

902 KAR 15:010. Manufactured and mobile homes.

RELATES TO: KRS Chapter 13B, 151.100(7), 219.310-219.410, 219.991(2)

STATUTORY AUTHORITY: KRS 194A.050(1), 219.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 219.370 requires the Secretary of the Cabinet for Health Services to regulate and enforce the Kentucky Manufactured Home, Mobile Home, and Recreational Vehicle Community Act of 2002, KRS 219.310 to 219.410. This administrative regulation establishes standards for community construction and layout, sanitary standards for operation, and other matters necessary to insure a safe and sanitary manufactured or mobile home community operation.

Section 1. Definitions.

(1) "Flood plain" means the area in a watershed that is subject to flooding at least one (1) time every 100 years.

(2) "Footer" means that part of a manufactured or mobile home lot which supports the foundation for the placement of a manufactured or mobile home and appurtenant structures or additions.

(3) "Foundation" means the substructure placed on a footer for supporting a manufactured home or mobile home.

(4) "Community driveway" means a private driveway which affords principal means of access between the community street and individual manufactured home or mobile home lots.

(5) "Community street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating lots.

(6) "Sewer connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewer system serving the mobile home park.

(7) "Water connection" means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home or mobile home.

Section 2. Submission of Construction Plan. In accordance with KRS 219.350, each application for a permit to construct or alter a manufactured or mobile home community shall be accompanied by a complete plan, drawn to scale, submitted in triplicate, of the proposed community or alteration. If the community is located within a floodplain, the plan shall be submitted in quadruplicate. The plan shall show existing and proposed facilities including:

(1) The area and dimensions of the tract of land being developed;

(2) The number, location and size of all manufactured or mobile home lots;

(3) The area within each manufactured or mobile home lot intended for location of a manufactured or mobile home and setback distances;

(4) A detailed drawing of the manufactured or mobile home footer for the placement of the manufactured or mobile home stand within the mobile home lot;

(5) The location and width of roadways, driveways and walkways;

(6) The number, location and size of all off-street automobile parking spaces;

(7) The location of community street lighting and electrical system;

(8) A detailed drawing of the water supply, if source is other than public;

(9) A detailed drawing of the sewage disposal facilities, including specifications;

(10) A detailed drawing of the refuse storage facilities;

(11) The location and size of water and sewer lines, and riser pipes;

(12) The size and location of playground areas within the community, if provided; and

(13) A separate floor plan of each building and other improvement constructed or to be construct-

ed within the manufactured or mobile home community, including a plumbing riser diagram.

Section 3. Location and General Layout Standards. (1) Every manufactured or mobile home and manufactured or mobile home community shall be located on a well-drained area, not in a flood plain. Each site shall be graded to prevent the accumulation of storm or other waters.

(2) If the location is in an area at high risk for flooding, the applicant shall:

(a) Submit an engineering study to the cabinet; and

(b) Maintain flood insurance for the site.

(3) Each manufactured or mobile home or lot shall be numbered and displayed in a systematic order.

(4) Each manufactured or mobile home lot shall:

(a) Contain at least 4,000 square feet; and

(b) Be sized to ensure that spacing and setback requirements are met for any manufactured or mobile home placed on that lot.

(5) Manufactured or mobile homes shall be separated from each other and from other permanent buildings by at least fifteen (15) feet.

(6) A manufactured or mobile home shall be located at least twenty-five (25) feet from a community property boundary line abutting upon a public street or highway, and at least ten (10) feet from other community property boundary lines.

(7) There shall be at least twenty (20) feet between an individual manufactured or mobile home and the adjoining surface of a community street, or common parking area or other common areas.

(8) If a community provides a playground area, the area shall be easily accessible to all community residents and shall be fenced or otherwise rendered free of traffic hazards.

(9) Each lot shall abut a community street.

(a) The minimum width for a two (2) way community street with no parking shall be eighteen (18) feet;

(b) The minimum width for a two (2) way community street with one (1) side parking shall be twenty-seven (27) feet;

(c) The minimum width for a two (2) way community street with both sides parking shall be thirty-six (36) feet;

(d) The minimum width for a one (1) way community street with no parking shall be fourteen (14) feet;

(e) The minimum width for a one (1) way community street with one (1) side parking shall be twenty-three (23) feet;

(f) The minimum width for a one (1) way community street with both sides parking shall be thirty-two (32) feet.

(10) Each community street, driveway, and walkway shall be:

(a) Of "all weather" construction;

(b) Maintained in good condition;

(c) Drained naturally;

(d) Relatively free of dust; and

(e) Free of holes.

(11)(a) The area of the manufactured or mobile home footer shall be suitable for placement of a manufactured or mobile home foundation, in compliance with site preparation and installation requirements of 815 KAR 25:090.

