

Proposed by:	Administration
First Reading:	02/07/2008
Second Reading:	02/21/2008
Vote: 6 Aye	0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA**  
**ORDINANCE NO. 08-07**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 15.14, MOBILE HOMES AND CHAPTER 15.16, GENERAL PROVISIONS TO ADDRESS THE CHANGE IN STATUS FROM CITY TO BOROUGH GOVERNMENT AND UPDATE WHICH EDITION OF THE INTERNATIONAL BUILDING CODES ARE USED AS WELL AS ADDING LANGUAGE REGARDING THE DEFINITION OF MANUFACTURED HOME.**

**WHEREAS,** Amendments are required to address the change in status from city to borough government; and

**WHEREAS,** The Building Inspector has proposed amendments to update which edition of the International Building Codes are used and clarified language to the definition of manufactured home.

**BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:**

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

**Section 2. Purpose.** To amend Chapter 15.14, Mobile Homes and Chapter 15.16, General Provisions to address the transition from city to borough government and to update which edition of the International Building Codes are used and to clarify language to the definition of manufactured home. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code as follows:

**Section 3. Amendment.** Chapter 15.14, Mobile Homes and Chapter 15.16, General Provisions are hereby amended as follows

**Chapter 15.14**  
**MOBILE HOMES**

**Sections:**

- 15.14.010 **Definitions.**
- 15.14.020 **Historic District locations prohibited.**
- 15.14.030 **Other locations south of 15th Avenue.**
- 15.14.040 **Nonconforming uses.**
- 15.14.050 **Restrictions.**
- 15.14.060 **Exemptions.**
- 15.14.070 **Compliance with other laws and regulations.**
- 15.14.075 **Fees.**
- 15.14.080 **Enforcement.**

**15.14.010 Definitions.**

- A. "Mobile Home" means a detached single family dwelling designed for long term human habitation and having complete living facilities; constructed and fabricated into a complete unit at a factory and capable of being transported to location of use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation. A mobile home shall continue to be classified as such regardless of its actual placement upon concrete or other permanent foundation, or removal of wheels, or addition of base skirts, or any foregoing.
- B. "Mobile home not intended as dwelling unit," as for example, equipped for sleeping purposes only, contractor's on-site offices, construction job dormitories, mobile studio dressing rooms, banks, clinics, mobile stores, or intended for the display or demonstration of merchandise or machinery.

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- C. "Modular Home" means a single-family dwelling unit designed for long term human habitation and meeting the requirements for "manufactured home."
- D. "Manufactured Home" means a **detached single family dwelling designed for long term human habitation and having complete living facilities;** structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. **Siding shall consist of materials such as wood (beveled, shiplap, log, etc.), T-111, Hardi-plank, Hardi-board, Cladwood or other non-metallic materials. Roofing shall consist of asbestos 3-tab shingles or steel roof with sheet widths no larger than 36 inches.**
- E. "Recreational Vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by another vehicle. The basic entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper. (See individual definitions.)
  - 1. "Camping Trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
  - 2. "Fifth Wheel Trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet (37.2m<sup>2</sup>) in the set up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
  - 3. "Motor Home" is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
  - 4. "Park Trailer" is a recreational vehicle that meets the following criteria:
    - a. Built on a single chassis mounted on wheels.
    - b. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode.
    - c. Certified by the manufacturer as complying with ANSI A119.5
  - 5. "Travel Trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet (29.7m<sup>2</sup>).
  - 6. "Truck Camper" is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- F. "Recreational Vehicle Park" is a tourist facility for parking motor homes, travel trailers and other recreational vehicles.
- G. "Storage Trailer and Van" means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long-term or short-term occupancy, but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.
- H. "Used and occupied" means and includes the words "intended, arranged or designed to be used or occupied."

**15.14.020 Historic District locations prohibited.**

No mobile home, including a double-wide or modular home on a permanent foundation, nor a recreational vehicle nor a storage trailer or van shall be permitted to be located in the Historic District as elsewhere identified in the city **municipal** code.

**15.14.030 Other locations south of 15th Avenue.**

No mobile home or trailer park may be positioned or located south of 15th Avenue.

**15.14.040 Nonconforming uses.**

- A. Intent. Within the zones established and areas designated in this chapter, there exist uses of land and structures which were lawful before this chapter was adopted in 1977 but which would be prohibited under the terms of this chapter. It is the intent of this provision to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. Such

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uses are declared by this chapter to be incompatible with permitted uses in the zones involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same zone. This section shall be interpreted with a view toward the public policy of early termination of nonconforming uses, and ambiguities shall be construed restrictively against perpetuation of such uses.

- B. Enlargement. A nonconforming use or structure shall neither be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this chapter in 1977.
- C. Relocation. A nonconforming use or structure shall not be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of this chapter in 1977.
- D. Discontinuance. If any such nonconforming use of land or structure ceases for any reason for a period of twelve (12) months, any subsequent use of such land or structure must conform to the regulation specified by this chapter and the zoning map for the district in which the land is located; and similarly, if any such nonconforming use of land or structure is voluntarily abandoned the same requirements shall apply immediately upon abandonment. In this context, six (6) months discontinuance of the nonconforming use shall create a rebuttable presumption that the nonconforming use has been abandoned, and twelve (12) months of discontinuance shall create a conclusive presumption of abandonment.
- E. Preexisting Structures. To avoid undue hardships, nothing in this chapter shall be deemed to require a change in use of any mobile home or similar structure on which actual construction was lawfully begun prior to the effective date of this chapter in 1977 and upon which actual building construction or mobile home location or placement was completed within six (6) months thereafter.
- F. Casualty Destruction and Rebuilding. In the event of fire or other extended casualty loss or damage exceeding fifty percent (50%) of its assessed value, the structure may not be replaced, and no replacement of nonconforming structure shall be relocated upon the same premises.

