

New # 75-5-1

ORDINANCE NO. 102

AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR USE OF HOUSE-TRAILERS AND OTHER TYPES OF MOBILE LIVING QUARTERS AND REGULATING HOUSE-TRAILER COURTS IN THE CITY OF ELM SPRINGS, ARKANSAS, AND FOR OTHER PURPOSES."

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elm Springs, Arkansas:

Section 1. From and after passage of this ordinance, it shall be unlawful for any person, firm, or corporation to camp, stand, place, park, or locate any house-car or trailer-house, as defined herein, within the limits of the City of Elm Springs, Arkansas, except within a qualified house-trailer court, or except as otherwise provided for hereinafter.

Section 2. A house-car or trailer-house shall be and include any house being used as living quarters for human beings, vehicular in design, which may be driven, towed, or propelled from one location to another without change in structure or design, whether or not the same be supported by wheels.

Section 3. A house-car or trailer-house may be parked outside a qualified house-trailer court temporarily, for a period not to exceed seventy-two (72) hours continuous time.

Section 4. A single mobile-home or house-trailer of metal construction shall be permitted to be placed outside a trailer court or trailer park so long as such house-trailer or mobile-home contains modern plumbing and utility connections, and is not located within 30 feet of any property line or within 10 feet of any existing dwelling or other structure, and provided further that no more than one such mobile-home or trailer-house shall be permitted on any one tract or parcel of land.

Section 5. A house-car or house-trailer not used for habitation by human beings or animals, but kept for storage space upon the property of the owner shall not be deemed subject to the provisions of this ordinance, provided, however, that the owner list said vehicle with the city recorder.

Section 6. All house-trailer courts or parks within the corporate limits of the City of Elm Springs, Arkansas, shall conform with the following:

- (a) All such house-trailer courts or parks shall have adequate roadways, which shall be constructed with a concrete or hot-mix surface, and the trailer parking areas shall be divided into lots, each of which shall have a width of not less than 40 feet and a length of not less than 80 feet, and only one (1) house-trailer shall be parked or situated on each such lot.
- (b) All electrical wiring and sewerage facilities for the use of house-trailers shall be constructed underground.
- (c) All house-trailers or mobile homes shall be equipped with modern plumbing connected to individual septic tanks with water, under pressure, furnished to the inside of said mobile-home or house-trailer.
- (d) Every trailer-house or mobile-home parked within the corporate limits of the City of Elm Springs, Arkansas, shall be of metal or comparable construction.
- (e) Every trailer-house or mobile-home space shall be equipped with a sanitary garbage storage area, and no garbage shall be permitted to collect in said park.
- (f) No more than one family shall be permitted to reside in any trailer-house or mobile-home situate within the corporate limits of the City of Elm Springs, Arkansas.
- (g) No weeds or tall grass shall be permitted to exist in any park or around any such mobile home.
- (h) Any person or firm desiring to operate a house-trailer court or park in the City of Elm Springs, Arkansas, shall first submit detailed plans for the proposed park or court to the City Recorder, and upon the receipt of such plans, the City Recorder shall schedule a public hearing within 30 days, and shall advertise such public hearing by one insertion in a newspaper of general circulation in Elm Springs, Arkansas, at least 7 days prior to such hearing. After such public hearing, the City Council shall either approve or disapprove such plans. If such plans are approved, the City Recorder shall issue to the person or firm desiring to operate such court or park a permit upon receipt of a \$50.00 fee to be paid by said person or firm.

Section 7. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25.00, nor more than \$250.00. Each and every day that such violation is permitted to exist shall constitute a separate offense.

Section 8. The provisions of this ordinance shall not apply to the location or placement of trailer-homes or mobile-homes on lands used primarily for agricultural purposes; however, such trailer-homes or mobile-homes located on agricultural lands shall be for the housing of farm labor by the owner or lessee of said lands and the placement of said trailer-homes or mobile-homes on farm lands shall be in compliance with Section 5, Subparagraphs (c), (d), and (f) herein.

