

Technical Amendment
March 20, 2020

902 KAR 15:010. Manufactured and mobile home communities.

RELATES TO: KRS 219.310-219.410, 219.991(2), 227.570(2)

STATUTORY AUTHORITY: KRS 194A.050(1), 219.340, 219.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 219.340(1) requires the cabinet to establish a schedule of fees that shall be paid for a permit to operate a manufactured or mobile home community. KRS 219.360 authorizes the cabinet to issue a permit for the new construction or alteration of a manufactured or mobile home community. This administrative regulation establishes standards for community construction and layout, sanitary standards for operation, the permitting and inspection fee schedule, and other matters necessary to insure a safe and sanitary manufactured or mobile home community operation.

Section 1. Definitions.

- (1) "Cabinet" is defined by KRS 219.320(2).
- (2) "Community street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating lots.
- (3) "Flood plain" means the area in a watershed that is subject to flooding at least one (1) time every 100 years.
- (4) "Footer" means that part of a manufactured or mobile home lot that supports the foundation for the placement of a manufactured or mobile home and appurtenant structures or additions.
- (5) "Foundation" means the substructure placed on a footer for supporting a manufactured home or mobile home.

Section 2. Application for a Permit.

- (1) A person desiring to operate a manufactured or mobile home community shall complete and submit Form DFS-200, Application for a Permit, incorporated by reference in 902 KAR 10:040, to the local or district health department serving the county in which the community is located.
- (2)
 - (a) Upon receipt of an initial Application for a Permit, the cabinet shall inspect the manufactured or mobile home community to determine compliance with the provisions of this administrative regulation and KRS 219.310 through 219.410.
 - (b) If the inspection reveals compliance with this administrative regulation, a permit shall be issued to the applicant by the cabinet.
- (3) The Application for a Permit to operate a manufactured or mobile home community shall be accompanied by:
 - (a) An application fee of \$150; and
 - (b) The inspection fee required by subsection (6) of this section.
- (4) A permit to operate a manufactured or mobile home community shall be:
 - (a) Nontransferable from one (1) person to another; and
 - (b) Renewed annually by June 30 each year.
- (5) A late renewal fee of seventy-five (75) dollars shall be assessed on all permit renewal applications not received or postmarked on or before July 31 each year.
- (6) The fee assessed for the inspection of a manufactured or mobile home community shall be assessed according to the total number of spaces in the community:
 - (a) Two (2) to ten (10) spaces - \$150;

- (b) Eleven (11) to fifty (50) spaces - \$225;
- (c) Fifty-one (51) to 100 spaces - \$300;
- (d) 101 to 200 spaces - \$375;
- (e) 201 to 300 spaces - \$450;
- (f) 301 to 400 spaces - \$525;
- (g) 401 to 500 spaces - \$600; or
- (h) 501 or more spaces - \$675.

Section 3. Submission of Construction Plan.

- (1) A person desiring to construct or alter a manufactured or mobile home community shall complete and submit a notarized Form DFS-317, Application for a Permit to Construct or Alter a Mobile Home Park or Recreational Vehicle Park, to the local or district health department serving the county in which the community is located.
- (2) Each application for a permit to construct or alter a manufactured or mobile home community shall be accompanied by:
 - (a) A complete plan, drawn to scale, submitted in triplicate, of the proposed community or alteration; and
 - (b) An application for plan review fee of seventy (70) dollars.
- (3) If the community is located within a flood plain, the plan shall be submitted in quadruplicate.
- (4) The plan shall show existing and proposed facilities including:
 - (a) The area and dimensions of the tract of land being developed;
 - (b) The number, location, and size of all manufactured or mobile home lots;
 - (c) The area within each manufactured or mobile home lot intended for location of a manufactured or mobile home and setback distances;
 - (d) The location and width of roadways, driveways, and walkways;
 - (e) The number, location, and size of all off-street automobile parking spaces;
 - (f) The location of each community street lighting and electrical system;
 - (g) A detailed drawing of the water supply, if the source is other than public;
 - (h) A detailed drawing of the sewage disposal facilities, including specifications;
 - (i) A detailed drawing of the refuse storage facilities;
 - (j) The location and size of water and sewer lines, and riser pipes;
 - (k) The size and location of playground areas within the community, if provided; and
 - (l) A separate floor plan of each building and other improvement constructed or to be constructed within the manufactured or mobile home community, including a plumbing riser diagram.

Section 4. 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. 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 as determined by the National Flood Insurance Program, 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 gravel, asphalt, or concrete construction;

(b) Maintained in good condition;

(c) Drained so as not to allow water to pond or accumulate;

(d) Relatively free of dust; and

(e) Free of holes.

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

Section 5. Lighting within Community. A minimum equivalent to a 100 watt high pressure sodium light or light emitting diode equivalent, shall be provided at the community entrances, intersections, and at intervals of 200 feet within the community.