(b) The manufactured or mobile home footer shall not heave, shift, or settle unevenly under the weight of the manufactured or mobile home, due to forces acting on the superstructure, such as:

1. Frost action;

2. Inadequate drainage;

3. Vibration; or
4. Other forces.

Section 4. Lighting within Community. A minimum equivalent to a 175 watt mercury vapor type light shall be provided at the community entrances, intersections and at intervals of 200 feet within the community.

Section 5. Community Water Supply. (1)(a) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available.

(b) If a public water supply of a municipality or a water district is not available, the supply for the community shall be developed and approved pursuant to the requirements of the Natural Resources and Environmental Protection Cabinet.

(c) If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to it and the community supply shall be discontinued.

(2) The water supply shall be capable of supplying at least 150 gallons per day per manufactured or mobile home lot.

(3) A physical connection shall not be made between an approved public water supply and unapproved water supply.

(4) Water distribution lines and connections shall comply with the state plumbing code.

Section 6. Community Sewage and Waste Disposal. (1)(a) Sewage and waste matter shall be disposed of into a public sewer system, if available.

(b) If a public sewer system is not available, disposal shall be made into a private sewage disposal system designed, constructed and operated in accordance with the requirements of the cabinet or the Natural Resources and Environmental Protection Cabinet.

(c) If a public sewer system subsequently becomes available, connections shall be made to it and the community sewer system shall be discontinued.

(2) The sewer service connection between the manufactured or mobile home and the sewer riser opening shall have an inside diameter of at least three (3) inches and a slope of at least one-fourth (1/4) inch per foot. All joints shall be watertight.

(3) The sewer outlet shall be capped when not in use.

(4) Manufactured or mobile home community sewer systems connections shall comply with the state plumbing code.

Section 7. Storage, Collection and Disposal of Community Refuse. (1) The permit holder shall be responsible for storage and disposal of refuse in common containers.

(2) The storage, collection and disposal of refuse in the community area shall not create:

- (a) A health, safety or fire hazard;
- (b) Rodent harborage;
- (c) Insect breeding area;
- (d) Air pollution; or
- (e) Other public or private nuisance.

(3) Refuse shall be stored in insect-proof, watertight, rodent-proof common containers, which shall be located near each manufactured or mobile home lot. Common containers shall be provided in sufficient number and capacity to properly store all refuse deposited by community residents.

(4) A common container storage location shall be provided, designed and maintained not to create a nuisance.

(5) Refuse containing garbage shall be collected at least once a week or more often, if necessary. If suitable collection service is not available from municipal or private agencies, the owner or opera-

tor of the community shall provide this service. All refuse shall be collected and transported in covered, leak-proof containers or vehicles.

(6) Refuse and waste collected at a community shall be disposed in a safe and sanitary manner approved by the Natural Resources and Environmental Protection Cabinet in accordance with 401 KAR Chapter 47.

Section 8. Insect and Rodent Control within the Community. (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Communities shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be maintained to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

(4) Within forty-five (45) days of placement, each manufactured or mobile home shall have underskirting of vinyl, metal, masonry, or pressure-treated lumber.

(5) A community shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. A community shall be free of heavy vegetative growth of any description.

Section 9. Community Electrical Distribution Systems. Every community shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and maintained pursuant to the requirements of the Public Protection and Regulation Cabinet.

Section 10. Community Fire Protection. Each community shall comply with fire safety codes applicable to manufactured or mobile home and recreational vehicle communities, including:

(1) Spacing and setback requirements for attached or unattached accessory buildings or structures;

(2) State Fire Marshal requirements; and

(3) Local fire codes regarding fuel supply storage and fuel connections.

Section 11. Community Maintenance and Registration of Occupants. The person to whom a permit to operate a community is issued shall:

(1) Maintain the community, its facilities and equipment in good repair and in a clean and sanitary condition;

(2) Notify community occupants of relevant provisions of this administrative regulation, including occupants' duties and responsibilities;

(3)(a) Assign proper orientation and location of each community home; and

(b) Assure proper installation and set up of each manufactured or mobile home, in compliance with the provisions established by the Public Protection and Regulation Cabinet, as embodied in KRS 227.570(3) and 815 KAR 25:010; and

(4) Maintain a register containing the names of community occupants, to be made available to a person authorized to inspect the community.

Section 12. Communities Holding a Valid Operation Permit and Constructed Prior to the Adoption of this Administrative Regulation. (1) A community with a valid operating permit issued between January 12, 1973 and the date of adoption of this administrative regulation shall be eligible for a permit to continue operation if it meets:

(a) The requirements of the 1973 administrative regulations; or

(b) The site plan approved by the cabinet at the time of permit issuance.

(2) A manufactured or mobile home community with a valid operating permit, constructed on or before January 12, 1973, shall be eligible for a permit to continue operation if:

(a) The community does not meet the design and construction requirements of this administrative regulation; but

(b) Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and

(c) The community does not present a public health nuisance.

