

CHAPTER 10

Manufactured, Modular, and Mobile Residential Units. Recreational Vehicle Parks.

10.1 Standards and Requirements. (a) This Chapter establishes standards and requirements which govern the placement and occupancy of manufactured, modular, prefabricated, and mobile residential units, or dwellings, in Eureka City. Those definitions specified in U.U.B.S.A. 58-56-3 (The Utah Uniform Building Standards Act, As Amended by Session Laws of Utah, Issued May 1, 1995) are hereby adopted by reference and shall apply to like terms and phrases used in this Chapter. All dwellings in Eureka City shall meet structural standards of the Utah Uniform Building Standards Act (U.U.B.S.A.) or the Uniform Building Code (UBC), whichever is applicable. Any mobile unit to be used for dwelling purposes or otherwise, shall be subject to the requirements of this Chapter and shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the unit certifying the unit was manufactured to HUD standards. Only those mobile units manufactured during or after 1986 shall be permitted in Eureka City. (b) Unless an exemption is recommended by the Eureka City Planning Commission and approved by the City Council as provided herein, only those prefabricated or modular dwellings units which: (I) are a minimum of 20 feet in width and 40 feet in length, inclusive of 800 square feet of living space; (ii) are located on an approved lot; (iii) are placed upon an approved, permanent foundation; and (iv) are certified as meeting U.U.B.S.A. structural standards, are permitted in the Residential Zones in Eureka City (See Chapter 5). All

other classifications of mobile units, unless exempted as provided herein, shall be placed only in an approved mobile dwelling park which is a conditional use in the BC Zone in Eureka City. An exemption may be recommended by the Eureka City Planning Commission and approved by the City Council if one or more of the following conditions are determined to be applicable: (I) an existing, approved, single, residential unit is appropriately repositioned, lawfully modified, or upgraded on property presently utilized for a mobile or modular residential unit; (ii) placement of the single, mobile or modular residential unit is deemed to be the highest and best use of an existing, platted parcel of land located within Eureka City; and (iii) placement of a single unit is granted under a Conditional Use Permit for a limited duration not to exceed one year, which may be renewable annually, to meet a temporary need or accommodate a special situation, hardship, or extenuating condition of the property owner(s). In determining whether it is appropriate to grant an exception, the Eureka City Planning Commission may consider the verbal or written consent or opposition of adjacent land owners. Exemptions shall not be granted to modular or mobile dwelling units which do not meet health and sanitary standards and are deemed by the Planning Commission to be egregious to the neighborhood in which they are, or proposed to be, located. (c) Any transportable factory built dwelling unit shall be installed or "set up" in Eureka City according to standards of, and by qualified individuals licensed under, the U.U.B.S.A. (See Sections 58-56-4 and 58-56-13). Modification of factory built housing and modular units shall be in accordance to Section 58-56-14. (d) Each dwelling unit in Eureka City shall be taxed as real property. If the dwelling is factory built, affidavits shall be filed

as required by U.C.A. 56-2-602 and a copy thereof shall be submitted to Eureka City prior to receiving a Certificate of Occupancy, and within 15 days after said unit is inspected by the Eureka City Building Inspector and granted approval for placement within Eureka City as required under this Chapter. (e) Each dwelling unit shall have exterior siding material of sufficient quality and durability to meet standards of the U.U.B.S.A. Exterior siding material(s) shall consist of brick, stucco, glass, metal lap, vinyl lap, stone, or wood, and shall be approved by the Eureka City Building Inspector.

10.2 Permit Required. A building permit shall first be obtained, and compliance with U.U.B.S.A. electrical, plumbing, and structural standards shall be approved and certified by the Eureka City Building Inspector before any factory built, modular, or HUD-approved mobile residential unit may be located, either temporarily or permanently, on any parcel of land within Eureka City.

