

**ORDINANCE NO. 2024-04-01**

**AN ORDINANCE AMENDING THE TOWN OF WELLSTON CODE OF ORDINANCES, CHAPTER 152: MOBILE HOMES; DECLARING SEVERABILITY AND REPEALING ALL CONFLICTING ORDINANCES.**

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WELLSTON, OKLAHOMA, that**

**SECTION 1.** The Town of Wellston Code of Ordinances, Chapter 152: Mobile Homes be amended to read as follows, with any formatting to be corrected by American Legal to match current codification:

**CHAPTER 152: MANUFACTURED HOMES; MOBILE HOME PARKS**

**ARTICLE A. MANUFACTURED HOMES**

**SECTION:**

- 15-2A-1: Intent
- 15-2A-2: Definitions
- 15-2A-3: Zoning Clearance Permit
- 15-2A-4: Permit Fees
- 15-2A-5: Temporary Use Permit; Requirements
- 15-2A-6: Use As Permanent Structure; Compliance With Regulations
- 15-2A-7: Legal Nonconforming Use; Abandonment
- 15-2A-8: Freestanding Manufactured Homes; Placement
- 15-2A-9: Structural Alterations; Approval
- 15-2A-10: Front Width; Depth Requirements
- 15-2A-11: Installation Standards
- 15-2A-12: Penalty; Remedial Action

**15-2A-1: INTENT:**

A. It is the intent of this article to provide an alternative to site built housing by permitting the use of "manufactured structures", as defined herein, in certain specified zoning districts in which similar construction on site is permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such off site manufactured structures and structures that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same zoning districts.

B. It is the further intent of this article to encourage the provision of alternative modest income housing in certain residential areas by permitting the use of "manufactured structures", as defined herein, in certain specified districts, when they are shown to meet the requirements and procedures set forth herein.

**15-2A-2: DEFINITIONS:**

Unless specifically defined below or elsewhere in this code, words or phrases used in this article shall be interpreted to give them the meanings they have in common usage and to give this article its most reasonable application:

**ADD-A-ROOM UNIT:** A unit of a manufactured structure, not designed as a part of the original structure, which may have less occupied space than a manufactured structure section.

**ANCHORING SYSTEM:** A system of straps, cables, turn buckles, chains, ties, or other approved materials used to secure a manufactured structure or mobile home as directed by the manufactured home construction and safety standards (HUD code) or the local building code.

**APPROVED:** Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

**BUILDING CODE:** The officially adopted building code in effect within the town.

**ELECTRICAL CODE:** The officially adopted electrical code in effect within the town.

**EXPANDO UNIT:** An expandable manufactured unit.

**FREESTANDING:** A single manufactured structure located on a parcel of land outside the boundaries of a mobile home park.

**MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE:** Title VI of the 1974 housing and community development act, department of housing and urban development (commonly referred to as the HUD code).

**MANUFACTURED STRUCTURE:** A structural unit fabricated on or after June 15, 1976, in an off site manufacturing facility, for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal manufactured housing construction and safety standards code.

**MOBILE HOME:** A transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year round residential dwelling, and built prior to the enactment of the federal mobile home construction and safety act of 1974, which became effective for all mobile home construction June 15, 1976.

**OCCUPIED SPACE:** The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

**PERMANENT FOUNDATION:** Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**PLUMBING CODE:** The officially adopted plumbing code in effect within the town.

**RECREATIONAL VEHICLE:** A transportable vehicular structure not built to the manufactured housing construction and safety standards designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto, or drawn by, another vehicle and including, but not limited to, travel and camping trailers, truck campers, and motor homes.

**RURAL AREA:** A nonurban area having a predominant agricultural land use.

**SECTION:** A unit of a manufactured structure at least ten (10) body feet in width and thirty (30) body feet in length.

**SIDING/SKIRTING:** A type of wainscoting constructed of fire and weather resistant material such as aluminum, asbestos board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured structure.

**SPECIAL EXCEPTION PERMIT:** A device for permitting a use within a zoning district other than a principally permitted use.

