

ORDINANCE NO. 1012

AN ORDINANCE ESTABLISHING PROVISIONS AND REGULATIONS APPLICABLE TO THE CONSTRUCTION, ALTERATION, EXTENSION, LOCATION, INSTALLATION, USE AND MAINTENANCE OF ALL MOBILE HOMES AND MOBILE HOME PARKS WITHIN THE CITY LIMITS OF EUREKA SPRINGS, ARKANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES; PROVIDING FOR THE COLLECTION OF FEES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1. DEFINITION OF TERMS

The following terms shall have meanings given herein:

Accessory structure: Any awning, cabana, ramada, storage cabinet, windbreak, carport, or porch established for use by the occupants of a mobile home.

Approved: In conformance with applicable government statutes, regulations, codes and ordinances and with recognized national standards of technical or scientific organizations, and in conformance with the rules and regulations pertaining to mobile home and travel trailer parks promulgated by the Arkansas State Department of Health.

Building Inspector: That appointed official of the City of Eureka Springs, Arkansas whose office and appointment are provided for by Ordinance No. 1010, Subsection 102.1.

Dependent Mobile Home: A mobile home that has no toilet, lavatory or bathing facilities and is dependent upon a service building for toilet, lavatory and bathing facilities. Travel trailers, campers, motor homes and camper buses shall be considered dependent mobile homes.

Health Department: The Arkansas State Department of Health or the Office of the Carroll County Sanitarian.

Independent Mobile Home: A mobile home that has toilet, lavatory, and bathing facilities.

Mobile Home: A movable or relocatable dwelling unit, transported on its running gear to a mobile home lot or other building site, and installed either with or without a foundation.

Mobile Home Lot: A designated portion of a mobile home park designed for the placement of a single mobile home and accessory structures for the exclusive use of the occupants, and exclusive of streets, walks, and other common use areas in a mobile home park, exclusive of county, city or town streets, alleys, walks or other public easements, and exclusive of adjacent private properties.

Ordinance No. \_\_\_\_\_

Page 2

Mobile Home Park: That area or site upon which is located two or more independent mobile homes maintained, occupied, or used for human habitation for periods exceeding 24 hours.

Mobile Home Stand: That part of an individual mobile home lot used for the placement of the mobile home.

Sewage: A combination of liquid wastes which may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and which is discharged from a dwelling, building or other establishment.

## SECTION 2. PLAN APPROVAL AND LICENSING

It shall be unlawful for any person to construct, alter, operate, extend or use any mobile home park within the city limits of Eureka Springs without first having obtained a permit from the Building Inspector of Eureka Springs.

X 2.01. All applications for permits shall first be submitted to the Planning Commission and shall contain the following information:

2.01.01. Name and address of applicant.

2.01.02. Location and legal description of the mobile home park.

2.01.03. Complete engineering plans and specifications of the proposed park showing but not limited to the following:

2.01.03.01. The area and dimensions of the tract of land;

2.01.03.02. The number, location and size of all mobile home lots;

2.01.03.03. The location and width of roadways and walkways;

2.01.03.04. The location of water and sewer lines and riser pipes;

2.01.03.05. Plans and specifications of the water supply and refuse and sewage disposal facilities;

2.01.03.06. Plans and specifications of all buildings constructed or to be constructed within the mobile home park, including storage facilities;

2.01.03.07. The location of each fire hydrant;

2.01.03.08. The location and details of lighting and electrical systems;

2.01.03.09. General landscaping plan, showing mature trees and specifications for fencing;

2.01.03.10. Such further information as shall be reasonably requested by the Building Inspector or Planning Commission in order to comply with standards of safety, health and general welfare of the community.

2.02. Required fees. Each application for a permit shall be accompanied by a fee of Twenty Five and no/100 Dollars (\$25.00) which shall be refunded in

Ordinance No. \_\_\_\_\_

Page 3

the event that the plan is not approved. In the event the plan is approved the applicant shall promptly obtain all occupation licenses required for such mobile home park by Ordinance No. 900, as amended.

2.03. Procedure for application. Application for permission for a mobile home park must be made in writing to the Planning Commission, which on approval will submit the proposed plan to the City Council. The City Council shall consider the application at a regular meeting and, if the same is approved, shall submit the same to the Building Inspector for issuance of a permit. An individual whose plan is not approved by the Planning Commission may appeal the Commission's decision to the City Council for consideration at a regular meeting.

2.04. Compliance with the ordinance, and revocation of permits. The person to whom a mobile home park license is issued shall at all times operate the park in compliance with this ordinance and regulations established by county and state health departments. The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times. A permit may be revoked by the Building Inspector or duly authorized health department official upon his finding that the requirements of this ordinance or of a statute or regulation of a higher authority have not been met, after the following procedure has been followed:

2.04.01. Written notice of the specific violation to the mobile home park owner, via Certified Mail, return receipt requested, and

2.04.02. A reasonable time period to be provided in said written notice in which the violation is to be corrected or compliance be met, to be not less than ten days nor more than thirty days from receipt of the written notice.

2.05. Fines and penalties. If the owner of the mobile home park does not correct the violation within the provided time period, such owner may be prosecuted for the alleged commission of a misdemeanor and, upon conviction, may be fined in any sum not to exceed Two Hundred Fifty and no/100 Dollars (\$250.00), and each day such violation shall have existed may be deemed to be a separate offense.