10.3 Mobile Dwelling Parks. (a) A mobile dwelling park shall be: (I) located only in the Business - Commercial (BC) Zone; (ii) located on a minimum of 2 acres; (iii) approved only as a conditional use; (iv) subject to State Board of Health requirements (density no greater than 8 units per acre); and (v) subject to the site plan and development standards required in the BC Zone. (b) Each prefabricated or mobile residential unit shall meet contemporary electrical, plumbing, structural, and appearance standards before being located within an approved mobile dwelling park. Prefabricated or mobile residential units, new or used, which are damaged; are altered or modified at the discretion of an owner; which contain aluminum branch circuit wiring; or which fail to meet minimum code

requirements, shall not be located in an existing or new mobile dwelling park in Eureka City. (c) Mobile dwelling parks shall conform to the standards and requirements of this Ordinance.

10.4 Temporary Location and Use. A prefabricated or mobile residential unit may, upon favorable recommendation of the Eureka City Planning Commission and approval by the City Council of a Conditional Use permit, be placed and permitted on a temporary basis, not to exceed 6 months, as a caretaker, construction, or security structure when incidental to and located on the same parcel of land as the permanent, permitted use in the zone specified. Each such prefabricated or mobile residential unit temporarily placed shall comply with all applicable requirements of this Ordinance.

10.5 Recreation Vehicle Parks - Standards and Requirements. (a) A Recreational Vehicle Park (RVP) shall be allowed as a conditional use in the BC Zone and in no other zone in Eureka City. (b) The property upon which a RVP is approved shall be and remain in one ownership. (c) A RVP shall be located on a minimum of 2 acres and a maximum of 4 acres. The RVP shall contain not more than an average of eighteen (18) recreational vehicles per acre. Only one recreational vehicle shall be placed on each designated space. (d) A RVP shall comply with: (I) all plat, plot plan, and site development requirements of the BC Zone Described in Chapter 5 of this Zoning Ordinance; and (ii) the Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations of the Utah State Division of Health. (e) An individual space in a RVP shall not: (I) be used by any one vehicle for a period greater than six (6) months; or (ii) be used by

any individual or family for a permanent residence.

10.6 License Required. (a) A RVP shall not be occupied or operated without first obtaining an annual business license from Eureka City. (b) Said annual license shall be issued only after inspection and certification by the Juab County Department of Health and approval of the Eureka City Council. (c) Said license shall be refused or revoked upon failure of the owner or operator to maintain the RVP in accordance with the standards and requirements set forth in this Chapter and the Eureka City General Plan.

10.7 Enforcement. The Eureka City Council, upon the recommendation of a qualified building inspector, or a health official, shall invoke Utah State Division of Health sanitation and waste disposal standards and U.B.C. or HUD structural standards in approving, or in regulating and abating, any new or existing prefabricated or mobile residential unit in general which is determined to be unfit, unhealthy, and unsafe for occupancy.

10.8 Penalties. The penalties set forth in Chapter 12 of this Ordinance shall apply for violation(s) of any of the provisions of this Chapter.

CHAPTER 11

Uniform Building and State Codes To Govern

11.1 Uniform Building Code. (a) The Uniform Building Code (U.B.C.), most recent edition, is hereby adopted within this Zoning Ordinance and U.B.C. Standards, by reference, are incorporated herein. (b) A copy of the U.B.C., most recent edition, shall be filed in

the offices of Eureka City and be available for examination and reference by interested persons. (c) Provisions of said Code establish rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area, and maintenance of buildings and structures within Eureka City. (d) Said Code provides: (I) for the issuance of building permits and collection of fees for the activities specified herein; and (ii) penalties for violation of the provisions thereof. (e) Any person who violates any provision of this Chapter shall be subject to the penalties specified in Chapter 12 of this Ordinance.

11.2 National Electrical Code. (a) The National Electrical Code (N.E.C.), most recent edition, is hereby adopted within this Ordinance and N.E.C. Standards, by reference, are incorporated herein. (b) A copy of the N.E.C., most recent edition, shall be filed in the offices of Eureka City and be available for examination and reference by interested persons. (c) Provisions of said Code establish rules and regulations for the erection, repair, and construction of electrical equipment, facilities, and devices used in the construction, maintenance, and operation of buildings and structures in Eureka City. (d) Said Code provides: (I) for the issuance of permits and the collection of fees therefor; and (ii) penalties for the violation of the provisions thereof. (e) Any person who violates any provision of this Chapter shall be subject to the penalties specified in Chapter 12 of this Ordinance.

