

ORDINANCE NO. 1705

AN ORDINANCE AMENDING ORDINANCE NUMBER 1120, AS AMENDED BY ORDINANCES HERETOFORE ADOPTED, SAID ORDINANCE, AND THE AMENDMENTS RELATED THERETO, BEING ENTITLED "TALLADEGA, ALABAMA, ZONING ORDINANCE", AS FOLLOWS; AND REPEALING ORDINANCE 1615; AND IN NO OTHER PARTICULARS;

WHEREAS, the Talladega City Planning Commission has adopted and presented to the City Council of the City of Talladega a Resolution reciting that, after due consideration, it recommends that Ordinance Number 1120, entitled "Talladega, Alabama, Zoning Ordinance" as amended by Ordinances heretofore adopted, be further amended as hereinafter set out; and,

WHEREAS, the City Council of the City of Talladega, Alabama, desires to concur in and act upon said recommendation as provided by law in such cases; and,

WHEREAS, all preliminary requirements as in such cases provided by law have been complied with;

NOW, THEREFORE, be it ordained by the City Council of the City of Talladega, Alabama, as follows:

SECTION I. That Ordinance Number 1703 adopted by the City Council of the City of Talladega at its regular meeting of August 15, 2011, is rescinded.

SECTION II. That Ordinance Number 1615 is repealed as of the effective date of this Ordinance.

SECTION III. The purpose of this Ordinance is to provide standards and procedures specifically relevant to the placement and permanent attachment of Manufactured Homes to lots in the City of Talladega, Alabama. This amendment to Ordinance 1120 shall be known as the "Manufactured Home Regulations".

SECTION IV. Regulations for Manufactured Homes and Manufactured Home Parks

Section 1-Definitions As used throughout these regulations, the following terms shall have the meanings set forth below, which meanings shall be applicable to both the singular and plural forms and tenses of such terms:

Applicant- Any person making application for a permit for the placement of a Manufactured Home on a lot in the City of Talladega or the development of a Manufactured Home Park/Subdivision.

Effective Date - This ordinance shall take effect upon its passage and publication as provided by law.

Manufactured Home – A structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis, and designed to be used as a single family residential dwelling, with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The home is built to the standards and specifications as set out in the National Manufactured Housing Construction and Safety Standards Act.

Manufactured Home Lot/Site – A parcel of land designated for the placement of a single Manufactured Home unit and for the exclusive residential use of its occupants.

Manufactured Home Community/Subdivision – A development planned, improved, and used for the placement of four (4) or more Manufactured Homes for residential occupancy. The lots in said community/subdivision shall be for fee simple sale to individuals for the purpose of placing a Manufactured Home on said lot and shall not be used for lease or rental purposes.

Mobile Home or House Trailer – A structure built prior to June 15, 1976, designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be located and occupied as a residential dwelling, completed and ready for occupancy including plumbing, heating, air conditioning and electrical systems. Travel trailers, campers, recreational vehicles, and motor homes are not considered to be Manufactured Homes, Mobile Homes, or House Trailers.

Modular Home – A factory fabricated transportable structure consisting of sections designed to be incorporated at a building site on a permanent foundation and used for residential purposes. A modular home must have a seal of compliance according to the regulations of the Alabama Manufactured Housing Commission.

Section 2 – Manufactured Homes Locations

2.01. Location Restrictions

Manufactured Homes may be permitted on a vacant lot only within the M-H Mobile Home Park Zoning District or the MHA Mobile Home Area Zoning District, subject to full compliance with the provisions of this Ordinance.

2.02. Location Standards - Generally

A. A lot, as defined in this Ordinance, and subject to the minimum building requirement and setbacks of the residential zoning district where the lot is located shall be limited to one (1) Manufactured Home per lot for use as a family residence.

B. Installation – A Manufactured Home shall be installed in accordance with the manufacturer’s installation instructions or the regulations published by the Alabama Manufactured Housing Commission.

