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Town of Warren

Manufactured Housing Ordinance

Adopted March 16, 1992
(181 yes, 107 no)

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TOWN OF WARREN

MANUFACTURED HOUSING ORDINANCE

ARTICLE I - PURPOSE

The purposes of this Ordinance are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A M.R.S.A. Section 4358, "Regulation of Manufactured Housing" and to provide opportunities for the location of affordable and safe housing within the Town.

ARTICLE II - AUTHORITY, APPLICABILITY & ADMINISTRATION

1. Authority

This Ordinance is enacted pursuant to Home Rule Powers as provided for in Article 8, Pt. 2, ss 1 of the Maine State Constitution and under the authority granted to the Town by the statutes of the State of Maine Title, 30-A M.R.S.A. Section 3001, and in accordance with the provisions of Title 30-A, M.R.S.A., Section 4358.

2. Applicability

This Ordinance shall apply to all land within the Town of Warren and to all factory-built housing located in the Town.

3. Administration and Enforcement

The provisions of this Ordinance shall apply to all manufactured housing within the Town of Warren and shall be administered and enforced by the Town of Warren Code Enforcement Officer.

4. Effective Date

This Ordinance shall be effective upon its adoption by a majority vote of the eligible voters of the Town of Warren, Maine at the March 1992 Town Meeting.

5. Fees

The Selectmen shall be responsible for setting the appropriate fees. The fees shall be included and listed in the Town of Warren Fee Schedule.

ARTICLE - III - SEVERABILITY & CONFLICT

ssl Severability

Should any article of this Ordinance be declared by the courts of the State of Maine or by the courts of the United States to be invalid, such decisions shall not invalidate any other article or provision of this Ordinance.

ss2 Conflict with other Ordinances

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

ARTICLE IV - AMENDMENT OF THIS ORDINANCE

ssl Initiation of Amendment

An amendment to this Ordinance may be initiated by:

- A. The Planning Board provided that a majority of the Board has so voted; or
- B. Request of the Selectmen to the Planning Board; or
- C. Written petition to the Selectmen bearing signatures of registered voters of the Town of Warren, Maine numbering at least ten (10) percent of the number who voted in the last gubernatorial election.

ss2 Adoption of Amendment

All proposed amendments to this Ordinance shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within thirty (30) days of receiving a proposed amendment, the Planning Board shall make known their recommendation to the Selectmen and to the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of the Town of Warren at Town Meeting, a majority vote being required for adoption.

ARTICLE V DEFINITIONS

Terms not defined shall have their customary dictionary meaning.

Manufactured Housing. “Manufactured housing” shall mean a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term shall include any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this Section, three (3) types of manufactured housing are included. They are:

- (A) Those units constructed after June 15, 1976, commonly called “new mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are fourteen (14) body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; this

term also includes any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

- (B) Those units-commonly called “modular homes”, which the manufacturer certifies are constructed in compliance with the state’s Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.
- (C) Those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, which are eight (8) body feet or more in width and are 32 body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning, or electrical system contained herein.

ARTICLE VI - NON-CONFORMING STRUCTURES

Any mobile home or house-trailer which fails to meet any of the definitions in Section VI which was lawfully established prior to the effective date of this Ordinance, shall be considered a non-conforming structure and may continue to be maintained, repaired, improved, expanded, or relocated on another portion of the same lot.

ARTICLE VII - PERMIT REQUIREMENTS

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Warren or move a manufactured home from one lot or parcel of land to another without a permit from the Code Enforcement Officer.

No manufactured housing may be sited within the Town of Warren, Maine without either a bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating such housing in this Town; or evidence of certification of payment of the sales tax in accordance with Title 36, M.R.S.A., Section 1760, Subsection 40 and Title 36, M.R.S.A., Section 1952-B. A copy of each document required for each housing unit shall be filed with the Code Enforcement Officer prior to the siting of said unit.

The Code Enforcement Officer shall issue the permit within seven (7) days of receipt of a written application and submission of proof that the manufactured home meeting the requirements of Article V. Older mobile homes, as defined in Article V, C must also meet the requirements of Article IX.