Section 9. The provisions of this ordinance shall not apply to trailer courts or parks which exist within the city limits of Elm Springs at the time of the passage of this ordinance, <sup>but</sup> shall apply to any expansions or additions thereto.

Section 10. It is further found that this ordinance is necessary for the preservation of the public peace, health, safety and general welfare, and an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 5 day of May, 1975.

Attest:

Betty Lewis  
Recorder

Lawrence M. Gray  
Mayor

ORDINANCE NO. 09-7-2

AN ORDINANCE DESIGNATING SETBACK REQUIREMENTS AND PERMIT FEES FOR MOBILE HOMES, MOBILE LIVING QUARTERS, AND MOBILE HOME PARKS IN THE CITY OF ELM SPRINGS; PROVIDING FOR EXPIRATION OF PERMITS; AMENDING ORDINANCE NO. 102; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, it is in the best interest of the public, health, safety and general welfare that the location of mobile homes be regulated and made a matter of record, and be subject to local regulatory permit;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

Ordinance No. 102 shall be hereby amended to read as follows:

Section 1. From and after passage of this ordinance, it shall be unlawful for any person, firm, or corporation to camp, stand, place, park or locate any house-car, mobile home, or trailer-house, as defined herein, within the limits of the City of Elm Springs, Arkansas, except within a qualified house-trailer court, or except as otherwise provided for hereinafter.

Section 2. A house-car, mobile home, or trailer-house shall be and include any house or structure being used as living quarters for human beings, which is vehicular in design, and which may be driven, towed, or propelled from one location to another without change in structure or design, and whether or not the same be supported by wheels, but not including recreational vehicles stored for occasional travel use.

Section 3. A house-car, mobile home, or trailer-house may be parked outside a qualified house-trailer court temporarily, for a period not to exceed seventy-two (72) hours continuous time.

Section 4. A single mobile home or house-trailer shall be permitted to be placed outside a trailer court or trailer park so long as such house-trailer or mobile home contains modern plumbing and utility connections, and meets the setback requirements

hereinafter provided, and provided further, that no more than one such mobile home or trailer-house shall be permitted on any one lot, tract or parcel of land.

Section 5. Any structure meeting the definition of house-car or house-trailer contained in Section 2 hereof, except that it is not used for habitation by human beings, but is kept for storage or office space or other use, shall not be deemed subject to Section 1 hereof, but shall otherwise be governed by the provisions of this ordinance.

Section 6. All house-trailer courts or mobile home parks within the corporate limits of the City of Elm Springs, Arkansas, shall conform with the following:

(a) All such house-trailer courts or mobile home parks shall be subject to the provisions of the zoning ordinance of the city and shall be at least two (2) square acres in area.

(b) All such courts or parks shall have adequate roadways, which shall be constructed with a concrete or hot-mix surface. The trailer parking areas shall be divided into spaces, each of which shall contain a minimum of 3,000 square feet, and shall have a width of at least 40 feet and a length of at least 80 feet. House-trailers shall be parked on the spaces so that there will be a minimum distance of 15 feet between house-trailers, measured from the exterior wall of the original mobile home or exterior wall of any addition, garage, covered porch or deck if one is attached thereto. Only one (1) house-trailer or mobile home shall be parked or situated on each such space.

(c) All electrical wiring and sewerage facilities for the use of house-trailers shall be constructed underground.

(d) All house-trailers or mobile homes shall be equipped with modern plumbing connected to individual septic tanks with water, under pressure, furnished to the inside of said mobile home or house-trailer.

(e) Every trailer-house or mobile home parked within the corporate limits of the City of Elm Springs, Arkansas, shall be of metal or comparable construction.

(f) Every trailer-house or mobile home space shall be

equipped with a sanitary garbage storage area, and no garbage shall be permitted to collect in said park.