C. Site Orientation – A Manufactured Home shall be placed on a lot in a manner compatible with and reasonably similar in lot orientation to other structures located in the area where the Manufactured Home is to be located. A Manufactured Home shall only be permitted for placement on a lot where the orientation of the Manufactured Home on the lot causes the front door of the structure to face the public street adjoining said lot. Where a Manufactured Home is placed on a lot where there are more than one adjacent street, the Manufactured Home shall be placed in such a manner that it faces one of the adjoining streets provided the placement of such Manufactured Home meets all other requirements of this Ordinance, including but not limited to lot size, spacing and setbacks of the zoning district.

D. No Manufactured Home may be sold, delivered or installed in the City of Talladega without the seller, deliverer or installer first obtaining a business license from the City of Talladega.

Section 3 – Standards for All Manufactured Homes

All Manufactured Homes shall comply with the following standards.

A. All Manufactured Homes, mobile homes, or house trailers that are nonconforming prior to the effective date of this Ordinance shall be treated as nonconforming uses in accordance with Article XXVIII of this Ordinance.

B. Any Manufactured Home placed on a vacant lot after the effective date must comply with the requirements of this Zoning Ordinance.

C. HUD Seal Required: Prior to installation of a Manufactured Home upon a vacant lot, the Manufactured Home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act as published by the U.S. Department of Housing and Urban Development (“HUD seal”). Any existing mobile home or house trailer located on a lot prior to the effective date of this Ordinance not bearing the required HUD seal shall be deemed a non-conforming structure and use in accordance with Article XXVIII of this Ordinance.

D. It shall be unlawful for any person to initially place, replace, relocate or occupy a Manufactured Home within the City of Talladega without first complying with the requirements of this Section 5.03 of this Ordinance.

E. Installation Requirements - A Manufactured Home shall be set up, installed and anchored in full compliance with the requirements promulgated by the Alabama Manufactured Housing Commission. Notwithstanding the regulations of the Alabama Manufactured Housing Commission and in addition thereto, a Manufactured Home shall be placed on a permanent foundation consisting of poured concrete footers or a poured concrete pad with sufficient apparatus to permanently affix and attach the Manufactured Home to the foundation according to the design specifications of the manufacturer of the Manufactured Home. Manufactured Homes placed in a Manufactured Home Park/Subdivision shall only be required to be set up, installed and anchored in full compliance with requirements promulgated by the Alabama Manufactured Housing Commission.

F. Encapsulation of Foundation Area - That area between the base of the Manufactured Home and the ground shall be encapsulated with brick, concrete block or such other masonry material as approved by the Building Inspector. The encapsulation shall be completely around the structure from the base of the Manufactured Home to the ground. Storage and/or trash accumulation under the Manufactured Home is prohibited. Access under the Manufactured Home may be made only for the purpose of maintenance and/or repairs. The access area shall not be larger than 3 feet by 3 feet. This subsection does not apply to a Manufactured Home Park/Subdivision.

G. Axles and Towing Devices Removed - Within seven (7) days after a Manufactured Home has been placed on a lot, all towing devices, including but not being limited to, wheels, hitches, tow bars and axles shall be removed from the Manufactured Home. All towing devices including, but not limited to, tow bars, trailer lights, wheels and axles shall be removed from the property whereon the Manufactured Home is located or stored on the lot in such a manner as not to be in the public view.

H. Access to Exterior Entrances - Immediately after installation of the Manufactured Home and prior to occupancy, a landing/porch/deck shall be installed on all front and rear entrances to the Manufactured Home. At least one of the entrance landings shall be at least five (5) feet in depth (as measured outward from the exterior of the Manufactured Home structure) and at least eight (8) feet in length, and contain a railing along all exterior edges of the landing. All railing shall be not less than thirty four (34) inches in height and not more than thirty-eight (38) inches and the opening in the vertical rail shall be of a size such that nothing larger than a four (4) inch sphere may pass. Stairways leading to the landing/porch/deck shall be no less than three (3) feet in width with exterior railing. All required stairways and landings/porches/decks shall be constructed of wood or brick materials or some combination of wood and brick. Any required railing may be constructed of wood or metal material.

