

MANNINGTON TOWNSHIP

ORDINANCE NO. 18-03

**AN ORDINANCE AMENDING
MANNINGTON TOWNSHIP CODE CHAPTER 131
TO INCLUDE LICENSING REQUIREMENTS
FOR TEMPORARY HOUSING TRAILERS**

WHEREAS, the Mannington Township Committee recognizes the need for temporary residential accommodations for Mannington Township residents whose homes are rendered uninhabitable by fire or other damage; and

WHEREAS, the Mannington Township Committee wishes to enact licensing requirements to allow temporary housing trailers as defined herein to be used for such purposes without land use or development approvals pursuant to Mannington Township Code Chapter 70, and to ensure the removal of temporary housing trailers without cost to the Township;

NOW THEREFORE, BE IT ORDAINED, by the Township of Mannington, in the County of Salem, State of New Jersey, as follows:

1. Section 131-3 “Intent” of Article I, Chapter 131 of the Mannington Township Code is hereby repealed and replaced with the following new § 131-3:

§ 131-3. Intent.

- A. It shall be unlawful, within the limits of the Township of Mannington for any person to park any trailer on any street, alley, or highway or any other public place, occupied or occupied, except as provided in this article.
 - B. It shall be unlawful, within the limits of the Township of Mannington, for any person to park any trailer on any private property, occupied or unoccupied, except as provided in this Chapter.
 - C. It shall be unlawful, within the limits of the Township of Mannington, for any person to establish a trailer camp for the parking of automobile trailers, except as provided in this Chapter.
2. Subsection C. of § 131-4 “Permissible parking” of Article I, Chapter 131 of the Mannington Township Code is hereby repealed and replaced with the following new § 131-4.C.:
- C. Parking may be permitted in any duly licensed trailer camp provided compliance is made with the provisions of this Chapter with relation thereto.

3. Subsection D. of § 131-4 “Permissible parking” of Article I, Chapter 131 of the Mannington Township Code is hereby repealed.
4. Section 131-6 “Regulations and fees for permanent location applications” of Article I, Chapter 131 of the Mannington Township Code is hereby repealed.
5. Section 131-7 “Trailer camps” of Article I, Chapter 131 of the Mannington Township Code is hereby repealed.
6. Section 131-8 “Violations and penalties” of Article I, Chapter 131 of the Mannington Township Code is hereby re-numbered as § 131-6.
7. Section 131-11 “Application; inspections; fees” of Article II, Chapter 131 of the Mannington Township Code is hereby amended to include the following new subsection F.:

F. Camp sites and trailer camps as defined in this article are subject to the requirements of Chapter 70 “Land Development”. No license shall be issued pursuant to this article unless the camp site or trailer camp has received all applicable land use and development approvals pursuant to Chapter 70.

8. Section 131-15 “Location of trailers other than in trailer camp prohibited” of Article II, Chapter 131 of the Mannington Township Code is hereby repealed and replaced with the following new § 131-15:

§ 131-15. Location of trailers other than in trailer camp prohibited.

No person or persons, firm or corporation owning, renting or leasing any trailer, camp car or mobile home shall locate, park, keep or maintain said trailer, camp car or mobile home upon any lot or tract of land within the Township of Mannington, aforesaid, except upon a trailer camp or camp site conducted, maintained and licensed in full and complete compliance with all the provisions of this article, or as otherwise permitted in this Chapter.

9. Chapter 131 “Trailers” of the Mannington Township Code is hereby amended to include the following new Article III “Temporary Housing Trailers”:

ARTICLE III

Temporary Housing Trailers

§ 131-18. Title.

This article shall be known as the “Mannington Township Temporary Housing Trailer Ordinance.”

§ 131-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DAMAGE – An occurrence, such as a fire, that renders a dwelling unit uninhabitable under applicable laws.

DWELLING – A single-family dwelling or multi-family dwelling that, when damaged, is occupied lawfully for residential purposes. The word “dwelling” shall not include boarding or rooming houses, hotels, motels or other structures designed or used for transient purposes.

DWELLING, MULTIPLE-FAMILY – A dwelling containing two or more dwelling units that, when damaged, is lawfully occupied as a residence by no more than one household per dwelling unit.

DWELLING, SINGLE-FAMILY – A dwelling containing or constituting one dwelling unit that, when damaged, is lawfully occupied as a residence by no more than one household.

DWELLING UNIT – A room or connected rooms within a dwelling forming a self-contained area within that dwelling and adapted to provide permanent living accommodations for a household independent of other households in other dwelling units, including the availability of heat, electricity, water, and necessary equipment for the culinary and sanitary requirements of the occupying household.

HEAD OF HOUSEHOLD – An owner or tenant who lawfully resides with other persons in a dwelling unit at the time the dwelling unit is damaged; who resides or intends to reside with such other persons in a temporary housing trailer; and who is authorized by law or otherwise to make representations to third parties, including Mannington Township, on behalf of such other persons.

HOUSEHOLD – The owner or tenant and other persons who lawfully reside together in a dwelling unit at the time the dwelling unit is damaged.

LOT – A designated parcel, tract or area of land established by a plat, or otherwise as permitted by law, which is the site of a lawfully existing dwelling that has been damaged.

