

ORDINANCE No. 2006- 01**MOBILE HOME AND MANUFACTURED HOME
PLACEMENT STANDARDS**

AN ORDINANCE ADOPTING ALL OF THE PLACEMENT STANDARDS SET FORTH IN IDAHO CODE SECTION 67-6509A FOR "MANUFACTURED HOMES" LOCATED OUTSIDE MOBILE HOME PARKS; LIMITING "MOBILE HOMES" TO MOBILE HOME PARKS; AND FOR THE PURPOSES OF PROTECTING FREMONT COUNTY'S AESTHETIC VALUES, PROPERTY VALUES, AND TAX BASE.

WHEREAS, dilapidated mobile homes and manufactured homes are being brought into Fremont County and used for permanent housing in the absence of any aesthetic standards and placement standards;

WHEREAS, mobile homes and manufactured homes, if improperly placed, may depreciate in value each year and, unlike other types of single-family dwellings, have a unique ability to reduce property values of neighboring properties;

WHEREAS, mobile home and manufactured home deterioration and resulting depreciation, if unregulated, negatively affects and reduces the Fremont County tax base;

WHEREAS, dilapidated mobile homes and manufactured homes may meet applicable federal HUD-Code Standards pursuant to the National Manufactured Home Construction and Safety Standards Act of 1976 (NMHCSSA), but fail to meet reasonable aesthetic and placement standards;

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) guidelines on preemption specifically provide that "a locality is free to adopt and enforce ordinances that regulate the appearance...of homes so long as the criteria...do not have the effect of excluding manufactured homes based on the construction and safety standards to which they were built", 62 Fed. Reg. 3456, 3457 (1997);

WHEREAS, a proper role of the Fremont County government is to protect property values within the county;

WHEREAS, a proper role of the Fremont County government is to protect the tax base of the county;

WHEREAS, protection of property values has long been recognized by the courts as a legitimate objective of local land use regulation; and

WHEREAS, regulation of aesthetic standards and placement standards is rationally related to the legitimate governmental interest of protecting property values and the county tax base.

NOW THEREFORE, be it ordained by the Commissioners of Fremont County, a political subdivision of the state of Idaho, that the following standards shall apply when placing mobile homes and manufactured homes within the boundaries of Fremont County:

1. "Manufactured homes," as defined by Idaho Code section 39-4105, when located outside of mobile home parks shall meet the following aesthetic and placement standards:

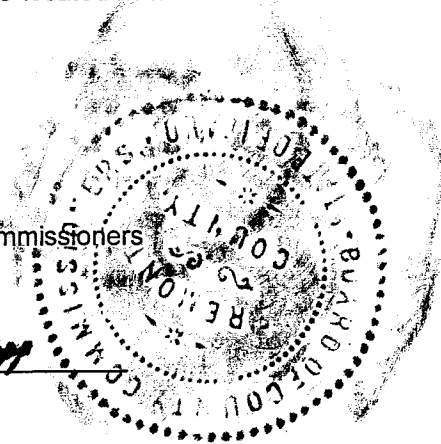
- (a.) The manufactured home shall be multisectional and enclose a space of not less than one-thousand (1,000) square feet;
- (b.) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade;
- (c.) The manufactured home shall have a pitched roof of no less than three (3) feet in height for each twelve (12) feet in width;
- (d.) The manufactured home shall have exterior siding and roofing which in color, material and appearance is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;
- (e.) The manufactured home shall have a garage or carport constructed of like materials if zoning ordinances would require a newly constructed nonmanufactured home to have a garage or carport; and
- (f.) The manufactured home and the lot upon which it is sited shall be subject to any development standard, architectural requirement and minimum size requirements to which a conventional single-family dwelling on the same lot would be subjected.

2. "Mobile homes," as defined by Idaho Code section 39-4105, may only be located in mobile home parks.

DATED this 12th day of December, 2005.

Fremont County Board of Commissioners

Donald B Trupp
Donald Trupp, Chairman



Abbie Mace
Abbie Mace, Clerk