

Upon motion by Mr. McGrath, seconded by Mr. Curtis, the following Ordinance was duly enacted, 2 voting in favor of enactment, 0 voting against enactment.

ORDINANCE 2006-8

An Ordinance of Millcreek Township, entitled the Manufactured Home Park Ordinance, amending and restating regulations governing issuance of permits for development, construction and alteration of and additions to manufactured home parks, licensing of persons operating manufactured home parks, standards for erection of single-section manufactured homes and inspection of manufactured home parks; amending regulations governing development of manufactured home parks and improvements required therein; providing for regulation of manufactured home parks as land developments; prescribing penalties for violation; establishing enforcement procedures and including severability and repealor clauses.

WHEREAS, Millcreek Township by Ordinance No. 74-19, known as the Millcreek Township Mobile Home Park Ordinance, established regulations establishing standards for development, construction and additions to mobile home parks and additions thereto, issuance of permits for such developments and inspections thereof and other matters related to such developments; and

WHEREAS, development and use of land as a mobile home park is authorized in the “C” Residence district subject to regulations established in the Millcreek Township Zoning Ordinance; and

WHEREAS, standards for construction of what were at the time Ordinance No. 74-19 was enacted known as mobile homes have materially changed since the ordinance was enacted; and

WHEREAS, since enactment of Ordinance No. 74-19, Millcreek Township has enacted regulations governing land developments in the Subdivision and Land Development Ordinance, regulations governing stormwater management in the Stormwater Management Ordinance and regulations governing construction of required improvements in the Public and Private Improvements Code; and

WHEREAS, the Board of Supervisors finds that general regulations governing land developments, stormwater management, land use and other issues pertinent to manufactured or mobile home park developments should apply as is the case with other uses and developments under applicable federal, state and local laws and regulations; and

WHEREAS, for these reasons, the Board of Supervisors believes that it is in the best interest of the public health, safety and welfare that regulations governing manufactured or mobile home parks be amended and restated.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania, and it is ordained and enacted, as follows:

1.01 Ordinance Name. This Ordinance shall be known as the Manufactured Home Park Ordinance.

1.02 Terms and Definitions.

1.02.1 General Interpretation Words not specifically defined in this Section shall be given their usual and customary definition.

1.02.2 Terms Defined in Other Laws Terms not specifically defined in this Section but which are defined in other statutes or Township ordinances shall be interpreted according to such other established definitions. It is not the intention of this ordinance to establish new definitions for terms expressly defined in other Township ordinances, except as deemed appropriate for this ordinance.

1.02.3 Defined Terms

1.02.3.1 **Authority** - shall mean that authority or department of a political subdivision which owns and/or operates public water, public sanitary sewer and/or public storm sewer lines and facilities.

1.02.3.2 **Code Administrator** - shall mean that person designated in this ordinance or by resolution of the Board of Supervisors to administer and enforce this ordinance, and shall include his or her designee(s).

1.02.3.3 **Health Department** - the Erie County Department of Health.

1.02.3.4 **HUD-Code Home** - shall mean a manufactured or mobile home which is constructed in accordance with standards set forth in Manufactured Home Construction and Safety Standards, developed and administered by the U.S. Department of Housing & Urban Development, as the same may in the future be amended. This term shall be deemed included within a “manufactured” or “mobile” home.

- 1.02.3.5 **License** - shall mean a written approval and authorization, in such form as is adopted by resolution of the Board of Supervisors, authorizing a person to operate and maintain a manufactured home park.
- 1.02.3.6 **Manufactured Home** - shall mean any home that is built in a factory to the HUD Code and transported on its own wheel, axle and/or chassis system and installed on a building site, whether or not wheels and axles are removed during siting. Shall be deemed to include “mobile home”, “modular home” and all other equivalent terms, especially when located within a manufactured home park.
- 1.02.3.7 **Manufactured Home Park** - a development or area under single ownership comprising at least five contiguous areas of land where owners of manufactured homes place their manufactured homes on rented land space or owners of land place manufactured homes for rental of the home and space by others for non-transient use.
- 1.02.3.8 **Manufactured Home Park Lot** - a parcel of land within a manufactured home park, constructed and installed with utility connections, off-street parking area and other improvements or appurtenances required under applicable laws, ordinances or regulations or desired by the lot owner or occupant for a single manufactured home and the exclusive use of its occupants.
- 1.02.3.9 **Mobile Home** - generally an outdated term since implementation of the HUD Code which refers to manufactured homes, shall be deemed incorporated within the term “manufactured home.”
- 1.02.3.10 **Modular Home** - shall mean a factory-built home designed to meet state or local building codes, rather than the HUD Code, and transported for installation on a building site.
- 1.02.3.11 **Person** - shall mean any individual, firm, partnership, corporation, trust, estate, public or private association, limited liability company or other entity.
- 1.02.3.12 **Public and Private Improvements Code** - shall mean the Millcreek Township Public and Private Improvements Code.