(g) No more than one family shall be permitted to reside in any trailer-house or mobile home situate within the corporate limits of the City of Elm Springs, Arkansas.

(h) No weeds or tall grass shall be permitted to exist in any park or around any such mobile home.

(i) Any person or firm desiring to operate a house-trailer court or mobile home park in the City of Elm Springs, Arkansas, shall first submit detailed plans for the proposed park or court to the City Recorder, and upon the receipt of such plans, the City Recorder shall schedule a public hearing within 30 days, and shall advertise such public hearing by one insertion in a newspaper of general circulation in Elm Springs, Arkansas, at least 7 days prior to such hearing. After such public hearing, the City Council shall either approve or disapprove such plans. If such plans are approved, the City Recorder shall issue to the person or firm desiring to operate such court or park an annual permit upon receipt of a fee to be paid by said person or firm as provided in Section 7 hereof.

#### Section 7.

(a) No house-car, mobile home or trailer-house, otherwise meeting the definition of Section 2 hereof, whether or not being used as living quarters for human beings, and no house-trailer court or mobile home park, shall be located within the City unless a valid, unexpired permit specifying the location of the structure or court shall have been duly issued by the City Recorder. The permit shall be issued only upon the applicant's payment to the City Recorder of a fee as follows:

(i) One-time fee for each structure or vehicle not located in a house-trailer court or mobile home park: \$25.00

(ii) Annual fee for each house-trailer court or mobile home park: \$50.00.

Except as hereinafter provided, the permit shall be valid for a period of 12 calendar months, and may annually be renewed

upon payment of the fee.

(b) Any permit issued pursuant to this Section shall expire and be of no further force or effect:

(i) upon removal of the mobile home or house-trailer from the permitted site for a period of more than 30 consecutive days, or

(ii) upon removal of all mobile homes/trailer-cars from a house-trailer court for a period of more than 30 consecutive days.

Section 8.

(a) No house-car, mobile home, or trailer-house, otherwise meeting the definition of Section 2 hereof, whether or not being used as living quarters for human beings, which structure is not sited within a qualified house-trailer court, shall be located in the City except in accordance with the following setback requirements:

Setback from property line:

Front: 50 feet

Side: 30 feet

Rear: 30 feet

Distance from any building: 15 feet

("Front" shall be deemed to include all sides facing upon a public right-of-way; front setback shall be measured from right-of-way line.)

(b) No house-car/mobile home described in paragraph (a) which is sited within a qualified house-trailer court or mobile home park shall be located within the City except in accordance with the following setback requirements:

Setback from property line of house-trailer court:

Front: 75 feet

Side: 50 feet

Rear: 50 feet

Distance from any building: 15 feet

("Front" shall be deemed to include all sides facing upon a public right-of-way; front setback shall be measured from right-of-way line.)

Section 9. The city's health officer or code enforcement officer, or if there be no such designated officer, the Mayor or his designated agent, is hereby authorized and directed to make inspections to determine the condition of house-trailer courts or mobile home parks located within the city in order that he may perform his duty of safeguarding the health and safety of occupants thereof and of the general public. He shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

Section 10. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$25.00, nor more than \$250.00. Each and every day that such violation is permitted to exist shall constitute a separate offense.

Section 11. The provisions of this ordinance shall not apply to the location or placement of trailer-homes or mobile homes on lands used primarily for agricultural purposes; however, such trailer-homes or mobile homes located on agricultural lands shall be for the housing of farm labor by the owner or lessee of said lands and the placement of said trailer-homes or mobile homes on farm lands shall be in compliance with Section 6, Subparagraphs (c), (d) and (f) herein.

Section 12. The provisions of this ordinance shall not apply to trailer courts or parks which exist within the city limits of Elm Springs at the time of the passage of this ordinance, but shall apply to any expansions or additions thereto or relocations thereof; except that Section 7 shall apply to all such courts, and to all mobile homes/trailer-houses in the City commencing upon July 3, 1989.



