

CODE ORDINANCE

Introduced by: Borough Manager
Prepared by: Planning Director

MATANUSKA-SUSITNA BOROUGH

ORDINANCE SERIAL NO. 83-78

AN ORDINANCE OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH AMENDING CHAPTER 17.48 RELATING TO MOBILE HOME PARKS, TO PROVIDE FOR REGULATIONS ON NON-CONFORMING USES AND PROVIDE FOR ENFORCEMENT.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Section 17.48.050(A) Application Requirements of the Matanuska-Susitna Borough Code is amended to read as follows:

A. Prior to submitting a formal application to the Planning Commission, the applicant shall confer with the Borough Planning Department on the review process for the application. A one hundred dollar filing fee shall accompany the formal application.

Section 3. Chapter 17.48 of the Matanuska-Susitna Borough Code, relating to mobile home parks, is hereby amended by changing the title of part III to "General Provisions" rather than "Definitions" and by adding a new Section 17.48.130 to read as follows:

17.48.130 Non-conforming mobile home parks.

A. Within the Borough there may exist mobile home parks as of the date of adoption of this ordinance or amendments thereto which were lawful before the effective date of applicable regulations but which would otherwise be prohibited, regulated or restricted under the ordinance. Such existing non-conforming parks are permitted to continue subject to the provisions of this section, but shall not be expanded except within in accordance with this chapter.

B. Nothing in this chapter shall require the relocation or removal of mobile home parks existing or under construction at the time of adoption of this ordinance if such use was lawful at the time of its construction. No mobile home park shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the effective date of the ordinance or amendment thereto. Actual construction is defined as the substantial placement of construction materials and performance of labor for construction of facilities which cannot reasonably be used except in a manner which does not conform with these regulations.

C. Mobile home parks under construction or in existence as of the date of this ordinance shall apply for and may obtain approval of the mobile home park within 120 days of the effective date of this ordinance. The Planning Director shall grant approval of the mobile home park if it complies with the requirements of this chapter excepting only those facilities and improvements which were under construction or in existence prior to the effective date of the respective regulation. The mobile home park shall meet all other requirements of this chapter which are not in conflict with the pre-existing use or construction.

D. No existing mobile home park shall be expanded in area or in number of dwelling units permitted unless the area of expansion meets the requirements of this chapter. No area of a mobile home park which is abandoned shall be used as a mobile home park unless it meets the requirements of this chapter. Abandonment is defined as a discontinuation of use of a mobile home park or a discrete portion or parcel thereof, or the failure to complete construction and begin use, for a continuous period of more than one year. If abandoned, the land shall not thereafter be used except in conformity with the requirements of this chapter.

Section 4. Chapter 17.48 of Matanuska-Susitna Borough Code is amended by adding a new section 17.48.140 to read as follows:

17.48.140 Violations and Enforcement.

A. Whenever any act is done contrary to the provisions of this chapter, the Planning Director or his authorized representative may issue an enforcement order by affixing it to the property or building where the unlawful use or activity is in progress. When any order is placed upon any parcel or job site, all uses or activities contrary to the terms of the order shall cease until the order is removed and continuation is authorized by the Planning Director.

1. Failure to comply with an enforcement order is a separate offense from the act or omission causing the enforcement order and is punishable by a fine of not more than \$500.00 or by imprisonment for a maximum of thirty days or both together with the costs of prosecution.
2. The issuance of an enforcement order does not waive the Borough's right to take other enforcement action available to it by law.

B. Civil remedies. If there is a violation of the terms of this chapter or of any regulation, condition or safeguard adopted in accordance therewith, any public body or any person aggrieved may institute or cause to be instituted any appropriate criminal civil action or proceeding to prevent, enjoin, abate, remove or punish such violations, and to recover any money damages incurred. In addition to injunctive relief, each violation shall be subject to a civil penalty not to exceed \$500.00. An action to enjoin the violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the Superior Court shall grant injunctive relief to restrain the violation. Each unlawful act or condition and every day such unlawful act or condition occurs shall constitute a separate violation.

C. Criminal penalties. Every act prohibited by this chapter or its amendments is unlawful. Every person convicted of a

violation of any provision of this chapter or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment for thirty days, together with costs of prosecution. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

Section 5. Chapter 17.48 of the Matanuska-Susitna Borough Code is amended by adding a new section 17.48.150 to read as follows:

17.48.150 Appeal Procedure. Appeals from a decision of the Planning Director of a zoning enforcement action shall be filed and conducted in accordance with Chapter 15.33.

Section 6. This ordinance becomes effective upon its passage and approval.

Introduction: Nov 9, 1983

First reading: Nov. 9, 1983

Public hearing: Dec 6, 1983

ADOPTED by the Assembly of the Matanuska-Susitna

Borough this 3rd day of January, 1983.

Edna Armstrong
Edna Armstrong, Borough Mayor

ATTEST:

Evelyn Thompson
Evelyn Thompson, Borough Clerk
(SEAL)

REVIEWED AND APPROVED:

Gary Thurlow
Gary Thurlow, Borough Manager