

TOWN OF BENTONIA, MISSISSIPPI

MUNICIPAL ORDINANCES 2022

ARTICLE 2. MANUFACTURED HOMES

Section 2.0 General Regulations for Manufactured Homes.

(A) Installation of Manufactured Homes:

- (1) Manufactured homes must be installed by a licensed installer/transporter licensed by the state fire marshal's office and tied down properly in order to make sure that the home remains stable during a storm.
- (2) All manufactured homes must be installed/tied down according to one of the following means:
 - As described in the installation manual that came with the mobile home; or
 - If no manual is available, then use minimum standards available from the state fire marshal's office or from the building inspector's office.
- (3) No factory-built home shall be located or relocated in the Town of Bentonia after the effective date of this ordinance if the manufacture date of the factory-built home is over 5 years old on the date the permit for location or relocation is submitted to the Town.

(B) Manufacture Home Foundations:

- (1) All manufactured homes shall be placed on a permanent foundation required by 42 U.S. Code 5401 et seq. (preferred) or by a standard blocking procedure using at least a two-foot by two-foot concrete pad.

(C) Skirting Around Manufactured Homes:

- (1) Skirting shall be provided around the bottom of all sides of manufactured homes in the form of brick or stone, solid wood (not lattice work), solid metal, or vinyl this includes any front or rear porch/deck.

Section 2.1 Application Procedures for Special Exceptions.

(A) PERMIT REQUIRED: It shall be unlawful for any person to locate or cause to be located a factory-built home within the Town of Bentonia, Mississippi, for the purpose of occupancy, either temporary or permanent, without having first obtained a permit from the Town. The Town of Bentonia may issue a permit to locate a factory-built home only in one of the following places:

- (1). Upon a lot properly zoned for factory-built homes and containing the minimum lot size, setback area and other requirements as set forth by the Town of Bentonia; and when used for residential purposes, the factory-built home and the lot upon which the factory-built home is situated, shall be both owned by either:

- (a) A resident of the factory-built home; or
 - (b) By a member of the resident's immediate family. The term "immediate family" is defined as the spouse, parent, sibling, child, daughter-in-law, son-in-law, aunt, and uncle of the resident.
- (2) In a Factory-Built Home Park.
- (B) The lot upon which the factory-built home is situated shall not be occupied by another residential structure. However, nothing contained in this section shall prohibit the renting of a factory-built home, which was located in the Town of Bentonina at the time of the adoption of the Town of Bentonina Ordinance and which continues to be valid pre-existing nonconforming use as provided for in the Town of Bentonina Ordinance.
- (C) Required Set-Backs for Individual Manufactured Home Lots Within the District:
Front yards: There shall be a minimum distance of 35 feet between a home and the proposed or existing right-of-way of any street or road. Side yards: There shall be a minimum distance of 25 feet between all manufactured homes and the side yard lot lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 25 feet on the corner side. Rear yards: There shall be a minimum distance of 25 feet between all manufactured homes and the rear yard lot lines of manufactured homes. Minimum lot size required is 70x140 lot size. Both property and mobile home must be in same owners name.

Section 2.2 Construction Standards.

- (A) No factory-built home shall be located or relocated in the Town of Bentonina after the effective date of this ordinance that does not conform to the following terms and requirements:
- (1) Was constructed and maintained in accordance with the National Housing Constructed and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) ("the act"), and the regulations issued pursuant thereto (the "regulations"), has the data plate, serial number and certification label required by the act and the regulations permanently attached to it; and is otherwise in compliance with the act and the regulations; and
 - (2) The manufacture date of the factory-built home being sought to be located or re-located in the Town is less than five years prior to the date the permit for location or relocation is submitted to the Town.
- (B) Any factory-built home that does not meet these requirements shall be a nonconforming factory-built home. If the occupancy of a nonconforming factory-built home is discontinued or abandoned for 90 days, the nonconforming factory-built home shall be removed from the Town of Bentonina within 30 days of notification to do so. A nonconforming factory-built home shall not be moved to another location in the Town.

Section 2.3 Wheel Removal and Skirting Requirements.

- (A) All factory-built homes shall have the wheels removed, be located on a permanent concrete pad or permanent foundation, as regulated by the state fire marshal, and have skirting affixed around the base of the factory-built home thereby completely covering all sides of the factory-built home from the concrete pad or foundation to the bottom of the factory-built home. The skirting shall be installed on or within 60 days from the date that a factory-built home is located in the Town of Bentonia. Skirting shall be T-LOC vinyl skirting or an equivalent product that is designed specifically for the purpose of skirting factory-built homes, and which is designed specifically for the purpose of skirting factory-built homes, and which is installed in accordance with the manufacturer's recommendations.
- (B) Alternatively, the factory-built home may be skirted using metal, masonry, or vinyl materials of uniform color and construction upon approval by the building inspector. All skirting shall provide for access and shall have adequate ventilation. Utility services for the factory-built home shall not be rendered (turned on) until after the skirting is installed.
- (C) Additionally, the factory-built home must have a front deck or porch and steps with a handrail.**

Section 2.4 Inspection Required.

