

ORDINANCE 2004 - 3

AN ORDINANCE REGULATING THE PARKING OF MOBILE
HOMES WITHIN THE TOWN OF FORT BRANCH, INDIANA, AND
PROVIDING A PENALTY FOR VIOLATION THEREOF.

THIS ORDINANCE AMENDS AND COMBINES PRIOR
ORDINANCE 1984-6 & 1996-12

BE IT ORDAINED by the Council of the Town of Fort Branch,
Indiana, as follows:

SECTION 1: A "mobile home" is any vehicle either mounted on wheels or designed and constructed for wheels and propelled either by its own power or by another power-driven vehicle to which it is attached and which is used for living, sleeping or business purposes. PROVIDED, HOWEVER, a manufactured home installed as a permanent structure that exceeds twenty three feet (23') in width and nine hundred fifty (950) square feet of occupied space is not included within the definition of "mobile home" under this Ordinance.

SECTION 2: Except for the parking of mobile homes in a mobile home park approved by the Indiana State Board of Health, the parking of any mobile home on any lot or parcel of real estate within the corporate limits of the Town of Fort Branch, Indiana, for more than ten (10) days of any thirty (30) day period is unlawful unless the Council of the Town of Fort Branch, Indiana has issued a permit.

SECTION 3: Removing or causing to have removed the wheels or any transporting device from a mobile home or the altering of a mobile home in any manner which would hinder or delay the ready removal of said mobile home is unlawful unless a permit has been issued by the Council of the Town of Fort Branch.

SECTION 4: The use of a mobile home as a permanent dwelling without it being properly connected with the water system and sanitary sewer system of the Town of Fort Branch, Indiana is a violation of this Ordinance.

SECTION 5: The parking of any mobile home on any lot containing less than five thousand (5,000) square feet or the placing of a mobile home less than ten (10) feet from any lot or property line of any nonconnecting structure is a violation of this ordinance.

SECTION 6: No permit for the parking of a mobile home shall issue unless and until.

(A) The Council has determined that placement of a mobile home will not substantially and permanently injure the use of the neighborhood property where said mobile home is to be parked.

(B) The Council has determined that said mobile home will be placed on a lot or parcel of real estate containing at least five thousand (5,000) square feet and will be placed at least ten (10) feet from any property or lot line or nonconnecting structure.

(C) The Council has determined that said mobile home will be connected properly with the water and sanitary sewer system of the Town of Fort Branch.

(D) Published notice has been given by the applicant in the form as set forth herein, said publication to be made at least two (2) times in the South Gibson Star-Times, the last of which said publications shall be at least seven (7) days prior to a regularly scheduled meeting of the Council of the Town of Fort Branch wherein the application for a mobile home permit will be considered.

SECTION 7: The published notice referred to in the preceding Section shall be substantially in the following form:

Notice is hereby given to the citizens of the Town of Fort Branch, Indiana, that (name of applicant) has applied to the Council of the Town of Fort Branch for a permit to park a mobile home at (address). This notice is given pursuant to Mobile Home Ordinance No. _____. The hearing on the permit application is scheduled for the ___ day of _____, _____, at 6:00 P.M. at Shelter House #1, Vine Street, Fort Branch, Indiana. Interested persons appearing at said meeting will be given opportunity to present their views on said application.

SECTION 8: The permit to be granted by the Council shall be substantially in the following:

MOBILE HOME PERMIT

The Council of the Town of Fort Branch, Indiana, acting by and through its Clerk-Treasurer hereby grants to _____, whose address is _____, Fort Branch, Indiana, permission to park a mobile home at _____. By acceptance of this Permit, the Permittee warrants that said mobile home shall be connected properly to the Town water and sanitary sewer systems.

DATE: _____
CLERK-TREASURER
FORT BRANCH, INDIANA

SECTION 9: This Ordinance does not apply to any mobile home established on any lot or parcel of real estate with the Town of Fort Branch on or before the effective date of this Ordinance or to any mobile home used to replace any such mobile home provided such replacement is made within thirty (30) days after removal of the original mobile home.

SECTION 10: There shall be imposed a penalty not to exceed One Hundred Dollars (\$100.00) upon conviction for each violation of any provision of this Ordinance. Each day shall be considered a separate offense.

SECTION 11: Should any Section, subsection, paragraph or provision of this Ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION 12: Any person or entity aggrieved by any violation of this Ordinance may seek in any Court of jurisdiction an injunction enjoining said violation.

PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 16 day of June, 2004.

COUNCIL OF THE TOWN OF FORT BRANCH, INDIANA

Gerald L. Bledsoe
GERALD L. BLEDSOE, PRESIDENT

Ray O. Fall
RAY O. FALL, COUNCILMAN

Christopher J. Mosby
CHRISTOPHER J. MOSBY, COUNCILMAN

(SEAL)



Lee Haley
LEE HALEY, CLERK-TREASURER