11.3 Uniform Plumbing Code. (a) The Uniform Plumbing Code (U.P.C.), most recent edition, is hereby adopted within this Ordinance and U.P.C. Standards, by reference, are incorporated herein. (b) A copy

of the U.P.C., most recent edition, shall be filed in the offices of Eureka City and be available for examination and reference by interested persons. Provisions of said Code establish rules and regulations for the construction installation, and repair of plumbing devices, equipment, and facilities used in the construction, maintenance, and operation of buildings and structures in Eureka City. (d) Said Code provides: (I) for the issuance of permits and the collection of fees therefor; and (ii) penalties for the violation of the provisions thereof. (e) Any person who violates any provision of this Chapter shall be subject to the penalties specified in Chapter 12 of this Ordinance.

11.4 Utah Uniform Building Standards Act. Applicable provisions of the U.U.B.S.A. (The Utah Uniform Building Standards Act, As Amended by Session Laws of Utah, Issued May 1, 1995) are hereby adopted by reference in this Eureka City Ordinance.

11.5 Uniform Fire Code. Selected provisions of the Uniform Fire Code, most recent edition, and Uniform Fire Code Standards which are applicable to the Uniform Building Code requirements and standards invoked by the designated building inspector, or health official, for buildings and structures erected or modified in Eureka City are hereby adopted by reference within this Chapter.

11.6 Code Interpretation for Restoration and Preservation of Historic Structures. (a) Applicable provisions in each of the Codes adopted in this Chapter shall apply to commercial, industrial, and residential structures in Eureka City which are reconstructed, refurbished, remodeled, or restored for historic preservation purposes and building permits will be required. (b) At the

time a building permit is obtained, written evidence and signed certification shall be presented which documents that a licensed architect, building contractor, building inspector, or registered professional engineer has examined the structure and determined that it may appropriately and safely be restored. Based upon certification which is acceptable to the Eureka City Building Inspector, provisions of the Uniform Code for Building Conservation (U.C.B.C.) may be invoked in restoring or refurbishing historic buildings in a manner that is consistent with the Historic Preservation Ordinance adopted by Eureka City. (d) All remodeled and restored structures shall meet contemporary health and safety standards.

CHAPTER 12

Abatement, Enforcement and Penalties

12.1 Abatement. (a) Any building or structure erected, constructed, or altered, enlarged, converted, moved, or maintained contrary to the provisions of this Ordinance; and any use of land, building, or premises so established, shall be, and the same hereby is declared to be unlawful and a public nuisance. (b) Eureka City shall commence action or legal proceedings to abate, remove, and enjoin the unlawful use thereof. (c) The City shall also take action to restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure, or using property contrary to the provisions of this Ordinance. Said remedies provided for herein shall be cumulative and inclusive.

12.2 Nuisance Abatement. It shall be unlawful and declared a public nuisance for any person owning, renting, leasing,

occupying, or having charge or possession of any property in Eureka City to allow any of the following conditions to exist on such property; a condition that (a) affects the reasonable and lawful use of adjoining property; (b) affects the health or safety of one or more persons; (c) is a fire hazard as defined in the Uniform Fire Code; (d) emanates noxious or unreasonable odors, fumes, gas, smoke, soot or cinders; (e) harbors or permits noxious or undesirable weeds on said property, along public sidewalks or outer edge of any public street, or weeds in any other location which constitutes an unreasonable fire or other hazard; (f) keeps or stores any refuse and waste matter which interferes with the visual enjoyment of nearby property; (g) permits stagnant water which constitutes an unhealthy or unsafe condition or odor; (h) accumulates manure, litter, debris, plant trimmings, or trash on any private or public area; (i) accumulates or houses used or damaged lumber, broken concrete, construction, farming, gardening or recreational equipment, salvage materials, unused cabinets, furniture, and plumbing fixtures stored so as to be visible from a public street, alley, or nearby property; (j) is an attractive nuisance dangerous to children and other persons; (k) is dead, decayed, diseased or hazardous plants or materials likely to harbor vermin, pests, or stray animals; (l) permits old, improperly maintained signs or use no longer related to said property; (m) includes a wall, fence, gate, hedge or other structure in a condition of deterioration or disrepair as to constitute a visual eyesore or hazard to persons or adjoining property; (n) constitutes an improperly-licensed or conditionally-approved storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, industrial or vehicle parts; (o) graffiti which remains on the exterior of

any building, fence, sign or other structure and is visible from a public street or nearby property; or (p) any violation of a Utah State, Utah or Juab County, or Eureka City Code. Any said or reasonably related condition is hereby declared to be a public nuisance and is subject to abatement as provided herein.