(A) No factory-built home shall be occupied, rented, leased, re-rented or re-leased without first being inspected by the Town of Bentonia, Mississippi and found to be in compliance with this Ordinance and all other Ordinances of the Town of Bentonia, Mississippi. A \$50.00 inspection fee shall be paid by the owner of the factory-built home prior to the factory-built home being occupied by a renter. The owner of the factory-built home or an authorized agent of the owner shall be present during the inspection. No additional inspection fee is required to be paid if the factory-built home is being occupied by the owner and is inspected at the time of registration. The Town building inspector or other appropriate Town official shall inspect the factory-built home to determine compliance with this ordinance and with all other ordinances and regulations of the Town of Bentonia, Mississippi, and applicable state statutes, including, but not limited to the following:

- (1) Compliance with all setbacks, lot area, lot width and all other requirements of the Town of Bentonia Ordinances.
- (2) This ordinance or any other applicable ordinances as adopted by the Town of Bentonia, the factory-built home shall be brought into compliance within ten days from the date that the applicant is notified that the factory-built home is not in compliance therewith, specifying actions which should be taken in order to come into compliance with this Ordinance or other applicable ordinances. If the factory-built home is not brought into compliance within ten days, the factory-built home shall be removed within 30 days from the date of the original notice. Any owner of a factory-built home who fails to remove the factory-built or bring the factory-built home into compliance within the time

periods provided for herein shall be fined not less than \$250.00 and not more than \$1,000.00 or shall be imprisoned for not more than 90 days or be punished by both such fine and imprisonment. Each day that the violation continues beyond the time frames stated above shall constitute a new and separate offense and may be prosecuted as such.

- (3) In the event that the owner of the factory-built home requests that the Town perform such an inspection and the factory-built home does not pass the inspection, a fee of \$50.00 shall be charged for each additional inspection of the factory-built home to determine compliance.
- (4) Any owner of a factory-built home who fails to obtain the necessary inspections and permits prior to the factory-built home being occupied shall be fined not less than \$250.00 and not more than \$1,000.00 or shall be imprisoned for not more than 90 days or be punished by both such fine and imprisonment. Each day that the violation continues shall constitute a new and separate offense.
- (5) **All utilities provided to the factory-built homes shall be in the name of the occupant.**

Section 2.5 Registration of Travel Trailers.

(A) No person shall occupy a travel trailer as a residence, as a part of a residence or for sleeping purposes for more than 14 days within a one-year period except when located in a travel trailer park. All travel trailers located in the Town of Bentonia and used for residential or sleeping purposes for more than 30 days shall be registered with the Town of Bentonia and a registration permit shall be obtained as is required for factory-built homes, and it shall be inspected for compliance with all Town ordinances as provided for by this ordinance. A fee of \$50.00 shall be charged for such registration and inspection. Travel trailers shall be re-registered and re-inspected every year. A fee of \$50.00 shall be charged for such re-registration and re-inspection. **This section shall not apply to:**

- (1) Preachers or ministers who occupy a travel trailer, including motor homes, for sleeping or residential purposes while in the Town of Bentonia, Mississippi for revival or other religious services provided that such preacher or minister does not occupy such travel trailer for more than 30 days in any one year.
- (2) Owners of real property who occupy travel trailers, including motor homes, for security purposes during construction of a residence on their property, provided that such owner does not occupy such travel trailer for more than six months.

Section 2.6 Penalties.

(A) Any person who violates any provision of this Ordinance shall be fined not less than \$250.00 and not more than \$1,000.00 or imprisoned in jail for not more than 90 days or be punished by both such fine and imprisonment, and each and every day that a violation continues shall constitute a new and separate offense and may be

prosecuted as such. Any owner of a factory-built home who fails to obtain the necessary inspections and permits prior to occupying or allowing a renter to occupy or re-occupy a factory-built home and any renter who fails to obtain the necessary rental registration permit or who occupies a factory-built home which is in violation of any of the provisions of this Ordinance shall be fined not less than \$250.00 and not more than \$1,000.00 or shall be imprisoned for not more than 90 days or be punished by both such fine and imprisonment and each and every day that a violation continues shall constitute a new and separate offense and may be prosecuted as such.

- (B) Distinctions: For purposes of application and enforcement of the terms and provisions of this ordinance, there shall be no distinction between factory-built homes that are classified as real property and factory-built homes that are classified as personal property pursuant to Mississippi Code Annotated 27-53-15.