EMERGENCY CLAUSE: It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Elm Springs, Arkansas, become effective immediately upon its passage, approval and publication.

THIS ORDINANCE passed this 3rd day of July, 1989.

Eric K. Hillis  
Mayor

ATTEST:  
Bethy Lewis  
Recorder

ORDINANCE NO. 90-6-1

AN ORDINANCE TO REQUIRE MOBILE HOME PERMITS  
AND APPLICABLE PROCEDURE AND FEES, AND TO  
DECLARE AN EMERGENCY.

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs, Arkansas, that the City should pass a new ordinance to separate the mobile home permit fee requirements from the other provisions of the ordinance so that such may be amended from time to time as deemed necessary by the City Council without necessitating amendment of other ordinances of the City governing mobile homes; and

WHEREAS, it is deemed to be in the best interests of the citizens of Elm Springs for such fee structure to be in effect immediately;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elm Springs, Arkansas that the following be adopted as the fee structure and application procedure for all mobile homes, mobile home parks, and mobile home subdivisions located or to be located or placed in the City of Elm Springs:

Section 1. Mobile Home Permits

The owner of any land situated within the incorporated limits of the City of Elm Springs shall neither locate or place, nor allow location or placement, on such land, of any mobile home, trailer or house car, without having obtained a permit from the City of Elm Springs for such mobile home, trailer or house car. All requirements of the City of Elm Springs for placement of mobile homes within the city boundaries must be met before any permit shall be issued.

Mobile home permits shall be issued for the following categories:

- (a) Single mobile homes.
- (b) Mobile home parks.
- (c) Mobile home subdivisions.

Section 2. Application for Mobile Home Permit

The application for any permit required by this ordinance shall be submitted by the landowner to the city inspector for the City of Elm Springs, Arkansas at City Hall, in duplicate copy, and shall contain as a minimum the following:

- (a) Name, mailing address, and telephone number of the applicant.
- (b) Category of permit for which applied (as set forth in Section 1 of this ordinance).
- (c) Location of the mobile home site.
- (d) Outside dimensions of the proposed mobile

home.

- (e) Proposed additions to mobile home such as porches or patios.
- (f) Manner in which the proposed mobile home will be anchored to the foundation.
- (g) Acreage or lot size on which mobile home will be placed.
- (h) Date on which placement is proposed.
- (i) Proposed use for mobile home.

Section 3. Fees for Mobile Home Permits

The fees to be charged for each mobile home permit issued shall be as follows:

- (a) Single mobile home (one-time fee): \$25.00
- (b) Mobile home park (annual fee): 50.00
- (c) Mobile home subdivision (annual fee): 50.00

Payment of such fee will accompany each permit application submitted, with such payment to be returned in the event the application is denied.

Section 4. Issuance of Mobile Home Permits

The mobile home permit application shall be submitted to the city inspector, who shall contact the flood ordinance administrator. Upon approval by both the city inspector and flood ordinance administrator, the city inspector shall issue the requested permit unless the proposed placement of the mobile home is found to be in violation of state or federal law or any ordinance of the city.

Any permit issued under the provisions of this ordinance will remain valid only for a period of six (6) months from its date of issue, and becomes void if placement of the mobile home has not occurred within that period, or unless it is renewed within that period.

Section 5. Penalty for Violation

Any person receiving written notification from the City of Elm Springs that he is in violation of the provisions of this ordinance shall have a period of thirty (30) days following his receipt of such notice in which to effect compliance, or otherwise will upon conviction be subject to a fine of not less than \$50.00 per day, and not more than \$250.00 per day, for so long as he remains in violation.

**EMERGENCY CLAUSE:** It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Elm Springs, Arkansas, become effective immediately upon its passage, approval and publication.

THIS ORDINANCE passed this 14th day of June,

1990.

