

ORDINANCE NO:405 Amendment

AN ORDINANCE ENACTED UNDER THE LAWS OF THE STATE OF MISSISSIPPI REGULATING AND RESTRICTING THE USE, OCCUPANCY, LOCATION AND PLACEMENT OF MOBILE HOMES OR TRAILERS.

WHEREAS, the Mayor, and the Board of Aldermen of the Town of Mount Olive, Mississippi deems it necessary in order to lessen congestion and density in residential areas; to secure safety from fire hazards and other dangers; to promote the overcrowding of land; to facilitate adequate utility and sewage connections; to conserve land and property values; and to provide reasonable regulations governing the above structures;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF MOUNT OLIVE, MISSISSIPPI:

SECTION I. DEFINITIONS:

For the purpose of this Ordinance, certain terms and words are herein defined:

1. **Mobile Home:** Any house trailer, trailer-type vehicle or portable unit built on a chassis or frame designed and constructed to be used without a permanent foundation, suitable for use for domestic, commercial or industrial purposes when such trailer is detached from a motor vehicle and parked or stored on real estate and connected to utilities. It shall be immaterial for the purpose of this ordinance whether be wheels are attached or detached thereto.
2. **Trailer:** See Mobile Home
3. **Single Family Dwelling:** A detached building, or portion thereof, which is used exclusively for residential purposes, which is designed for, or occupied exclusively by, one family, and which contains housekeeping facilities.
4. **Manufactured Home Park:** An area in which spaces are provided on a rental basis or lease basis only for owner occupied manufactured homes, or in which both the space and the manufactured home are offered to the public on a rental or lease basis only.
5. **Modular Commercial Building:** A combination of two or more buildings manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site on their own wheels, attached to a chassis, or by a trailer, or other similar carrier. Modular commercial buildings may or may not be constructed with an integral chassis, permanent hitch, wheels, axles or other device allowing transportation.

SECTION II. LOCATION OF MOBILE HOMES OR TRAILER:

It shall be unlawful to place a mobile home or trailer on any property in the Town of Mount Olive. Provided however, that a mobile home or trailer may be utilized as a single family dwelling or for commercial use only upon approval of a mobile home as a single family dwelling shall first file a petition for a permit allowing such purpose with the Mayor and Board of Aldermen whereupon the Mayor and Board of Aldermen shall give a least 15 days-notice of the filing of such petition, giving the right to all persons in interest to be heard at a public hearing upon said petition, after which the Mayor and Board of Aldermen may approve or disapprove the petition for a permit to use a mobile home for said purpose.

SECTION III. MOBILE HOMES OR TRAILERS AS RENTAL PROPERTY:

It shall be unlawful to offer or operate any mobile home or trailer as rental property in the Town of Mount Olive, Mississippi. Utility, water, sewer and garbage, privileges will not be granted to any citizen renting a mobile home other than those outlined in Section VII of this Ordinance.

SECTION IV. ADMINISTRATION:

The provisions of this Ordinance shall be administered and approved by the Mayor and Board of Aldermen.

SECTION V. PETITION FOR PERMIT FOR USE OF A MOBILE HOME AS A SINGLE- FAMILY DWELLING OR COMMERCIAL USE:

1. Petition Requirements: All petitions submitted under this Section shall be accompanied by a copy of the deed showing the present owner of the property upon which the mobile home (trailer) is to be placed; written permission from the land owner, if other than applicant, to place the mobile home (trailer) upon the property, emergency 911 address obtained from the Covington County Emergency Management Agency and a photo of the mobile home proposed to be placed on the reality.
2. Mobile homes petitions permission of single-family dwellings, if different from the property owner, shall be limited to spouses, children, parents, grandchildren or siblings of said real property.
3. Mobile homes (trailers) which are approved by the Mayor and Board of Aldermen must have proper utilities and sewage connections before the mobile home (trailer) is occupied. Upon failure to actually make connections within 7 days of the Town of Mount Olive providing access to water and sewage to the mobile home or trailer, the Mayor is authorized to cancel the permit and institute proceedings for the removal of such mobile home or trailer. Additionally, all mobile homes granted permits shall comply with all state and local laws.
4. Petitions for permits for mobile home (trailer) to be located on residential or commercial property shall be investigated by the Mayor or his agent, and a recommendation based on the findings of the investigation shall be forwarded to the Board of Aldermen.
5. Permits issued under this section shall be valid for a period of six months from the date of issuance to the specific name and approved location only.
6. The Board of Aldermen, at its discretion, after having determined where there is a need and in the best interest of the town and where such renewal will not have an adverse effect on surrounding land uses, may require the petitioner to reapply for a mobile home permit.

