

CITY OF MUKILTEO
MUKILTEO, WASHINGTON

ORDINANCE NO. 1127

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, AMENDING MUKILTEO MUNICIPAL CODE 15.04, 15.12, 17.08, 17.16, AND REPEALING AND REPLACING MUKILTEO MUNICIPAL CODE 17.76, REGULATING MANUFACTURED HOUSING TO COMPLY WITH SENATE BILL 6593 WHICH PROHIBITS DISCRIMINATION AGAINST SITING AND USE OF MANUFACTURED HOUSING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Senate and House of Representatives passed and the Governor signed Senate Bill 6593 which prohibits cities from enacting any statute or ordinance that has the effect of discriminating against consumers' choices in the placement or use of manufactured housing;

WHEREAS, Mukilteo Municipal Code requires a Conditional Use Permit, payment of fees and design standards for moved-in buildings, which includes manufactured housing, that are not required for other types of housing; and

WHEREAS, the City must amend the Mukilteo Municipal Code to comply with Senate Bill 6593 in a manner that preserves the public health, safety, general welfare and public interest for open spaces, drainage ways, streets or roads, alleys, and other public ways;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MUKILTEO, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Definitions. The following definitions contained in Mukilteo Municipal Code, Chapter 17.08 are hereby added or amended to read as follows:

17.08.020 Definitions.

“Camping vehicle” means a “recreational vehicle” whose overall length does not exceed thirty-two feet, a pickup camper, or similar vehicular dwelling. “Camping vehicles” are a type of “mobile home”.

Dwelling, Single-Family. “Single-family dwelling” means a detached building designed for and occupied exclusively by one family and the household employees of the family. The buildings may be “site-built homes”, “manufactured homes” or “modular homes”. “Mobile homes”, “motor homes” and “recreational vehicles” may not be a “single-family dwelling”.

“Manufactured home” means a structure designed and constructed to be transportable in one or more sections, is built on a permanent chassis, and designed to be used as a dwelling unit when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. “Manufactured homes” must meet or exceed the standards established by federal law 42 U.S.C. 5401-5403 and meet or exceed the requirements for a “designated manufactured home” as defined in RCW 35.63.106, now or hereafter amended. “Manufactured homes” do not include “mobile homes” or “modular homes”.

“Mobile home” means a dwelling unit that is either a self-propelled licensed vehicle or a trailer. “Mobile homes” are not “manufactured homes”. Types of mobile homes include, but are not limited to, “motor homes”, “recreational vehicles” and “camping vehicles”. “Mobile homes” may not be used for living purposes except where permitted as a caretakers dwelling or as a temporary use in residential zoning districts as allowed in Chapter 17.16.

"Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. “Modular homes” are not “manufactured homes”, “mobile homes” or “motor homes”.

"Motor home" means a motor vehicle originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle. “Motor homes” are a type of “mobile home”.

“Moved-in building” means structures proposed to be relocated to a site within the City of Mukilteo. “Manufactured Homes” are exempted from regulations regarding “moved-in buildings”.

“Recreational vehicle” means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes. “Recreational vehicles” are a type of “mobile home” but are not a “manufactured home”. “Recreational vehicles” may not be used for living purposes except where permitted as a caretakers dwelling or as a temporary use in residential zoning districts as allowed in Chapter 17.16.

“Site-built home” means a dwelling unit constructed on a site where it will be permanently located. The design and construction of “Site-built homes” are regulated by the City of Mukilteo Building Code now or hereafter amended.

Section 2. Permitted Use Matrix Chapter 17.16.040 – Permitted Use Matrix is hereby amended to permit manufactured housing, to allow trailers and mobile homes as a temporary use in residential zoning districts, and to differentiate manufactured housing from moved-in buildings, and set out to read as follows:

17.16.040 Permitted use matrix.
 A. Table 17.16.040

Table 17.16.040

USE	RESIDENTIAL									
	12.5	12.5(S)	9.6	9.6(S)	8.4	7.5	7.2	WFB	MRD	MR
Residential and Associated Uses										
Manufactured home ⁵¹	P	P	P	P	P	P	P	P	P	P
Trailers and mobile homes for living purposes ⁵²	T	T	T	T	T	T	T	T	T	T
Other										
Moved-in buildings (other than manufactured homes)	C	C	C	C	C	C	C	C	C	C

B. Reference Notes for Permitted Use Matrix.

51. Manufactured home requirements. Only manufactured homes as defined in Chapter 17.08.020 are permitted. All manufactured homes shall also comply with the manufactured home requirements contained in Chapter 17.76, Manufactured Homes.

52. The temporary use of trailers or mobile homes for living purposes in residential zoning districts is allowed subject to the following:

- May not exceed a cumulative total of two weeks each calendar year;
- Must be in conjunction with, and as an accessory to, an established residence.

These provisions shall not apply to the use of a trailer or mobile home as a caretaker’s dwelling, which may be a permitted use in non-residential zoning districts, when such use has been approved in accordance with Chapter 17.16.

Section 3. Trailers and Mobile Homes Mukilteo Municipal Code 17.76 – Trailers and Mobile Homes is hereby repealed in its entirety.

Section 4. Manufactured Home Standards Hereby adding a new chapter, Mukilteo Municipal Code 17.76 – Manufactured Homes, establishing standards for manufactured homes, shall read as follows:

**Chapter 17.76
MANUFACTURED HOMES**

Sections:

- 17.76.010 Purpose and Intent.**
- 17.76.020 Standards for Manufactured Homes.**
- 17.76.030 Site Development Standards.**
- 17.76.040 Other Requirements.**
- 17.76.050 Alterations**
- 17.76.060 Penalty.**

17.76.010 Purpose and Intent

It is the purpose and intent of this chapter to set forth terms and conditions applicable to “manufactured homes” equivalent to those for all other dwellings, in order to not discriminate against the placement and use of “manufactured homes”. This chapter was created to comply with RCW 35.63.160, RCW 35.21.684, and RCW 35A.21.312, as amended in 2004. Nothing in this chapter shall be construed as to permit housing designs or construction standards that do not meet the standards of a historic district.