ARTICLE VIII - LOCATION OF MANUFACTURED HOUSING

1. Modular homes and mobile homes constructed after June 15, 1976, are permitted in all zones in which single family-dwellings are permitted.
2. Mobile homes constructed before June 15, 1976, are permitted in all zones in which single family dwellings are permitted, except the Residential District and Industrial District as define in the Land Use Ordinance for the Town of Warren, but any established prior to this amendment is grandfathered and continues as non-conforming structure.
3. Unless located within an approved mobile home park, a modular or mobile home, whatever its date of manufacture, must comply with the same setback and minimum lot size requirements as applicable to single-family dwellings in that district.

ARTICLE IX - STANDARDS

The standards in Article IX shall apply to all manufactured housing built before June 15, 1976, or any manufactured housing not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in the Town of Warren, Maine. The applicant shall have the burden of proving to the Code Enforcement Officer that these standards are met.

All manufactured housing located in the Town of Warren shall be at least twelve (12) feet in width, shall contain at least 450 square feet of living space, shall have a shingled roof, with a minimum pitch of three in twelve (3/12), shall have siding that is residential in appearance and consistent with surrounding neighborhood housing, and shall have a permanent masonry foundation or a gravel pad. The foundation may include a poured concrete gravel pad. The foundation may include a poured concrete or concrete block wall or a full basement. Manufactured homes not placed on a permanent foundation shall have all space between the pad and the floor of the home enclosed by skirting. Skirting may consist of metal sheathing, concrete block, painted or stained wood or plywood, or other permanent material.

A. Exit Facilities - Exterior Doors

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
2. Homes shall have a minimum of two (2) exterior doors not less than twelve (12) feet from each other as measured in any straight line direction regardless of the length of travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
3. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

B. Exit Facilities - Egress Windows and Devices

Mobile homes shall have the following emergency egress facilities:

1. Every room designated expressly for sleeping purposes, unless it has an exit door, shall have at least one (1) outside window or approved exit device. If an exit window or device is installed it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
2. The bottom of the window opening shall not be more than 36 inches above the floor.
3. Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

C. Interior Doors

Each interior door when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

D. Fire Detection Equipment

1. At least one (1) smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:
 - i. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one, or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one (1) detector protecting each bedroom area.
 - ii. When located in hallways, the detector shall be between the return air intake and the living area.
 - iii. The smoke-detector shall not be placed in a location which impairs its effectiveness.
 - iv. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
2. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall four (4) inches to twelve (12) inches below the ceiling. However, when a detector is mounted on an interior wall, below a sloping ceiling, it shall be located four (4) inches to twelve (12) inches below the intersection on the connecting exterior wall, and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method

into a general electrical circuit. There shall be no switches in the circuit to detector between the over-current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

E. Flame Spread

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two (2) inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, counter tops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than twelve (12) horizontal inches to a window or an exterior door.

F. Kitchen Cabinet Protectors

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of six (6) inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One (1) inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a three (3) inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent limited combustible material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent limited combustible material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven at least as wide as the cooking range installed between the cabinet and the range, centered above the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

G. Carpeting

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located underneath the furnace or water heater.

H. Heating and Fuel Burning System

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify in writing that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board.

I. Electrical System

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify in writing that the electrical system is safe and meets the National Electrical code in effect at the time the home was manufactured.

J. Sewage Disposal

1. All water carried sewage shall be disposed of by means of one (1) of the following:
 - i. Individual subsurface sewage systems meeting the requirements of the State of Maine Plumbing Code
 - ii. Public sewer.
2. All subsurface sewage systems shall be located on soils approved by the local Plumbing Inspector and Licensed Soil Evaluator.

ARTICLE X - APPEALS AND VARIANCES

- A. Variances. The Board of Appeals, may upon written application of the affected landowner, grant a variance from the strict application of this ordinance if it would result in undue hardship to the applicant. The term “undue hardship” shall mean:

1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner.

A variance shall not allow the placement of a manufactured home in a zone in which such structures, including modular homes, newer mobile homes, older mobile homes or trailers, are prohibited as dwellings.

A variance is authorized only for dimensional requirements. A variance shall not be granted to permit a use or structure otherwise prohibited.

- B. Appeals to Board of Appeals. The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administrations of the Ordinance. Such hearings shall be held in accordance with State laws. Following such hearings, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.
- C. Appeal to Superior court. An appeal may be taken within thirty (30) days after any decisions is rendered by the Board of Appeals, by any party to Superior Court in accordance with State law.