- 1.02.3.13 **Site-Built/Stick-Built Home** - shall mean a home erected at a building site using conventional means of construction with few pre-fabricated components. When constructed on a manufactured home lot by the lot owner or other person, shall be deemed a manufactured home for purposes of this ordinance.
- 1.02.3.14 **Service Building/Community Service Facility** - a building or structure housing operational, office, recreational, park maintenance and/or other facilities built to serve a manufactured home park and/or to conform to required local standards.
- 1.02.3.15 **Single-wide Home** - as used in this Ordinance, shall mean a single-section manufactured or mobile home usually measuring no wider than 12' or 14' and no longer than 70'.
- 1.02.3.16 **Subdivision and Land Development Ordinance** - shall mean the Millcreek Township Subdivision and Land Development Ordinance.
- 1.02.3.17 **Uniform Construction Code/Construction Code** - shall mean the Pennsylvania Uniform Construction Code, as adopted by ordinance of Millcreek Township.

1.03 Application of Regulations.

- 1.03.1 Application of Ordinance The regulations of this Ordinance shall apply generally to all manufactured or mobile home parks developed, constructed and/or used in Millcreek Township.
- 1.03.2 General Rule of Application Except as specifically set forth in this Ordinance, the regulations of this Ordinance shall not be deemed to modify, amend or alter substantive and procedural provisions of other federal and state laws and regulations and/or Millcreek Township ordinances and resolutions, including but not limited to the Subdivision and Land Development Ordinance, the Stormwater Management Ordinance, the Zoning Ordinance, the Public and Private Improvements Code and resolutions adopted by the Board of Supervisors which relate thereto, as now in effect and as may in the future be amended.
- 1.03.3 Development and Design Regulations. Regulations governing land use, land development, design and standards for manufactured home parks, stormwater management and construction of required improvements as set forth in the Zoning Ordinance, Subdivision and Land Development Ordinance, Stormwater Management Ordinance and Public and Private Improvements Code are not intended to be modified as to manufactured home parks and shall govern.

1.03.4 Building and Construction Standards. Standards for construction of manufactured, modular and/or stick-built homes as established by the U.S. Department of Housing and Urban Development and/or the Uniform Construction Code shall govern, and this ordinance is not intended to amend or alter the same.

1.03.5 Forms and Documents Except as may be specifically established in this Ordinance, forms of the Township which relate to subdivisions, land developments, permits, zoning, construction and stormwater management shall be as have been adopted in other ordinances or by Resolution of the Board of Supervisors. Forms generally are not prescribed in this Ordinance so as to allow for adoption and amendment of forms by Resolution of the Board of Supervisors as it deems such documents and revisions to be necessary or appropriate.

1.04 Permit Required. It shall be unlawful and a violation of this Ordinance for any person to construct, develop, alter or extend any manufactured home park in Millcreek Township without first obtaining and maintaining in full force and effect a permit issued by the Board of Supervisors through the Code Administrator in the name of such person for the specific development, construction, alteration or extension proposed.

1.04.1 No permit to develop, construct, alter or extend a mobile home park shall be issued until the applicant first has obtained all zoning, Construction Code, land development and stormwater management plan, Authority, Health Department and other required approvals and has either constructed all required improvements or tendered to the Township financial security to ensure their proper construction.

1.04.2 The application for permit shall be made in writing by the owner on such form as is adopted by the Board of Supervisors and shall be submitted to the Code Administrator.