### SECTION 3. GENERAL PROVISIONS

3.01. Zoning and permitted uses thereof. No person shall park or locate any independent mobile home, or use an independent mobile home as a permanent or temporary dwelling or for indefinite periods of time, unless said independent mobile home is located in a licensed mobile home park,

except as specifically provided herein:

- 3.01.01. Emergency or temporary parking or stopping of independent mobile homes along any public thoroughfare, or alley for not more than seventy-two hours, provided that such parking is subject to other traffic regulations applicable; and provided further that the mobile home is not occupied.
- 3.01.02. A camping or vacation trailer or dependent mobile home not exceeding 21 feet in length may be stored in the rear yard of any lot on which a permanent building is located, provided that no living quarters shall be maintained nor any business conducted in connection therewith while such trailer or mobile home is so parked or stored.
- 3.01.03. A mobile home may be used for office or residential purposes on a temporary basis during construction or remodeling activities in connection with a use permitted on the lot, provided that the mobile home complies with all building regulations of the City of Eureka Springs and it is removed from the site within 10 days after the construction or remodeling has been completed.

3.02. Zones permitted. Mobile home parks shall be permitted only in the following zones of the City of Eureka Springs, as established by Ordinance No. 915, as amended:

C-1, C-2, I and A.

3.03. Site requirements:

- 3.03.01. Each mobile home park shall have a minimum area of 3 acres.
- 3.03.02. The condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or the safety of the occupants. The site shall be so located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity. Potential health hazards shall be eliminated before any construction is begun. Mobile home park sites shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

3.04. Utilities. An independent mobile home shall not be occupied for dwelling purposes in a mobile home park unless it is properly placed on a conforming mobile home lot and connected to all utility services including water, sewer and electrical. Utility service connections shall be located on the lot served.

3.05. Mobile home spaces and street requirements.

- 3.05.01. Independent mobile homes shall be separated from each other and all other buildings and structures by at least 15 feet in all directions.
- 3.05.02. An accessory structure which has an area exceeding 25 square feet and has a roof or opaque top shall, for purposes of spacing requirements, be considered to be part of the mobile home.
- 3.05.03. A minimum of 10 feet shall be provided from any point of the mobile home to adjacent access roads serving more than one mobile home space.

- 3.05.04. Minimum frontage of any mobile home lot shall be not less than 40 feet for a single width unit and 50 feet for a double width unit.
- 3.05.05. Mobile home lots shall not be less than 3500 square feet in area.
- 3.05.06. Off-street parking for not less than two vehicles shall be provided on each mobile home lot.
- 3.05.07. Each mobile home lot shall have unobstructed access to a mobile home park street.
- 3.05.08. No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct benefit and well being of the park residents and for the management and maintenance of the park. Permissible are units housing office space and laundry and storage facilities, provided that there is no commercial advertisement of these laundry and storage facilities nor access by the general public to such facilities.
- 3.05.09. Nothing contained in this section shall be deemed as prohibiting the sale of an independent mobile home located on a mobile home lot and connected to the pertinent facilities.
- 3.05.10. All independent mobile homes shall be located at least 25 feet from all mobile home park boundary lines. All mobile home parks adjacent to other residential uses, or to commercial or industrial uses or highways or other roadways, shall have screening, such as opaque fencing or landscaping, along the property boundary separating the mobile home park from such adjacent land uses.
- 3.05.11. In all mobile home parks accommodating or designed to accommodate 25 or more independent mobile homes there shall be one or more recreation areas which shall be reasonably accessible to all park residents, free from traffic hazards, and of a minimum size based upon 100 square feet per lot. No outdoor recreation area shall contain less than 2500 square feet.

SECTION 4. EXISTING INDEPENDENT MOBILE HOMES AND MOBILE HOME PARKS

Wherever an individual independent mobile home or a mobile home park was legally in existence in the City of Eureka Springs and was in compliance with previous regulations in Ordinance No. 915, as amended, such independent mobile home or mobile home park shall be considered to be legally non-conforming to this ordinance and no further compliance will be sought, except any changes, additions, subtractions, exterior remodeling or relocation shall be subject to conformance with this ordinance. Where any independent mobile home is located individually at a site outside a mobile home park, said independent mobile home shall not be replaced. In addition, if the use of such independent mobile home is discontinued for a period of six (6) consecutive months or more, the independent mobile home shall be removed from such site by the owner not more than thirty (30) days thereafter. Nothing in this section shall preclude the Building Inspector or duly authorized health authority from taking remedial action against the owners of independent mobile homes or mobile home parks currently in violation of Ordinance No. 915, as amended, or in violation of any county, state and/or

Ordinance No. \_\_\_\_\_

Page 6

federal statutes, ordinances, regulations and/or standards regarding mobile homes or mobile home parks, or contrary to recognized national standards of technical and scientific organizations.

SECTION 5. VIOLATIONS AND PENALTIES

Any violation of any provision of this ordinance by any individual, firm, partnership, corporation or other legal entity shall be construed to constitute a misdemeanor, and the violator, upon conviction thereof, may be fined in any sum not to exceed Two Hundred Fifty Dollars (\$250.00) per violation, and each day any single violation is continued shall be deemed to constitute a separate offense.

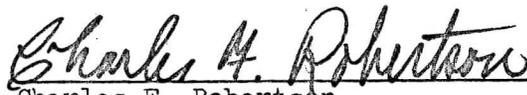
SECTION 6. INVALIDITY AND SEVERABILITY

In the event that any portion of this ordinance shall be held to be invalid or unconstitutional by a Court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

SECTION 7. REPEAL

This ordinance specifically repeals and invalidates all references to mobile home and mobile home parks of Section 3-8 of Ordinance No. 915, as amended, Section 5-19, in its entirety, of Ordinance No. 915, as amended, and all other ordinances or parts of ordinances in conflict herewith.

PASSED AND APPROVED by the City Council of the City of Eureka Springs, Arkansas, this 8<sup>th</sup> day of January, 1977.

  
\_\_\_\_\_  
Charles F. Robertson  
Mayor

ATTEST:

  
\_\_\_\_\_  
June I. Moncravie  
City Clerk

(Seal)