#### 15-2A-3: ZONING CLEARANCE PERMIT:

A. Permit Requirements: Zoning clearance permit requirements are as follows:

1. Permit Required; Application: Prior to the location, relocation or establishment of any manufactured structure outside of a mobile home community (park), the property owner or authorized representative shall secure a zoning clearance permit, which states that the building and its location conform with the ordinances of the town. Each application for a zoning clearance permit shall be accompanied by:

- a. A plot plan drawn to scale showing the boundaries of the land and the location of where the manufactured home will be placed on the property.
  - b. Photographs of all sides of the structure and a written description that includes outside dimensions of the structure.
  - c. Health department approval for water supply and sewer disposal where applicable.
2. Compliance With Standards; Permit Issuance: After receipt of the information required for a zoning clearance permit, the building official shall review the standards set out in this article. If the applicant has met all required standards, then within ninety (90) days after receipt of all information required herein, a permit will be issued.
  3. Freestanding Manufactured Homes; Rural Area: Freestanding manufactured homes shall be permitted in the Wellston rural area, but only in A-1 zoned districts.
  4. Conditional Approval; Completion Of Minor Changes: If after receipt of the information required for the zoning clearance permit, the building official finds that the applicant has not fully met the standards set in this code, and the changes or additional actions needed are deemed by the designated administrator to be relatively minor or simple, then within ninety (90) days after receipt of all the information, a conditional approval can be issued with the conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree in writing, the application is denied, with reasons stated in writing.
  5. Permit Denial: If any of the major elements are clearly out of line with the standards, within fourteen (14) working days after receipt of all the information, issuance of the zoning clearance permit will be denied, with a written statement specifying the reasons for the denial.
- B. Failure To Obtain Permit: Failure to obtain either a zoning clearance permit or a certification of occupancy as required in this article shall be a violation of this article and punishable under the provisions of section 10.99 of this code.

#### 15-2A-4: PERMIT FEES:

- A. Computation: All fees will be computed based upon the building permit fee schedule set by the town.
- B. Payment Required Before Permit Issuance: Building permits will not be issued until all fees have been collected.

#### 15-2A-5: TEMPORARY USE PERMIT; REQUIREMENTS:

- A. Conditions For Issuance: Subject to conditions, fees, and standards otherwise required by this article, a temporary use permit may be issued:
  1. To an applicant in the process of building a conventional dwelling to locate a manufactured structure or mobile home on a building lot during the course of construction of the dwelling, such permit shall not be issued until after a building permit on the dwelling has been issued; or
  2. To an applicant to use a manufactured structure or mobile home as a caretaker's quarters or construction office at a job site.
- B. Term Of Permit; Renewal: A temporary use permit may be issued by the building official. The permit will be issued to run concurrent with the building permit for the conventional building. The temporary permit may be renewed if the building permit is renewed, and with approval from the town council to do so.

C. Expiration Of Permit; Removal Of Appurtenances: At the time the temporary permit expires, the manufactured structure or mobile home and all appurtenances shall be removed from the property within thirty (30) days.

D. Utility Connections: Manufactured structures or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections.

**15-2A-6: USE AS PERMANENT STRUCTURE; COMPLIANCE WITH REGULATIONS:**

The establishment, location, and use of manufactured structures as permanent structures approved individually, by specific materials, or by design, shall be permitted, subject to the requirements and limitations applying generally to uses in the district, and provided such structures shall meet the following requirements and limitations as set forth in this article, the comprehensive plan and other ordinances of the town. This article shall only apply to freestanding manufactured homes located outside of manufactured/mobile home communities (parks).

**15-2A-7: LEGAL NONCONFORMING USE; ABANDONMENT:**

A manufactured home placed on a tract of land and deemed to be a legal nonconforming use prior to adoption of this article shall continue to be a legal nonconforming use. If the nonconforming use is discontinued or abandoned for six (6) consecutive months, the land thereafter must be used in conformity with all provisions of this code.

**15-2A-8: FREESTANDING MANUFACTURED HOMES; PLACEMENT:**

Freestanding manufactured homes shall be permitted in the Wellston rural area, on land zoned A-1. Freestanding manufactured homes shall not be permitted in any other zoning districts, except for commercial and educational use or sale on manufactured home and travel trailer sales lots. Any freestanding manufactured home placed on a tract of land, with a primary use as a private residence, will not exceed three (3) years of age when placed on the property.

**15-2A-9: STRUCTURAL ALTERATIONS; APPROVAL:**

Due to its integral design, any structural alteration or modification of a manufactured structure or mobile home after it is placed on the site must be approved by the building official of the town. All structural additions shall comply with the town's building, electrical, plumbing and other applicable codes.

**15-2A-10: FRONT WIDTH; DEPTH; SIZE REQUIREMENTS:**

Manufactured homes must have a minimum front width of twenty four feet (24') and a minimum depth of twenty feet (20') and with a minimum square footage of 900.

**15-2A-11: INSTALLATION STANDARDS:**

A. Connection To Utilities: Manufactured structures which bear a certification label certifying that it is constructed in compliance with federal manufactured home construction and safety standards shall be installed and connected to utilities as required by the federal manufactured home construction and safety standards.