17.76.020 Standards for Manufactured Homes

Manufactured homes located in residential zoning districts must meet all of the following criteria:

- A. Meet the definition of “manufactured homes” as defined in Chapter 17.08.020 now or hereafter amended.
- B. May not have been previously titled to a retail purchaser and may not be a “used mobile home” as defined by RCW 82.45.032(2), now or hereafter amended.
- C. Be sited in compliance with MMC 17.20 – Bulk Regulations, now or hereafter amended, for the zoning district in which they are located.
- D. Be built to meet or exceed the standards established by federal law 42 U.S.C. 5401-5403, now or hereafter amended.
- E. A manufactured home must be comprised of at least two (2) fully-enclosed attached parallel sections, each of which are not less than twelve (12) feet wide by thirty-six (36) feet long.
 - 1. If a manufactured home consists of more than two (2) sections, the other sections must be attached to the two (2) required parallel sections, but do not have to be parallel to the two (2) parallel sections.
 - 2. The additional sections may be placed above, behind or next to the parallel sections.
- F. Have a composition or wood, shake or shingle, coated metal, or similar roof of not less than a nominal 3:12 pitch.

- G. Be thermally equivalent or better to that required by the State Energy Code for new residential structures, now or hereafter amended.
- H. Be set on and securely attached to a permanent foundation as specified by the manufacturer. The design and construction of the foundation must be approved by the Mukilteo Building Official or his/her designee and meet the requirements of MMC15.04 – Building Code, now or hereafter amended.
- I. The gap from the bottom of the home to the ground, around the entire perimeter of the house, shall be enclosed by concrete or other concrete product as approved by the Mukilteo Building Official, which can be either load bearing or decorative.

17.76.030 Site Development Standards

All manufactured homes must comply with:

- A. City Zoning, Development, and Storm Drainage requirements;
- B. Use, Bulk, Landscaping, Parking, and Critical Area regulations in this title; and
- C. Building and Grading regulations in Title 15.

17.76.040 Other requirements.

- A. All necessary building permits shall be obtained from the Building Official and all applicable building codes shall be complied with, as administered by the Building Official.
- B. The requirements of the City Public Works Director and Police Chief for moving of manufactured housing to a permanent location, with respect to traffic and safety, shall be met. These requirements shall include, but not be limited to:
 - 1. Route of travel with a traffic control plan;
 - 2. Time of move;
 - 3. Posting of surety bond(s) in an amount adequate to insure repair to public or private property which may be damaged by movement of the building. The amount of the bond shall be determined by the City Public Works Director.

17.76.050 Alterations

All alterations of and additions to a manufactured home require:

- A. A City of Mukilteo building permit be obtained, as administered by the Building Official, to meet the requirements of MMC15.04 – Building Code, now and hereafter amended.
- B. Written evidence of approval of the alteration/addition from the State Department of Labor and Industries, as required by RCW 43.22 and WAC 296-150M, now and hereafter amended.
- C. Compliance with Section 17.76.020 – Standards for Manufactured Homes.
- D. Compliance with Section 17.76.030 – Site Development Standards.

17.76.060 Penalty.

Violations of this chapter shall constitute a misdemeanor and be subject to the provisions contained in Mukilteo Municipal Code Chapter 1.32, General Penalties.

Section 5. Building Code Fees Chapter 15.07.070 – Fees, is hereby amended to read as follows:

15.04.070 Fees

A. Mobile Homes—Mobile Home Parks. A fee as established by city council pursuant to such periodic resolution as council from time to time updates and approves is required for the installation of each mobile home installed in a mobile home park. Additional fees shall be charged for the value of any foundation or construction work as set forth in the fee schedule of the current uniform construction codes adopted by this city.

Section 6. Flood Damage Prevention Definitions The following definitions contained in Mukilteo Municipal Code, 15.12.020 – Flood Damage Prevention Definitions, are hereby added or amended to read as follows:

“Manufactured home” means a structure designed and constructed to be transportable in one or more sections, is built on a permanent chassis, and designed to be used as a dwelling unit when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. “Manufactured homes” must meet or exceed the standards established by federal law 42 U.S.C. 5401-5403 and meet or exceed the requirements for a “designated manufactured home” as defined in RCW 35.63.106, now or hereafter amended. “Manufactured homes” do not include “mobile homes” or “modular homes”.

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Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and APPROVED by the Mayor this 16th day of May, 2005.

APPROVED:

MAYOR, DONALD L. DORAN, JR.

ATTEST/AUTHENTICATED:

CITY CLERK, CHRISTINA J. BOUGHMAN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____
JAMES E. HANEY

Filed with the City Clerk:
Passed by the City Council: May 16, 2005
Published:
Effective Date:
Ordinance No. 1127

SUMMARY OF ORDINANCE NO. 1127
of the City of Mukilteo, Washington

On May 16, 2005, the City Council of the City of Mukilteo, Washington, approved Ordinance No. 1127, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, AMENDING MUKILTEO MUNICIPAL CODE 15.04, 15.12, 17.08, 17.16, AND REPEALING AND REPLACING MUKILTEO MUNICIPAL CODE 17.76, REGULATING MANUFACTURED HOUSING TO COMPLY WITH SENATE BILL 6593 WHICH PROHIBITS DISCRIMINATION AGAINST SITING AND USE OF MANUFACTURED HOUSING; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of May 16, 2005.

CITY CLERK, CHRISTINA J. BOUGHMAN