1.04.3 The application for permit shall be signed by the owner(s) and shall set forth such information as the Board of Supervisors shall require, this to include at a minimum:

1.04.3.1 Name and address and telephone number of each owner;

1.04.3.2 Name, address and telephone number of the person who shall operate the proposed park, if different than the owner;

1.04.3.3 Street address, Millcreek index number and Erie County tax index number for the subject property;

1.04.3.4 Size in acres of the subject property;

1.04.3.5 Number of lots proposed within the park;

- 1.04.3.6 Name, address and telephone number of applicant's engineer;
 - 1.04.3.7 The date on which the application for land development for the park was submitted and/or approved, as is applicable;
 - 1.04.3.8 Detail as required for land developments and manufactured home parks under the Subdivision and Land Development Ordinance;
 - 1.04.3.9 If not otherwise provided, detail regarding proposed buildings, service buildings and community service facilities proposed; location, height, direction and intensity of outdoor lighting; location and size of all home lots; and location of all screening and detail of height and materials of construction; and
 - 1.04.3.10 A time schedule for development of the park.
- 1.04.4 Upon receipt of an application, supplements and payment of such fee therefor as is established by the Board of Supervisors, the Code Administrator shall review the application to determine whether the proposed park complies with regulations in all applicable ordinances. If an application complies with all applicable ordinances, the Code Administrator shall issue a permit to the applicant which shall be valid for a term of one year.
- 1.04.4.1 No permit shall be issued where the subject land is not authorized under this ordinance or the Zoning Ordinance to be developed and used as a manufactured home park.
 - 1.04.4.2 No permit shall be issued until all required land development and/or subdivision plans have been approved, a stormwater management plan for the development has been approved and the applicant has either constructed all required improvements or tendered to Millcreek Township financial security required to ensure their construction.
 - 1.04.4.3 If the development will involve construction which is subject to the Uniform Construction Code, the applicant shall be obligated to apply for and obtain all construction permits required under the ordinance implementing that Code. The permit required under this Section is not intended to pertain to the Construction Code.
 - 1.04.4.4 If the applicant is unable to complete construction, alteration or extension of the park by the end of the one-year term of the issued permit and submits a written request for an extension of such permit, the Board of Supervisors, upon good cause shown, shall have authority to extend the term of the permit.

1.05 Registration and License.

1.05.1 License Required It shall be unlawful for any person to operate a manufactured home park in Millcreek Township unless he or she holds a license issued annually by the Township in the name of such person(s) for the specified park. Proof of registration by the Health Department shall be furnished to the Code Administrator at the time of application for a license or renewal license.

1.05.2 Application The application for license or renewal license shall be made in writing by the owner on such form as is adopted by the Board of Supervisors and shall be submitted to the Code Administrator.

1.05.3 License Fee The applicant shall tender with an application for license or renewal license payment of the fee therefor as is prescribed by resolution of the Board of Supervisors.

1.05.4 License Term Each license shall be valid for a period of one year, commencing July 1 and concluding the following June 30.

1.05.5 Action on Application The Code Administrator shall, upon receipt of an application, issue a license or renewal license upon confirming that the applicant and the park are in compliance with all regulations in this ordinance and other applicable laws and ordinances. If the Code Administrator determines that the applicant is not in compliance with a regulation, the application shall be denied and the reason for denial stated in writing and communicated to the applicant.

1.05.6 Transfer of Ownership Each person holding a license shall file notice in writing to the Code Administrator within ten (10) days after having sold, transferred or disposed of ownership and/or operational responsibility for any manufactured home park. Such notice shall identify the new owner or operator.

1.05.7 Suspension A license may be suspended in the discretion of the Code Administrator or the Board of Supervisors if the owner or operator should fail to remedy violations of this ordinance within the time prescribed therefor in an enforcement notice issued by the Code Administrator. In the event a license is suspended, the Code Administrator shall issue to the licensee written notice of the suspension, and such suspension shall remain in effect until such time as all cited violations have been remedied.

1.06 Refuse and Recycling. The licensee shall be responsible for complying with all regulations governing collection and disposition of municipal waste, recyclable materials and leaf waste within the park as are established in the Municipal Waste and Recycling Ordinance (No. 97-2), as may be amended.

1.07 Insect and Rodent Control. Grounds, buildings and structures within the park shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with requirements of all applicable agencies.

1.08 Litter Control. Manufactured home park areas shall be kept free of litter, rubbish and flammable materials.

1.09 Fire Prevention. Manufactured home parks and homes within parks shall at all times comply with all regulations in the International Fire Prevention Code and other applicable laws and regulations.