B. Foundation; Anchoring; Compliance With Codes: Manufactured homes shall:

1. Be placed on an approved foundation meeting the manufacturer's specifications.
2. Be anchored to the ground in accordance with manufacturer's specifications.
3. Have utilities connected, in accordance with manufacturer's specifications and meeting the codes of the town.
4. Must have solid surface skirting.

**15-2A-12: PENALTY; REMEDIAL ACTION:**

- A. **Penalty Imposed:** Each day of noncompliance with punishable provisions of this article constitutes a separate and distinct violation. Punishment per day may be assessed for each violation of this article as provided in section 10.99 of this code.
- B. **Removal Of Structure For Noncompliance:** A structure sited upon property in violation of this article shall be subject to removal from such property. If action finally is taken by the appropriate authority to bring compliance, the expense involved may be made a lien against the property.
- C. **Filing Suit:** The building official may institute suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

## ARTICLE B. MOBILE HOME PARKS

### SECTION:

- 15-2B-1: Definitions
- 15-2B-2: License Required; Fee
- 15-2B-3: Park Attendant
- 15-2B-4: Park Design And Improvements; New Parks Prohibited
- 15-2B-5: Site Requirements
- 15-2B-6: Park Identification Or Numbering System
- 15-2B-7: Landscaping; Ground Cover
- 15-2B-8: Fire Protection; Litter Control
- 15-2B-9: Compliance With Codes; Utility Connections
- 15-2B-10: Area Requirements For Park And Open Spaces
- 15-2B-11: Traffic Control And Pet Regulations

### 15-2B-1: DEFINITIONS:

As used in this article, the following terms shall have the meanings ascribed to them in this section:

**MHMA:** Mobile Home Manufacturers' Association.

**MOBILE HOME:** A transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year round, residential dwelling, and built prior to the enactment of the federal mobile home construction and safety act of 1974, which became effective for mobile home construction June 15, 1976.

**MOBILE HOME PARK:** A parcel of land under single ownership which has been planned and improved for placement of mobile homes to be occupied as residences.

**SITE OR LOT:** A well defined plot of land designated as the location for a single mobile home, not less than two thousand five hundred (2,500) square feet.

### 15-2B-2: LICENSE REQUIRED; FEE:

A. **Permit Required; Inspection:** It is unlawful for any person to establish, operate, maintain or permit to be established, operated or maintained upon any property controlled or owned by him, a "mobile home park" as defined in this article without having first secured a license and having paid the proper fee for inspection of the construction of such park.

B. **Fee:** The fee for a mobile home park where two (2) or more mobile homes are located shall be as set by the town per occupied lot. The fee is payable to the town clerk.

### 15-2B-3: PARK ATTENDANT/MOBILE HOME PARK OWNER:

A. **Office In Park; Posting License; Park Register:** In every mobile home park there shall be a building in which shall be located the office of the person in charge of the park. A copy of the town license issued by the town, together with a copy of this article pertaining thereto, and a plan

of the area involved, shall be posted for public view. The park register shall be kept at all times in the office and subject to inspection by town authorities at all times.

B. Duties Of Attendant And Licensee: It is hereby made the duty of the attendant or person in charge, and licensee, of the park to:

1. Keep a register at all times of all guests showing:
  - a. Name of the person owning the mobile home;
  - b. A license number of mobile home and the owner's car license number together with the name of the state where such license was issued;
  - c. Date of entrance into the park;
  - d. Number of people residing in the mobile home and their names.
2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. Assure that the provisions of this article are complied with by the occupants of the park and report promptly to town authorities violations of this or other ordinances.
4. Report to the town authorities all cases of persons or animals suspected of being infected with any communicable disease.

#### 15-2B-4: PARK DESIGN AND IMPROVEMENTS; NEW PARKS PROHIBITED:

A. Site Drainage: All mobile/manufactured home parks shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. The drainage shall not endanger any water supply.

B. Design And Installation Of Improvements: All improvements shall be designed and installed in a manner such that either meet or exceed the minimum standards established by the regulations set forth in this article.

C. New Parks Prohibited: No new mobile home parks will be established in the town.

D. Existing Parks: Those mobile home parks already existing in the town will be allowed to continue; however, no expansion of these parks will be permitted.

#### 15-2B-5: SITE REQUIREMENTS:

A. Homes And Buildings; Proximity To Streets: No occupied mobile home or building of any nature shall be located within the town limits nearer to the roads or streets than a minimum of twenty five feet (25') from the applicable setback line in which such mobile home or building is located.