ATTEST:

  
City Clerk

  
Mayor

ORDINANCE NO. 95-3-5

AN ORDINANCE ESTABLISHING THE REGULATIONS AND GUIDELINES FOR OBTAINING A PERMIT TO PLACE A MOBILE HOME OR MANUFACTURED HOME WITHIN THE CORPORATE BOUNDS OF THE CITY OF ELM SPRINGS, ARKANSAS; FOR REGULATING THE PLACEMENT OF MOBILE HOMES OR MANUFACTURED HOMES WITHIN THE CITY LIMITS OF ELM SPRINGS, ARKANSAS; ESTABLISHING MOBILE HOME COURTS, DESIGNATING THE SETBACK REQUIREMENTS; PROVIDING FOR THE ENFORCEMENT OF THOSE REGULATIONS AND PUNISHMENT FOR VIOLATION THEREOF, AND FOR DECLARING AN EMERGENCY.

WHEREAS, the City of Elm Springs, Arkansas, recognizes that its town is susceptible to the placement of mobile homes and manufactured homes within its corporate bounds; and

WHEREAS, the City of Elm Springs, Arkansas, recognizes the fact that the placement of mobile homes and manufactured homes within its boundary may effect the public peace, health and safety of the City of Elm Springs, Arkansas, and the inhabitants thereof; and

WHEREAS, the City of Elm Springs, Arkansas, feels that regulations and guidelines should be established concerning the placement of mobile homes and manufactured homes within the City of Elm Springs, Arkansas;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the incorporated City of Elm Springs, Arkansas:

#### SECTION 1: DEFINITIONS

(a) A house-car, mobile home, or trailer-house (including double-wides) shall be and include any house or structure being used as living quarters for human beings which is vehicular in design, and which may be driven, towed, or propelled from one location to another without change in structure or design, and whether or not the same be supported by wheels, but not including recreational vehicles, travel trailers, and campers stored for occasional recreational use.

19 07 15  
I CERTIFY THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL DOCUMENT.  
Dated this 6th day of May, 1995.  
Brenda G. Mearns  
COURT CLERK

(b) A manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on sight, is Three Hundred Twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This term shall include any structure which meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacture voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the Federal Standards.

## **SECTION 2: PROHIBITED USE**

From and after the passage of this Ordinance, it shall be unlawful for any person, firm, or corporation to camp, stand, place, park or locate any house-car, mobile home, trailer-house or manufactured home, as defined herein within the corporate limits of the City of Elm Springs, Arkansas, except within a qualified house-trailer court, or except as otherwise provided for hereinafter. Recreational vehicles, travel trailers and campers shall not be permitted as permanent living quarters for human beings.

## **SECTION 3: TEMPORARY USE**

A house-car or mobile home, trailer-house, or manufactured home may be parked outside a qualified house-trailer court temporarily, for a period not to exceed seventy-two (72) hours continuous time.

## **SECTION 4: REGULATION OF INDIVIDUAL STRUCTURES**

(a) A single mobile-home, house-trailer, or manufactured home of metal or wood construction shall be permitted to be placed outside a trailer court or trailer park so long as such house-trailer, mobile home or manufactured home contains approved plumbing, utility, water and sanitary disposal connections which meet all state, county and city code requirements; meets the set back requirements hereinafter provided, and meets all other requirements set out and established herein, and provided further, that no more than one such mobile home, trailer-house or manufactured home shall be permitted on any one lot, tract, or parcel of land.

(b) The placement of single mobile home, trailer-house or manufactured home shall only be approved by the Town Council when they meet all requirements set out in Sections 6-C, 6-D, 6-E, 6-F, 6-G, 6-H, 6-J, and 6-K, as well as other requirements set out in Section 4 hereinabove.

(c) The minimum area requirements for an individual mobile home, trailer-house or manufactured home shall be as follows:

Minimum land area	217,800 square feet
Minimum land area per unit	217,800 square feet

Two Hundred Seventeen Thousand Eight Hundred square feet is equivalent to five acres.