(3) A manufactured or mobile home community with a valid operating permit, constructed on or before January 1, 1956, shall be eligible for a permit to continue operation if:

(a) The community does not meet the design and construction requirements of this administrative regulation; but

(b) Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and

(c) The community does not present a public health nuisance.

(4) A manufactured or mobile home currently in place at a community shall be allowed to continue to be situated on that lot. If the home is removed it shall be replaced only by a home:

(a) The same size as the home being removed; or

(b) That preserves the set back and spacing requirements in effect at the time the community was constructed. A setback from an interior street shall be the maximum achievable for the replacement home.

Section 13. Inspection of Communities. (1) At least once every twelve (12) months, the cabinet shall inspect each community and shall make as many additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2) A cabinet inspector shall record the findings in writing. The inspector shall provide a copy of the report to the permit holder or his designee. The findings shall:

(a) Set forth the specific violations if found;

(b) Establish a specific and reasonable period of time for the correction of the violations found; and

(c) State that failure to comply with any notice issued pursuant to the provisions of this administrative regulation may result in suspension or revocation of the permit.

Section 14. Suspension of Permits. In addition to penalties established in KRS 219.991(2), the cabinet may suspend or revoke a permit, in accordance with KRS 219.380(2).

(1) The cabinet shall, upon notice to the permit holder, immediately suspend the permit if:

(a) There is reason to believe that an imminent public health hazard exists; or

(b) The holder or an employee has interfered with the cabinet in the performance of its duties.

(2) In all other instances of violation of the provisions of this administrative regulation the cabinet shall:

(a) Serve on the permit holder or his designee a written notice specifying the violation; and

(b) Afford the holder a reasonable opportunity for correction.

(3) The cabinet shall notify, in writing, a permit holder or operator who fails to comply with a written notice issued under the provisions of this section, that the permit shall be suspended at the end of ten (10) days following service of the notice.

Section 15. Reinstatement of Suspended Permits. A person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that the conditions causing suspension of the permit have been corrected, the cabinet shall

make a reinspection. If the applicant is found to comply with the requirements of this administrative regulation, the permit shall be reinstated.

Section 16. Revocation of Permits. A permit shall be permanently revoked for:

- (1) Serious or repeated violations of a requirement of this administrative regulation; or
- (2) Interference with an agent of the cabinet in the performance of his or her duties. Prior to the action, the cabinet shall notify the permit holder or his designee, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of the notice.

Section 17. Permit Renewal. (1) A permit to operate a manufactured or mobile home community shall be renewed annually, in the month of July. A permit fee shall be assessed pursuant to 902 KAR 45:120, Section 2(2).

(2) If the cabinet or its agent is on notice that a manufactured or mobile home community is in violation of another agency's lawful requirement, the permit shall not be renewed until the permit holder or his designee demonstrates to the cabinet or its agent that the violation has been corrected.

Section 18. Appeals. (1) A permit holder, his designee, or an applicant aggrieved by a decision of the cabinet may request a conference or administrative hearing. The request shall be submitted within ten (10) days of receipt of a written notice of:

- (a) A violation;
- (b) Suspension or revocation of a permit;
- (c) Denial to renew a permit; or
- (d) Denial of an initial application.

(2) Conference hearings.

(a) A conference hearing shall be conducted in accordance with 902 KAR 1:400, Administrative hearings, with the following exceptions:

1. The hearing shall be less formal than an administrative hearing;

2. The matter at issue shall be discussed before a representative of the Department for Public Health; and

3. Participants in the discussion shall be:

- a. An agent of the cabinet; and
- b. The permit holder, his designee, or the applicant.

(b) A request for a conference hearing shall be:

1. In writing;

2. Submitted or addressed to the cabinet's agent at the local health department that issued or gave notice of the violation, suspension, or revocation.

(c) A permit holder, his designee, or an applicant who does not agree with the conference report issued after the conference hearing may appeal by requesting an administrative hearing.

(3) Administrative hearing.

(a) A request for an administrative hearing waives the right to request a conference hearing.

(b) The administrative hearing shall be conducted in accordance with 902 KAR 1:400, Administrative hearings.

(c) A request for an administrative hearing shall be:

1. In writing;

2. Submitted or addressed to the Commissioner, Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621; and

3. Accompanied by a copy of the notice of violation, notice to suspend or revoke, letter denying

an application, or the conference hearing report.

Section 19. Incorporation by Reference. (1) "DFS-317, Application for a Permit (Rev. 5-91)" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m. (MRP-1; 1 Ky.R. 369; eff. 2-5-75; Am. 17 Ky.R. 496; 1392; eff. 9-19-90; 22 Ky.R. 2415; eff. 8-1-96; 28 Ky.R. 1234; 1659; eff. 1-14-2002; 29 Ky.R. 1107; 1622; eff. 12-18-02.)