SECTION VI. FEES:

All applications under this Ordinance shall be accompanied by cash, certified check or money order in the amount of \$75.00. Fees charged are applicable to both mobile homes and trailers for domestic commercial or industrial purposes.

SECTION VII. GRANDFATHER CLAUSE:

The lawful use of mobile homes existing at the time of adoption of this Ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for a period of more than 120 days, any future use of said land or mobile home shall be in conformity with the provisions of this Ordinance. Additionally, the property currently being used by Hershel Sullivan as a trailer park/RV park is exempted from this Ordinance until such time as he discontinues using same as a trailer park/RV park for more than 120 days.

SECTION VIII. SEPARABILITY:

In the event any Section, clause or provision of this Ordinance shall be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IX. PENALTY:

Be it further ordained that any person, firm or corporation who violates, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, shall on conviction be fined not more than three hundred dollars (\$300.00) for each offense or imprisonment for ninety (90) days, or both such fine and imprisonment. Each month or part thereof that a violation is permitted to exist shall constitute a separate offense. In addition to the above penalty, the Town of Mount Olive may obtain an injunction for the purpose of enforcing the terms of this Ordinance.

This Ordinance shall be deemed violated if any of the following occur:

Placing a mobile home (trailer) upon real property within the Town of Mount Olive city limits without first securing a permit, Mayor and Board of Aldermen permission to place the mobile home (trailer) on real property within the Town of Mount Olive city limits, and

Failure to pay all Town of Mount Olive deposits and bills as they become due and payable.

SECTION X. REPEAL OF CONFLICTING ORDINANCE:

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION XI EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage.

The above Ordinance was reduced to writing, read and considered paragraph by paragraph, and section by section and then as a whole at this regular meeting of the Mayor and Board of Aldermen on December 1, 2020, whereupon, Alderman John L. Sullivan moved that Ordinance No 405 Mobile Home Amendment be adopted, which motion was duly seconded by Alderwoman Mary P. Norman, was submitted for a vote of all Aldermen present and voting and the following vote was recorded, to-wit:

VOTING AYE:

- Alderwoman Willie P. McCullum
- Alderwoman Mary P. Norman
- Alderman John L. Sullivan

VOTING NAY: None

NOT PRESENT:

- Alderman Roger Sullivan
- Alderman Terry Barron

WHEREUPON, the Mayor declared the Ordinance duly adopted on this the 1st day of December, 2020.

TOWN OF MOUNT OLIVE, MISSISSIPPI

JAMES C. KELLY, III, MAYOR

(SEAL)

ATTEST:

BREYON MAGEE, CITY CLERK
STATE OF MISSISSIPPI
COUNTY OF COVINGTON

CERTIFICATE

I, Breyon Magee, City Clerk in and for the Town of Mt. Olive, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NUMBER 405 Mobile Home Amendment be adopted by the Mayor and Board of Aldermen at its Regular Meeting of December 1, 2020, and is duly of record in the office of the City Clerk, City Hall, 501 Main Street, Mt. Olive, Mississippi, in Minute book #29.

WITNESS MY SIGNATURE AND OFFICIAL SEAL OF OFFICE ON THIS THE 1ST DAY OF December, 2020.

BREYON MAGEE, CITY CLERK
TOWN OF MT. OLIVE, MISSISSIPPI

Published One Time: December 9, 2020