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ORDINANCE NO. 009-09

AN ORDINANCE AMENDING CHAPTER 65 OF THE MUNICIPAL CODE, CEDAR RAPIDS, IOWA, AS ENACTED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, BY DELETING SECTIONS 65.03, DEFINITIONS THEREOF AND ENACTING A NEW SECTION 65.03, DEFINITIONS AND ALSO PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That Subsection 65.03, Definitions is deleted and the following Subsection 65.03 is hereby added in lieu of:

65.03 DEFINITIONS.

The following definitions shall be applicable to the terms used in this chapter.

(a) Accessory Use: A use incidental to the primary use of the manufactured/mobile home park such as direct service facility building, park management building, maintenance building, community buildings, or other uses of a similar nature.

(b) Approved Manufactured/Mobile Home Park Development Plan: Manufactured/mobile home park development plan approved by the City Council.

(c) Appurtenances: An attached or detached addition to a manufactured/mobile home, situated on the manufactured/mobile home lot for the use of its occupants, such as decks, open or enclosed carports, garages, storage sheds, or items of a similar nature.

(d) Building Codes: Those applicable codes enforced by the Building Department of the City of Cedar Rapids and known as the Cedar Rapids Building Codes.

(e) Common Area: Any area or space designed for joint use of tenants occupying manufactured/mobile home parks.

(f) Density: The number of manufactured/mobile homes or manufactured/mobile home stands per gross acre as established by Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

(g) Driveway: A minor private way used by vehicles and pedestrians on a manufactured/mobile home lot.

(h) Easement: A vested or acquired right to use land, other than as a tenant, for a specific purpose. Such right being held by someone other than the owner who holds title to the land.

(i) Electric Park Receptacle: The waterproof, attachment receptacle device located adjacent to the water and sewer outlets to receive the flexible cable from the manufactured/mobile home; or where required, the permanently installed conductors. Installations shall conform to

Chapter 34 of the Municipal Code of Cedar Rapids, Iowa.

(j) Electric Service Drop: That part of the electric distribution system from the main electrical distribution system, overhead or underground to the service equipment serving one or more manufactured/mobile home spaces.

(k) Existing Installations: Those installations which were constructed before the effective date of the ordinance codified in this chapter.

(l) Health Authority: The legally designated health authority or its authorized representative of Cedar Rapids, Iowa.

(m) License: A written license issued by the health authority, allowing a person to operate and maintain a manufactured/mobile home park under the provisions of the Code of Iowa, this chapter, and regulations issued by the City of Cedar Rapids, Iowa.

(n) Manufactured Home: Pursuant to Iowa Statute 414.28, "manufactured home" means a factory-built structure, that is manufactured or constructed under the authority of 42 U.S.C. §5401 et. seq. and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles. A manufactured home is the same as a mobile home except a manufactured home must meet the above cited U.S. Code requirements. It also must meet the State of Iowa requirements including the nonpermanent hitch, wheels and axle as stated in this Ordinance, and is also subject to additional local requirements that are also generally more stringent than requirements for mobile homes. This section shall not be construed as abrogating a recorded restrictive covenant. For the purposes of this Ordinance, a manufactured home shall be considered as a single family detached dwelling, but a mobile home is not considered as a single family detached dwelling.

(o) Manufactured/Mobile Home Lot: A parcel of land for the placement of a single manufactured/mobile home and the exclusive use of its occupants.

(p) Manufactured/Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of manufactured/mobile homes for nontransient use.

(q) Manufactured/Mobile Home Park Development Plan: A custom-made design for a specific site or area consisting of drawings, maps, and engineering details to set forth the boundary, topography and overall park design, including streets, parking facilities, manufactured/mobile home lot locations and service facilities.

(r) Manufactured/Mobile Home Stand: That part of an individual manufactured/mobile home lot which has been reserved for the placement of the manufactured/mobile home and any appurtenances thereto.

(s) Mobile Home: A factory-built structure that is transportable in one or more sections, is built on a permanent chassis, and is so designed and constructed to permit lawful occupancy as a dwelling whether attached or unattached to a permanent foundation. A mobile home may have wheels, axles, hitch and other appurtenances of mobility removed, but shall remain a mobile home; provided, however, that a mobile home may be classified as a "manufactured home" and be so regulated if it meets all the standards and qualifications contained within this Ordinance's definition of "Manufactured Home."