## **SECTION 5: STORAGE BUILDINGS**

Any structure meeting the definition of house-car, house-trailer or manufactured home contained in Section 1 hereof, except that it is not used for habitation by human beings, but it is kept for storage or office space or other use, shall not be deemed subject to Section 2 hereof, but shall otherwise be governed by the provisions of this Ordinance.

## **SECTION 6: REQUIREMENTS FOR HOUSE-TRAILER COURTS / MOBILE HOME PARKS**

All house-trailer courts or mobile home parks within the corporate limits of the City of Elm Springs, Arkansas, shall conform with the following:

- (a) All such house-trailer courts or mobile home parks shall be subject to the provisions of the zoning ordinance of the city and shall be at least five (5) square acres in area.
- (b) All such courts or parks shall have adequate roadways, which shall be constructed in accordance with city street standards now or hereafter placed in effect. The trailer parking areas shall be divided into spaces, each of which shall contain a minimum of 5,000 square feet and shall have a width of at least 50 feet and a length of at least 100 feet. House-trailers shall be parked on the spaces so that there will be a minimum distance of 30 feet between house-trailers, measured from the exterior wall of the original mobile home or exterior wall of any addition, garage, covered porch or deck if one is attached thereto. Only one (1) house-trailer or mobile home shall be parked or situated on each such space.
- (c) All electrical wiring and sewerage facilities for the use of house-trailers shall be constructed underground. Each house-trailer shall have a UL approved 5-lb. A, B, C or dry powder fire extinguisher and smoke detector installed.
- (d) All house-trailers or mobile homes shall be equipped with modern plumbing connected to individual septic tanks or city sewage lines with water, under pressure, furnished to the inside of said mobile home or house-trailer.
- (e) Every house-trailer or mobile home or manufactured home parked within the corporate limits of the City of Elm Springs, Arkansas, shall be of metal or comparable construction.
- (f) Every house-trailer or mobile home space shall be equipped with a sanitary garbage storage area, and no garbage shall be permitted to collect in said park.
- (g) No more than one family shall be permitted to reside in any house-trailer or mobile home situated within the corporate limits of the City of Elm Springs, Arkansas.
- (h) No weeds or tall grass shall be permitted to exist in any park or around such mobile home.
- (i) Any person or firm desiring to operate a house-trailer court or mobile home park in the City of Elm Springs, Arkansas, shall first submit detailed plans for the proposed park or court to the City Code Enforcement Officer and upon the receipt of such plans, the City Code Enforcement Officer shall schedule a public hearing within 30 days, and shall advertise circulation in the City of Elm Springs, Arkansas, at least 7 days prior to such

hearing. After such public hearing, the City of Elm Springs shall issue to the person or firm desiring to operate such court or park an annual permit upon receipt of a fee to be paid by said person or firm as provided in Section 7 thereof.

- (j) All mobile homes, trailer-houses or manufactured homes must be permanently attached to a concrete foundation or have acceptable skirting and acceptable tie-downs. Acceptable skirting may consist of wood, fiberglass, metal, or rock, but in no case shall it consist of any fibrous material consisting of fiber wood, sheetrock, etc.
- (k) No house-car, mobile home, trailer-house or manufactured home shall be permitted which was built prior to 1975 or which has less than 720 square feet of living space/

## SECTION 7: PERMITS

(a) No house-car, mobile home, trailer-house, or manufactured home otherwise meeting the definition of Section 2 thereof, whether or not being used as living quarters for human beings, and no house-trailer court or mobile home park, shall be located within the City of Elm Springs unless a valid, unexpired permit specifying the location of the structure or court shall have been duly issued upon the applicant's payment to the City Code Enforcement Officer of a fee as follows:

