

## **CHAPTER 5 ABANDONED MANUFACTURED HOMES**

### **Section 1. Intent**

- (a) The intent of this article is to protect the public health and environment through the deconstruction of abandoned manufactured homes to reduce blight and unattractive nuisances.
- (b) It is a policy of the town to promote the removal of reusable or recyclable materials to reduce the impact of such solid wastes and production of said materials on the environment.

### **Section 2. Abandoned, Nuisance and Junked Mobile Homes Unlawful**

- (a) It shall be unlawful for the registered owner or person entitled to possession of a manufactured home or for the owner, lessee or occupant of the real property upon which the manufactured home is located to leave, allow, or suffer the manufactured home to remain on the property after it has been declared an abandoned manufactured home or a public nuisance.
- (b) A manufactured home shall be deemed to be an abandoned manufactured home for the purposes of this article in the following circumstances: any manufactured home that is either vacant or in need of extensive repair; and a danger to public health, safety, welfare or the environment.
- (c) A manufactured home shall be considered abandoned when it has not been occupied for at least 120 days **and** meets any of the following criteria:
  - (1) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
  - (2) Has been boarded up for at least 30 days;
  - (3) Has taxes in arrears for a period of time exceeding 365 days;
  - (4) Has all utilities disconnected and not in use

### **Section 3. Notice Requirements for Abandoned Manufactured Homes**

The Town shall give notice to the responsible party and the land owner for each identified abandoned manufactured home.

The notice may be served upon the owner, occupant or person in possession of the premises by at least one (1) of the following methods:

- (a) By delivering a copy of the notice to the person or by leaving copies of the notice at the person's residence with some person of suitable age and discretion then residing on the premises;
- (b) By mailing a copy of the notice by registered or certified mail, return receipt requested, addressed to the person to be served and delivered to the addressee;

- (c) By delivering a copy of the notice to any official, employee or agent of a corporation, partnership or business; or
- (d) If, after a due and diligent effort, the person cannot be located, by posting a copy of the written notice in a prominent place upon the real property.

#### **Section 4. Removal of Abandoned Manufactured Homes**

- (a) The owner or responsible party shall be given 60 days from receipt of the written notice to dispose of the abandoned manufactured home in a legal manner.
- (b) If the owner or responsible party fails to comply with this order, the town shall take any action it deems reasonably necessary to dispose of the abandoned manufactured home, including entering the property where the abandoned manufactured home is located and arranging to have the home deconstructed and disposed of in a manner consistent with the Town's garbage collection and disposal provisions.
- (c) If the property owner does not remove said abandoned manufactured home, a lien will be placed against the real property. If not paid within 30 days, the lien shall be collected as unpaid taxes.

#### **Section 5. Protection Against Criminal or Civil Liability**

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked manufactured home, for disposing of such manufactured home as provided in this article.

#### **Section 6. Appeals**

- (a) Within the 60-day period mentioned in Sec. 9.20, the owner of the property where the nuisance exists may appeal the findings of the enforcement official to the Board of Adjustment by giving written notice of appeal to the enforcement official. The appeal is to stay the abatement of the nuisances by the enforcement official until a final determination by the Board of Adjustment. In the event no appeal is taken, the enforcement official may proceed to abate the nuisance.
- (b) The Board of Adjustment, in the event an appeal is taken as provided in division (a) above, may, after hearing all interested persons and reviewing the findings of the enforcement official, reverse the finding made pursuant to Sec. 9.20, but if the Board of Adjustment determines that the findings of the enforcement official pursuant to Sec. 9.18 are correct and proper, it shall declare the condition existing on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town and public nuisance, and direct the enforcement official to cause the conditions to be abated.

**Reserved Sec.**