- (t) Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (u) New Installations: Those which are proposed for construction after the effective date of these rules and regulations.
- (v) Patio: A surfaced outdoor living space designed to supplement the manufactured/mobile home living area.
- (w) Permit: A written permit issued by the health authority and/or the City Building Department, where applicable, permitting the construction, alteration and extension of a manufactured/mobile home park under the provisions of this chapter and regulations issued hereunder.
- (x) Person: Any individual, firm, trust, partnership, public or private association or corporation.
- (y) Plat: A map, plan, or chart of a city, town, section, or subdivision, indicating the location and boundaries of individual properties.
- (z) Private Street: A private way which affords principal means of access to abutting individual manufactured/mobile home lots or accessory buildings.
- (aa) Property Line: A recorded boundary of a plat.
- (bb) Public Street: A public way which affords principal means of access to abutting properties.
- (cc) Public System (Water or Sewerage): A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by governmental authority. Such systems are usually existing systems serving the municipality or a water or sewer district established and directly controlled under the laws of the state.
- (dd) Right-of-Way: The area, either public or private, over which the right of passage exists.
- (ee) Roadway: That portion of the manufactured/mobile home park street system that is surfaced, as defined in Chapter 32 of the Cedar Rapids Municipal Code, for the actual travel or parking of vehicles, and including curbs.
- (ff) Sewer Connection: The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the manufactured/mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the manufactured/mobile home park. Installations shall conform to Chapter 35 of the Municipal Code of Cedar Rapids, Iowa.
- (gg) Sewer Riser Pipe: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured/mobile home lot.
- (hh) Shall: Indicates that which is required.
- (ii) Site Plan: A plan view drawing of property with existing and proposed improvements or amenities drawn to scale and fully dimensioned.

(jj) Should: Indicates that which is recommended but not required.

(kk) Single Ownership: An individual, partnership, corporation or other entity owning the entire park.

(ll) Skirting: The materials and construction around the perimeter of a manufactured/mobile home floor between the bottom of the manufactured/mobile home floor and the grade level of the manufactured/mobile home stand.

(mm) Tenant Storage: An area within part of the manufactured/mobile home park but not within an individual lot to provide auxiliary general storage space.

(nn) Transient Use: The occupancy of a manufactured/mobile home lot by a manufactured/mobile home for a period of 14 days or less.

(oo) Travel Trailer: A vehicular, portable structure on a chassis, designed to be used as a temporary dwelling.

(pp) Water Connection: The connection consisting of all pipes and fittings from the water riser pipe to the water inlet pipe of the distribution system within the manufactured/mobile home: Installations shall conform to Chapter 35 of the Municipal Code of Cedar Rapids, Iowa.

(qq) Water Riser Pipe: That portion of the water supply system serving the manufactured/mobile home park which extends vertically to the ground elevation and terminates at a designated point at each manufactured/mobile home lot.

(rr) Yards: The area on the same lot with a manufactured/mobile home between the lot line and the front, rear, or side of the manufactured/mobile home.

For purposes of this chapter the "front" of a manufactured/mobile home shall be considered as that part of the manufactured/mobile home facing toward the approved street or right-of-way as required by this chapter.

## Section 2. VIOLATION AND PENALTY

(a) Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than one hundred dollars, or be imprisoned for not more than thirty (30) days, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City Council, in addition to other remedies, may institute any proper action or proceeding, including an action to enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, in the name of the City of Cedar Rapids, to restrain, correct, or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent an illegal act, conduct, business or use in and about said premises.

## Section 3. SEPARABILITY OF PROVISIONS

It is the intention of the Council that each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof other than that affected by such decision.

Section 4. That the aforesaid replacement Subsection shall be included as part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 5. WHEN EFFECTIVE

That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Introduced this 25th day of February, 2009.

Passed this 11th day of March, 2009.

Kay Halloran, Mayor

Attest:

Ann Ollinger, City Clerk