1.10 Park Management.

1.10.1 Responsibilities of Licensee

1.10.1.1 The licensee for a manufactured home park shall at all times operate and maintain the park in compliance with this ordinance and shall provide supervision adequate to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

1.10.1.2 The licensee shall supervise the placement of each manufactured home on its park lot, which includes securing its stability and installing all utility, water and sewer connections.

1.10.1.3 The licensee shall ensure installation and continued service of water, sewage disposal and utility services to the park and all lots within it in accordance with requirements of applicable Township ordinances.

1.10.1.4 The licensee at all times shall ensure that the park and all portions of it (including all homes within the park) are used solely for residential purposes, this not prohibiting those activities which are required for the direct servicing and well-being of park residents and for management and maintenance of the park.

1.10.1.5 The licensee at all times shall give the Code Administrator free access to the park and to all lots, service buildings and other community service facilities for the purpose of inspection.

1.10.2 Nothing in this Ordinance shall be deemed to prohibit the sale of a manufactured home located on a park lot and connected to utilities.

1.10.3 Unless properly zoned, no manufactured home sales lot or facility shall be permitted within a park.

1.11 Fees. The Board of Supervisors is authorized to establish and, in its discretion, amend fees for permits, licenses, inspections and other services provided under and pursuant to this and other applicable ordinances.

1.12 Inspections. The Code Administrator, the Engineer and/or their designees are authorized and instructed to conduct such investigations as they deem necessary and appropriate in consideration of applications for permits and/or licenses and to ensure compliance with this and other applicable ordinances.

1.13 Penalties for Violation.

1.13.1 In accordance with Millcreek Township Ordinance 96-8, as has been or may in the future be amended:

1.13.1.1 Any person who fails to apply for and obtain a permit, license or renewal license required under Sections 1.04 and 1.05 of this Ordinance shall violate this Ordinance and, upon such determination, shall be obligated to pay an administrative fine of \$200.00. If such administrative fine is not paid on or before the date set forth in the enforcement notice, a civil action shall be commenced, and a civil fine of \$300.00 is prescribed upon a finding of violation.

1.13.1.2 Any person who violates any other provision of this Ordinance shall violate this Ordinance and, upon such determination, shall be obligated to pay an administrative fine of \$300.00. If such administrative fine is not paid on or before the date set forth in the enforcement notice, a civil action shall be commenced, and a civil fine of \$500.00 is prescribed upon a finding of violation.

1.13.1.3 Each day a violation of this Ordinance occurs shall be deemed a separate violation, and shall subject the violator to a fine or penalty for each day a violation continues.

1.13.1.4 In the event a violation cited is not remedied and/or the administrative fine imposed is not paid within the time authorized under Ordinance 96-8, as may have been amended, a person found in a civil action instituted by the Township to have violated this Ordinance shall be subject to a the civil fines as prescribed in this Section for each violation and for each day such violation(s) continue, plus all costs and plus all attorney's fees incurred by the Township, in accordance with Ordinance 96-9, as may be amended.

- 1.13.1.5 In the event a person should fail to remedy a violation after receipt of an enforcement notice, the Code Administrator shall have authority to issue a cease and desist order, which shall extend to directing that construction activity or operations cease until such time as the cited violations have been remedied.
- 1.13.1.6 Upon repeated violations by the same licensee, the Code Administrator shall have authority to suspend an issued license for a defined period of time or to permanently revoke an issued license after prior written notice setting forth the effective date of such action and any action said licensee must take to avoid such action.
- 1.13.1.7 The Township shall have authority to commence an action in the Court of Common Pleas of Erie County to enjoin a violation or to secure other equitable relief (including but not limited to compelling compliance with regulations). In such event, a person found to have violated the Ordinance shall, in addition to other relief, be obligated to pay all costs and plus all attorney's fees incurred by the Township, in accordance with Ordinance 96-9, as may be amended.

1.14 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.15 Repealor. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed. This Ordinance expressly repeals Ordinance No. 74-19, effective upon the effective date of this Ordinance, with provisions of Ordinance No. 74-19 governing development application and design standards being repealed effective on the effective date of the Township's 2006 restatement of the Subdivision and Land Development Ordinance.

1.16 Effective Date. This Ordinance will become effective seven days after its enactment.

BE IT ENACTED this 13th day of June, 2006.

Lawrence G. Curtis, Secretary