00 and other penalties provided pursuant to 30-A MRSA 4452, including any court costs.

**SECTION 9.  APPEALS**

   9.1  Any applicant aggrieved by an action of the town or its employees relative to the enforcement of this ordinance shall have the right of appeal to the town’s Board of Appeals.  Aggrieved parties must begin the appeals process within 90 days of the date of the action.

**SECTION 10.  AMENDMENTS AND EFFECTIVE DATE**

   10.1  This ordinance may be amended by majority vote of the voting members present at any Town Meeting, the warrant which gives notice of the proposed change.

   10.2  This ordinance shall be effective upon enactment.

**SECTION 11.  SEVERABILITY**

   11.1  Should any section or provision of this ordinance be declared by the  courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

**Ordinance History:**

Approved at Annual Town Meeting 3/3/2012

Adopted at Annual Town Meeting March 3, 2012 and signed by the Board of Selectmen March 12, 2012.

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