B. Drainage: Every mobile home park shall be located on an area having good drainage of surface waters.

C. Driveways And Streets: All sites or lots shall be clearly designated and the park so arranged that all sites abut on a driveway or street at least sixteen feet (16') in width, given access to all units from a public street. All driveways and roads within the park shall have natural drainage and shall be well lighted at night and unobstructed.

D. Off Street Parking Space: All sites abutting a street or drive of less than thirty feet (30') in width shall have at least one off street parking space.

E. Utility Connections: Connections for sanitary sewer facilities, water, gas and electricity shall be provided in a common location at each mobile home site. Electrical connections must be sufficient for 50 ampere circuit and a 50 ampere circuit breaker installed at each site.

F. Garbage Disposal: Every mobile home site shall be provided with garbage disposal facilities according to the provisions of the town ordinances.

G. Water Supply: Water supply requirements are as follows:

1. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park;

2. Where a public supply of water of satisfactory quantity, quality and pressure is available within three hundred feet (300'), connection shall be made thereto and its supply used exclusively;
3. When a satisfactory public water system is not available, a private water supply system may be developed and used as approved by the state health department;
4. The water supply shall be capable of supplying a minimum of two hundred fifty (250) gallons per day per mobile home space and shall be designed and constructed in accordance with this subsection;
5. The treatment of private water supply shall be in accordance with the applicable laws and regulations as approved by the state health department.

H. Sewage System: An adequate and safe sewage system shall be provided in all mobile homes for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with the requirements of the state health department:

1. In the event that a public sewer system either is or becomes reasonably accessible as determined by the planning commission and the town council, the sanitary sewer system shall be connected to the public sewer system;
2. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will ensure a velocity of two feet (2') per second when flowing full. All sewer lines shall be constructed of materials approved by the state health department, shall be adequately vented, and shall have watertight joints.

**15-2B-6: PARK IDENTIFICATION OR NUMBERING SYSTEM:**

Each home shall be identified while in a park space by some clear, legible and orderly external method of identification or numbering system.

**15-2B-7: LANDSCAPING; GROUND COVER:**

All land areas which are not covered by an impervious surface shall be landscaped and maintained with appropriate vegetation.

**15-2B-8: FIRE PROTECTION; LITTER CONTROL:**

- A. Litter: Mobile home parks shall be kept free of litter, rubbish and other flammable materials.
- B. Fires: Fires shall be made only in stoves.
- C. Barbecue Pits; Fireplace Stoves: The regulations for barbecue pits, fireplaces, stoves, etc., shall be as follows:
  1. Cooking shelters, barbecue pits, fireplaces and wood burning stoves shall be so located, constructed, maintained and used to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property;
  2. No open fires shall be left unattended; and
  3. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

D. Water For Fire Protection: Fire protection capability shall include a water distribution system with components necessary to provide fire protection equivalent to that which is required in other residential areas in the town.

**15-2B-9: COMPLIANCE WITH CODES; UTILITY CONNECTIONS:**

A. Building Standards: All plumbing, electrical, building, installation standards and other work on any park licensed under this article shall be performed in accordance with the ordinances of the town regulating the same unless the ordinances are specifically made inapplicable under the terms

thereof or under the terms of this article. The town may connect and disconnect water, gas and sewage facilities to mobile homes located in any park operated under the provisions of this article.

B. Sewer Connection Inspection Fees: Sewer connection inspection fees for mobile home parks shall be those applicable to family dwellings and each site within the park shall be deemed a family living unit. The monthly sewer service charge for mobile home parks shall be as set by the town.

15-2B-10: AREA REQUIREMENTS FOR PARK AND OPEN SPACES:

A. Sites Per Acre: In a mobile home park, there shall not be more than four (4) mobile home sites per acre, inclusive of streets, alleys and public ways.

B. Recreation And Playground Areas: Recreation and playground areas shall consist of not less than five percent (5%) of the total area within the confines of the park and shall be maintained by the park owner.

15-2B-11: TRAFFIC CONTROL AND PET REGULATIONS:

All ordinances enacted by the town pertaining to traffic and vehicles, and the control of pets or animals, shall be fully as effective within the park as though streets and driveways were dedicated to public use, and the consent and agreement of the owner of the park, streets, and highways thereto shall be a condition precedent to the issuance of the license.

**SECTION 2.** That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 3.** The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

ADOPTED AND APPROVED on this 11<sup>th</sup> day of April 2024.

ATTEST: (Seal)

  
  
Jessica Couch, City Clerk

TOWN OF WELLSTON, OKLAHOMA  
A Municipal Corporation

  
Paul Whitnah, Mayor

Approved as to Form and Legality:

  
William W. Wheeler, Town Attorney