I. Additions - Any structural additions to the Manufactured Home shall be permitted according to the building permit requirements of the City of Talladega.

J. Utilities - A Manufactured Home placed on a lot shall be required to connect to all basic utilities, including, but not being limited to, water, sewerage and electrical. Any Manufactured Home connected to a well and/or septic tank, shall obtain prior approval by the Alabama Department of Public Health or the Alabama Department of Environmental Management for placement and construction of the well and/or septic tank.

Section 4 - Standards for Manufactured Home Park/Subdivision

4.01 - Existing Manufactured Home Park

All existing Manufactured Home Parks are subject to conforming to Section 3 standards, except subparagraph F of Section 3, as to any Manufactured Home placed in said park after the effective date of this Ordinance.

4.02 - Procedure To Establish A Manufactured Home Park/Subdivision

A. Community Plan - A map or plat of a Manufactured Home community plan shall be developed and drawn to a scale of one (1) inch to one hundred (100) feet and shall include the following in addition to the information required by Section 5.03:

1. Name of the community, the names and addresses of the owners of the real property wherein the community is to be located, and the names and addresses of the designer and/or surveyor laying out the map or plat of the community.
2. The date, scale, and approximate north arrow.
3. The property boundaries of the community as it relates to surrounding streets.
4. The map or plat of the community shall show the streets, driveways, open area, parking spaces, service buildings, water courses, easements, and Manufactured Home spaces, giving the length and bearings of the boundaries of each space and its number. The map or plat shall give the bearings, length, width and name of each street, as well as the number of each lot and block. The map or plat shall show the relation of the land so platted or mapped to the government survey.
5. Names of adjoining property owners.
6. The identification of all gas, water, and sewage lines that will service the community. Street lights and solid waste containers shall also be included.
7. Surface water drainage plans.

B. Review and Approval - Before a permit is issued for construction of a Manufactured Home community, the plan for the community must be submitted to the Planning Commission for review and approval in accordance with the applicable Subdivision Regulations of the City of Talladega.

C. All Manufactured Home communities located in the City of Talladega must meet all lot size and setback requirements of the Article XIII, M-H Mobile Home Park Zoning District.

Section 5 - Administration and Enforcement

5.01 Enforcing Officer - The provisions of the permitted process of these Manufactured Home Regulations shall be administered and enforced by the Building Inspector of the City of Talladega. The Office of City Planner shall design and draft a template for a Manufactured Home application for permit to include at least the information required in Section 5.03. The

Building Inspector's duties in the enforcement of these regulations shall include, but not be limited to, the review of the information contained in said application to assure compliance with these regulations; verifying the accuracy of the information contained in the application; inspecting the property described in the application for the Manufactured Home permit and issuing Manufactured Home permits in compliance with the terms of these regulations. The enforcement of this Ordinance following permitting and installation shall be the responsibility of the code enforcement officer of the City of Talladega.

5.02 Notification - Any person or business entity selling, delivering or installing a Manufactured Home in the City of Talladega shall provide notice of the requirements of this Ordinance to the purchasers of the Manufactured Home or the consumer contracting for delivery and/or installation of the Manufactured Home at the earliest possible time before the sale and/or before the delivery and/or installation of the Manufactured Home on a form as provided by the City of Talladega. The Revenue Officer of the City of Talladega shall furnish to any applicant for a business license for the sale, delivery or installation of a Manufactured Home a notice of the requirements of this Ordinance on a form as prepared by the Building Inspector of the City of Talladega.

5.03 Manufactured Home Permit and Certificate of Occupancy - A Manufactured Home permit and Certificate of Occupancy shall be issued in accordance with the following provisions:

A. It shall be unlawful for any person to place a Manufactured Home on any lot within the City of Talladega or to develop a Manufactured Home Park until the Building Inspector has issued a permit for the placement of said Manufactured Home or the creation of said Manufactured Home Park.