12.3 Enforcement. (a) Enforcement of the provisions of this Ordinance is specifically assigned to the building inspector and Utah State, Utah County or Juab County health or public safety official(s), and others designated by Eureka City. Additionally, all other elected and appointed officials and employees of Eureka City are hereby vested with the duty and responsibility to be cognizant of and to report violations of this Ordinance to the Eureka City Mayor. (b) Administrative action may be instigated to abate a nuisance pursuant to the provisions of this Ordinance; (c) A civil action to abate or enjoin a nuisance, or for damages for causing or maintaining a nuisance (including the cost of cleaning the subject property, legal expenses, and all other reasonable and related expenses) may be brought by Eureka City or by any private person directly affected; (d) Upon the inspection of any public official designated by Eureka City, notice in writing may be delivered or mailed to the owner of record, at or addressed to, the owners last known address. If the owner is not able to be served, the official shall refer the matter to the Juab County Treasurer for inclusion in the tax notice of the property owner. The inspection official shall make, in triplicate, an itemized statement of all expenses incurred in the removal and destruction of same nuisance and shall deliver the three (3) copies of said statement to the Juab County Treasurer within ten (10) calendar days after completion of the work of abating or removing such debris,

equipment, garbage, materials, objects, refuse, structures, or weeds in the manner set forth in Title 10 Sections 11-3 and 11-4, Utah Code as amended. In any event a minimum administrative fee of one hundred dollars (\$100) together with costs of court and attorney's fees, plus interest accrued from the date of initial notice shall constitute a civil debt owed by the property owner(s) or defendant(s) to Eureka City Corporation.

Nothing herein shall be construed to prohibit enforcement through any land use document, zoning code, or applicable nuisance or statute, nor shall the imposition of any criminal sanction inhibit or prevent the imposition of civil remedies provided hereunder.

12.4 Bonding or Guarantees for Delayed Performance. (a) In situations where total compliance with this Ordinance may be delayed or made impossible as a result of such factors as extreme weather, inability to obtain certain materials, or other factors which are not within the control of the builder or owner of the premises, and where this Ordinance has been reasonably complied with, and health and safety factors have been met, the Planning Commission may recommend, and the City Council may authorize the temporary occupancy or use of a premises. (b) Such temporary occupancy or use shall be subject to conditions specified by the Planning Commission and approved by the City Council, including the acceptance of a written agreement or guarantee, or the posting of a monetary performance bond in the amount specified by the Planning Commission or City Council. (d) If the totality of compliance has not been achieved within the time period set in the written agreement or guarantee, the City shall, by this Ordinance and by the written agreement specific thereto, be authorized to

utilize the performance bond for the purpose of completing or abating the building, structure, land use, or project.

12.5 Performance Bond May be Required As Condition. Where reasonably necessary, in the opinion of the Planning Commission, to assure performance, a monetary, or performance bond secured by real property, or a letter of credit from an approved financial institution in the State of Utah may be required as a condition of issuance of a Building Permit or Conditional Use Permit. Such bond shall be posted or tendered in the amount, time, and manner required by the Planning Commission and approved by the City Council. Any permit, certificate, or license for the occupancy or use of land, buildings, or structures issued in conflict with the provisions of this Ordinance shall be null and void.

12.6 Additional Fees. An additional fee of \$500 (plus additional charges for actual consultant or staff time if more than \$500) shall be assessed any person who requests or requires special assistance from or through Eureka City in meeting the requirements of this Ordinance; or who makes unauthorized changes to an approved plan; or who alters any Permit granted under this Ordinance, or who fails to comply with the provisions specified herein.

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