Section 6. Community Water Supply.

(1)

(a) The water supply shall be potable, adequate for the size of the community, and, if available, from a public supply of a municipality or water district in compliance with 401 KAR Chapter 8.

(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 in accordance with the applicable requirements of 401 KAR Chapter 8.

(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 815 KAR Chapter 20.

Section 7. Community Sewage and Waste Disposal.

- (1)
 - (a) Sewage and waste matter shall be disposed of into a municipal sewer system, if available.
 - (b) If a municipal 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 815 KAR Chapter 20 and 902 KAR Chapter 10.
 - (c) If a municipal sewer system subsequently becomes available, connections shall be made to it and the private sewer system shall be discontinued.
- (2) The sewer outlet shall be capped while not in use.
- (3) Manufactured or mobile home community sewer system connections shall comply with 815 KAR Chapter 20.

Section 8. 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 so as not to create a nuisance.
- (5) Refuse shall be collected at least once a week or more often, if necessary.
 - (a) If suitable collection service is not available from municipal or private agencies, the owner or operator of the community shall provide this service.
 - (b) All refuse shall be collected and transported in covered, leak-proof containers or vehicles.
- (6) Refuse collected at a community shall be disposed in a safe and sanitary manner approved in accordance with 401 KAR Chapter 47.
- (7) Open burning shall be prohibited in a manufactured or mobile home community.

Section 9. Insect, Rodent, and Vegetative Nuisance 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 that could 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 underpinning of vinyl, metal, masonry, or pressure-treated lumber.
- (5)
 - (a) 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.
 - (b) A community shall be free of heavy vegetative growth of any description.
 - (c) Pesticide application for the control of vegetative growth shall be in accordance with 302 KAR Chapter 28.

Section 10. 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 815 KAR Chapter 7.

Section 11. Community Fire Protection. Each community shall comply with fire safety codes applicable to manufactured or mobile home communities, including:

- (1) Spacing and setback requirements for attached or unattached accessory buildings or structures;
- (2) State Fire Marshal requirements established in 815 KAR Chapter 10; and
- (3) Local fire codes regarding fuel supply storage and fuel connections.

Section 12. Community Maintenance and Registration of Occupants. The person to whom a permit to operate a community is issued shall:

- (1) Maintain the community, the community's 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 in KRS 227.570(2) and 815 KAR Chapter 25; and
- (4) Maintain a register containing the names of community occupants, to be made available to a person authorized to inspect the community.

Section 13. Communities Holding a Valid Operation Permit and Constructed Prior to December 18, 2002.

- (1) A community with a valid operating permit issued between January 12, 1973 and December 18, 2002 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)
 1. Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and
 2. 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)
 1. Community facilities are capable of being maintained in a safe and sanitary manner, in compliance with this administrative regulation; and
 2. 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 14. 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) A cabinet inspector shall record the inspection findings on the DFS-318, Mobile Home and Recreational Vehicle Park Inspection Report; and

(b) Provide a copy of the report to the permit holder or the permit holder's designee.

(3) The findings shall:

(a) State the specific violations if found;

(b) Establish a specific and reasonable period of time for the correction of violations if 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 15. Suspension, Reinstatement, and Revocation 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 the cabinet's 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 the permit holder's designee, a written notice stating the violation; and

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

(3) The cabinet shall notify, in writing, a permit holder 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.

(4) A person whose permit has been suspended may, at any time, submit Form DFS-215, Application for Reinstatement, incorporated by reference in 902 KAR 45:005, for the purpose of reinstatement of the permit.

(5) A permit shall be permanently revoked for:

(a) Serious or repeated violations of a requirement of this administrative regulation; or

(b) Interference with an agent of the cabinet in the performance of his or her duties.

(6) Prior to the action, the cabinet shall notify the permit holder or the permit holder's 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.

(7) If the cabinet or the cabinet's 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 the permit holder's designee demonstrates to the cabinet or its agent that the violation has been corrected.

Section 16. Appeals. A permit holder, a permit holder's designee, or an applicant aggrieved by a decision of the cabinet may request an appeal pursuant to 902 KAR 1:400.

Section 17. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) DFS-317, "Application for a Permit to Construct or Alter a Mobile Home Park or Recreational Vehicle Park," Rev 10-18; and

(b) DFS-318, "Mobile Home and Recreational Vehicle Park Inspection Report," 10-18.

(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. 2-5-1975; Am. 17 Ky.R. 496; 1392; eff. 9-19-1990; 22 Ky.R. 2415; eff. 8-1-1996; 28 Ky.R. 1234; 1659; eff. 1-14-2002; 29 Ky.R. 1107; 1622; eff. 12-18-2002; 45 Ky.R. 3281, 46 Ky.R. 46, 478; eff. 9-9-2019; TAm eff. 3-20-2020.)