B. The owner or the intended occupant of a lot in the City of Talladega shall apply to the Building Inspector for a Manufactured Home permit. The permit shall include at least the following:

1. The date of the application.
2. The zoning district wherein the lot is located.
3. Manufactured Homeowner's name,
4. Manufactured Home location.
5. Manufactured Home Owner's phone number.
6. Lot owner's name.
7. Lot owner's mailing address and telephone number.
8. Lot size.
9. Manufactured Home size.
10. Manufactured Home manufacturing date.
11. Legal description of lot.
12. Proof of ownership of lot.
13. Permanent parcel tax identification number of lot as assigned by the Revenue Commissioner of Talladega County.

14. Certification and approval by the Talladega County Health Department approving septic system, or in the alternative, a statement from the Water Department of the City of Talladega approving water and sewer hookup.

C. Upon compliance with the permit application process, a permit shall be issued by the Building Inspector for the placement of the Manufactured Home on a lot. A Certificate of Occupancy shall not be issued until there has been full compliance with the terms and conditions of this Ordinance.

D. There shall be no permanent residential utility service hookup for water, sewerage or electrical service until such time that a Certificate of Occupancy has been issued by the Building Inspector. Electrical service shall only be provided by a licensed electrical service provider. An electrical service provider shall not permit electrical current to pass through its metering device to its customer's Manufactured Home until such time that the customer furnishes to the electrical service provider a Certificate of Occupancy issued by the Building Inspector. All electrical hookups to the electrical service provider's metering device must be performed by a licensed electrician who must hold an electrical permit issued by the City of Talladega Building Inspector. A Certificate of Occupancy for electric service will not be released until all foundation encapsulation, landings, steps and railing are completed and water and sewer or waste disposal are connected by approved methods as required by this Ordinance.

5.04 Permit Fee - Prior to the issuance of a Certificate of Occupancy, the applicant must pay to the Revenue Department of the City of Talladega a permit fee calculated based upon the value of

the Manufactured Home using the fee schedule for a Mechanical Permit as provided in Sec. 14-62 of the Talladega City Code. Evidence of payment shall be furnished to the Building Inspector prior to the issuance of a Certificate of Occupancy.

5.05 Records - It shall be the duty of the Building Inspector to keep a record of all temporary permits and Certificate of Occupancy issued under the provisions of these Manufactured Home Regulations. The Building Inspector shall file and safely keep copies of all supporting documentation submitted with the application required hereunder, and the same shall form a part of the records of the Building Inspector's office and shall be available for the use of the City Council, the Board of Adjustment, the Planning Commission, and other officials of the City of Talladega.

5.06 All questions, complaints, or objections arising by an applicant in connection with the enforcement or the interpretation of these regulations shall be presented to the Board of Adjustments only on appeal from the Building Inspector. Any appeal of a decision of the Board of Adjustments shall be to the Circuit Court of Talladega County, Alabama, on the sole issue of whether the procedures required by the Manufactured Home Regulations have been enforced. There is no right of appeal under these regulations to the City Council of the City of Talladega.

Section 6 - Penalty: Any person violating a provisions of these regulations shall be guilty of a misdemeanor; and upon conviction, shall be punished for each violation according to law. Each day such a violation continues shall be deemed a separate offense.

Section 7 - Remedies: In case any Manufactured Home is placed on a lot or any Manufactured Home Park is erected or constructed in violation of these regulations, the Building Inspector, or any other proper public authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, other special remedies or other appropriate action in a proceeding to prevent said violation.

Section 8 - Severability: All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 9 - Upon the effective date of this ordinance, except as amended herein, Ordinance Number 1120 and any amendments thereto shall remain in full force and effect.

ADOPTED and APPROVED this the 6th day of September 2011.

Horace L. Patterson, Council President

Jim Davis, Councilmember

Elizabeth Grissett, Councilmember

Eddie L. Tucker, Councilmember

Donnie Miller, Councilmember

Attested: Elizabeth Cheeks, City Clerk