1. Fees shall be in accordance with Section B-101 of the Southern Standard Building Code - 1994 Edition.
2. Persons or corporations desiring to place a house-car, mobile home, trailer-house or manufactured home within the corporate limits, shall make application to the City Code Enforcement Officer prior to placing the trailer on the premises for a temporary permit. Upon completion of the application and payment of the fee for the temporary permit, the Applicant shall receive a temporary permit which will be issued for ninety (90) days. The applicant shall have that time to make all repairs and/or improvements necessary to bring his/her trailer/manufactured home into compliance with the Ordinance.
- (b) Applicants must petition for a permanent permit within seventy-two (72) hours of moving into the home and residing therein. The permanent permit may be obtained in the same manner as the temporary permit.
- (c) Upon proof of compliance by the Applicant of all requirements, the City Code Enforcement Officer shall issue a permanent permit for the Applicant.
- (d) Failure to apply for the temporary permit when required and failure to petition for approval of the final permit within seventy-two (72) hours as required herein will result in citation for violation of this Ordinance and will subject Applicant(s) to the penalties set out hereinafter.
- (e) Annual fee for each house-trailer court or mobile home park: \$125.00.  
Except as hereinafter provided, the permit shall be valid for a period of 12 calendar months, or may annually be renewed upon payment of the fee.
- (f) Any permit issued pursuant to this Section shall expire and be of no further force or effect:

1. Upon removal of the mobile home, trailer-house or manufactured home from the permitted site; or
2. Upon removal of the mobile home, or trailer-cars from a house-trailer court.

#### **SECTION 8: SETBACK REQUIREMENT**

(a) No house-car, mobile home, trailer-house or manufactured home otherwise meeting the definition of Section 1 hereof, whether or not being used as living quarters for human beings, which structure is not sited within a qualified house-trailer court, shall be located in the Town except in accordance with the following setback requirements:

Setback from property line:	
Front	55 feet
Side	30 feet
Rear	30 feet
Distance from any building	25 feet

"Front" shall be deemed to include all sides facing upon a public right-of-way; front setback shall be measured from right-of-way line.

(b) No house-car or mobile home described in Paragraph A which is sited within a qualified house-trailer court or mobile home park shall be located within the Town except in accordance with the following setback requirements:

Setback from property line of house-trailer court:	
Front	75 feet
Side	50 feet
Rear	50 feet
Distance from any building (on the same lot)	25 feet

"Front" shall be deemed to include all sides facing upon a public right-of-way; front setback shall be measured from right-of-way line.

#### **SECTION 9: ENFORCEMENT**

The Town's health officer or code enforcement officer, or if there be no such designated officer, the Mayor or his designated agent, is hereby authorized and directed to make inspections to determine the condition of locations of mobile homes, trailer-house or manufactured homes or the condition of house-trailer courts or mobile home parks located within the Town in order that he may perform his duty of safeguarding the health and safety of occupants thereof and of the general public. He shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.



**SECTION 10: PENALTIES**

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined no less than \$25.00, nor more than \$250.00. Each and every day that such violation is permitted to exist shall constitute a separate offense.

**SECTION 11: EXEMPTIONS**

(a) The provisions of this Ordinance shall not apply to trailer courts or parks which exist within the city limits of Elm Springs at the time of the passage of this Ordinance, but shall apply to any expansions or additions thereto or relocations thereof except that Section 2 shall apply to all such courts, and to all mobile homes or trailer-houses in the Town commencing upon March 6, 1995.

**SECTION 12: SEVERABILITY**

If any section, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 13:**

Be it further ordained by the City Council of Elm Springs, Arkansas, that any matters in this Ordinance which are contrary to existing ordinances of the City of Elm Springs, Washington County, Arkansas, shall prevail.

**SECTION 14: EMERGENCY CLAUSE**

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This action being necessary for the preservation of the peace, health and safety of the City of Elm Springs, Arkansas, and the inhabitants thereof, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after the date of its passage and publication.

PASSED AND APPROVED this 6<sup>th</sup> day of March, 1995.

BY: Edward Thomas

ATTEST:

Suzanne Dilland