**15.14.050 Restrictions.**

- A. All mobile homes shall be considered as single-family living units and be subject to restriction for such occupancies, but this provision shall not be construed to prohibit the conduct of a home occupation in a mobile home.
- B. All mobile homes and manufactured homes brought into Skagway after January 1, 1997, must have affixed upon the unit(s) a Data plate with name and address of the manufacturing plant, serial number, model designation, date manufactured, thermal protection for Outdoor Winter Design Temperature Zone 3, Wind Resistive Hurricane (HUD Zone II) and external snow roof load for North Zone, or Canadian equivalent.
- C. All recreational vehicles used for habitation shall use designated Recreational Vehicle Parks or trailer parks.
- D. Recreational vehicle used for habitation other than that of vacation usage shall conform to City Municipality of Skagway Life-Safety Standards:
  - 1. All recreational units shall meet ANSI A119.2 standards by January 1, 1997.
  - 2. Recreational units shall have posted in a conspicuous external location a current year annual city municipal RV safety living permit certificate or sticker.
- E. Pre-existing nonconforming recreational vehicles, located in Skagway on January 1, 1995, used for habitation shall be allowed for usage after annual city municipal RV Safety Standard Occupancy inspection and certificate issued. Nonconforming permit fees to double annually, for a total of five (5) years only. After time period has expired, the nonconforming recreational vehicle usage shall be discontinued and the vehicle removed.

**15.14.060 Exemptions.**

- Mobile homes shall be exempt from compliance with any of the provisions of this chapter in the following situations.
- A. Storage. Not more than one (1) each travel trailer, camper, storage trailer, van or boat may be stored on a residential lot, parcel or tract without the requirement of a fence or plantings with the exception of aircraft west of Alaska Street.
  - B. Construction Functions. Construction firms may use a mobile home for a temporary office at the work site during the period of construction. Living quarters or mess halls must be located in

- industrial or waterfront zones, provided that the same are connected to utilities. Upon completion of the construction project, the construction camp units shall be removed.
- C. **Business Relocation.** A business firm may use a mobile home for a temporary office in the event that business must be temporarily relocated for a period not to exceed one hundred twenty (120) days upon obtaining a permit from the planning commission and a city municipal building permit. In the event that a permitted structure is damaged by fire, earthquake or other natural cause to the extent that it is uninhabitable, a permit may be issued for occupancy for a mobile home during the period that the structure is being rehabilitated or repaired, but in no event shall a permit be for a period longer than eighteen (18) months.
  - D. **Celebrations.** A mobile home may be used in ordinary and usual ways in connections with circuses, fairs and similar celebrations.
  - E. **Occupancy While Building a Home.** A mobile home may be used for temporary living quarters for not more than eighteen (18) months while the occupant thereof is constructing a permanent dwelling on the same property. Before a mobile home will be permitted in such an instance, the owner of the property or the person intended to occupy the mobile home shall secure a building permit for the mobile home. Such permit shall be granted upon the receipt of a signed statement by the permittee that a permanent dwelling will be constructed within eighteen (18) months thereafter. Construction shall start within sixty (60) days of mobile home placement. Only one (1) mobile home shall be permitted on any parcel of land during the construction or repair of a permanent dwelling.

**15.14.070 Compliance with other laws and regulations.**

In addition to complying with the provisions of this chapter, owners of mobile homes and trailers as defined herein, and trailer park permittees, shall be required to comply with any applicable provisions of other portions of the city municipal code, including the building codes, fire prevention code, and the zoning code.

**15.14.075 Fees.**

The ~~council~~ assembly may by resolution establish fees to be paid by applicants for any type of inspection, permit or other city municipal processing of habitation under this title.

**15.14.080 Enforcement.**

This chapter shall be enforced by the city-borough manager or his designee.

**Chapter 15.16**  
**GENERAL PROVISIONS**

**Sections:**

- 15.16.010 Penalties.**
- 15.16.020 Remedies not exclusive.**
- 15.16.030 Judicial review.**

**15.16.010 Penalties.**

Except where otherwise specifically stated, violations of provisions of this title shall be non-criminal infractions, subject to a penalty not exceeding three hundred dollars (\$300.00). Each day of continuing noncompliance, following the ~~city's~~ municipality's issuance of a notice of noncompliance, shall be a separate violation.

**15.16.020 Remedies not exclusive.**

Nothing in this title shall interfere with the utilization of applicable remedies provided elsewhere in the city municipal code or afforded by the laws of the state of Alaska.

**15.16.030 Judicial review.**

An aggrieved person, after exhaustion of all processes for appeal to the city municipal government provided by this title, may appeal to the Superior Court, First Judicial District, any final decision of the city municipality, provided the aggrieved person files a notice of appeal with the city-borough manager no later than thirty (30) days following issuance of the ~~city's~~ municipality's final decision which is the subject of the appeal, and files his appeal with the Superior Court no later than twenty (20) days thereafter.

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**Section 4. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 21<sup>st</sup> day of February, 2008.

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Thomas D. Cochran, Mayor

ATTEST:

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Marjorie D. Harris, Borough Clerk

(SEAL)