TEMPORARY HOUSING TRAILER – A single-section structure built on a permanent chassis having wheels (including a “trailer” as defined in this article), and which is (A) transportable on municipal, county and state roads without escort; (B) has dimensions of no more than [12?] feet

wide, no more than 13 feet high (measured from tire tread on roadway surface), and no more than [48?] feet long; (C) is designed to be used as a permanent or temporary dwelling unit when connected to required utilities; (D) includes built-in plumbing, electrical, and heating systems; and (E) is placed on a temporary foundation on a lot where a dwelling has been damaged for the purpose of serving as a temporary dwelling unit for the household that, because of the damage, cannot occupy the damaged dwelling, until such time as the damaged dwelling is repaired or reconstructed for lawful occupancy, or until such time as such repair or reconstruction is reasonably expected to have occurred.

TRAILER – A recreational vehicle, travel trailer, camper, or other transportable, temporary dwelling unit, with or without its own motor power, designed and constructed for travel and recreational purposes.

§ 131-20. Intent.

The intent of this article is to provide a licensing procedure to allow households that are displaced by damage to dwellings to live in temporary housing trailers on the same lot as the damaged dwelling for reasonably limited periods of time, and to ensure the subsequent removal of temporary housing trailers without cost to the Township. The requirements of Chapter 70 (Land Development) shall not be applicable to temporary housing trailers for which licenses are in effect pursuant to this article.

§ 131-20. License Application.

The owner of a structure or trailer that is intended to serve as a temporary housing trailer as defined in this article may apply for a license by submitting the following information to the Mannington Township Clerk for review by the Mannington Township Committee:

- A. A copy of the current deed of record and additional documentation as necessary to confirm the name(s) and current address(es) of the owner(s) of the lot at which the damaged dwelling is located.
- B. A written statement from the Mannington Township Housing Officer confirming that the dwelling unit for which the temporary housing trailer(s) is/are being proposed as temporary dwelling unit(s) has, in fact, been damaged as defined in this article.
- C. A written statement signed by the head of household setting forth the names and ages of the household members who intend to occupy the proposed temporary housing trailer(s).
- D. Copies of vehicle title(s) or other documents confirming the name(s) and current address(es) of the owner(s) of the proposed temporary housing trailer(s).
- E. Documentation confirming that the proposed temporary housing trailer(s) conform to all physical, structural, functional, and design requirements as defined in this article, including explanations or depictions of where and how water, sewage disposal, electricity, and any other utilities or services will be provided, and also confirming that only easily-removable access

steps or stairs and temporary foundations will be provided for the temporary housing trailer(s), and that no other appurtenances such as skirting, porches or patios will connect to or adjoin the temporary housing trailer(s).

- F. If more than one temporary housing trailer is being proposed, a written statement by the owner(s) of the temporary housing trailer(s) or the head of household explaining why more than one temporary housing trailer is necessary.
- G. A plan or drawing depicting all property boundaries of the lot; all existing structures on the lot; any structures on adjacent lots within [25?] feet of shared lot boundary lines; and the intended location(s) of the proposed temporary housing trailer(s).
- H. A written statement from a qualified person, such as the contractor who will accomplish or oversee the repair or reconstruction of the damaged dwelling, or an authorized representative of the insurance company that insured the damaged dwelling at the time of the damage, providing a reasonable estimate of the time required for the damaged dwelling to be repaired or reconstructed.
- I. Written statements, signed by the owner(s) of the lot, the head of household, and the owner(s) of the temporary housing trailer, all acknowledging that they have read and understand this article and that they understand and agree that if the license is granted the temporary housing trailer(s) will be permitted only at the specified location(s) within the lot, and only for the duration of the license, that the temporary housing trailer(s) must be removed from the lot upon expiration of the license, regardless of whether the damaged dwelling has by that time been repaired or reconstructed, and that following the expiration or revocation of the license the Township is authorized to remove the temporary housing trailer(s) from the lot at the applicant's expense if not removed by the applicant.

§ 131-21. Application Review; Conditions of Approval.

- A. After a temporary housing trailer application has been filed with the Township Clerk, the Clerk and the Mayor will promptly review it with other Township personnel to ascertain whether it includes sufficient information as specified above.
- B. If the application is deemed by the Mayor and Clerk to be sufficiently complete, the Clerk, at the Mayor's direction, will schedule the application for review at a regular or special Township Committee meeting and issue written notice of the meeting date to the applicant (i.e., the owner(s) of the proposed temporary housing trailer(s)), the lot owner(s), and the head of household.
- C. If the Township Committee, in consultation with the Housing Officer, Construction Official, and such other Township employees and officials as may be deemed appropriate, determines that the application lacks complete or credible information, or presents an unreasonable or inappropriate temporary housing trailer proposal, or one that would in all reasonable likelihood impair the health, safety or welfare of the intended occupants, neighboring landowners, or the general public, the Township Committee may deny the application with the understanding that

the same applicant or another applicant may re-apply for a license with additional or different information, or an alternate temporary housing trailer proposal.

D. If the Township Committee, in consultation with the Housing Officer, Construction Official, and such other Township employees and officials as may be deemed appropriate, determines that the application contains complete and credible information, and presents a reasonable and appropriate temporary housing trailer proposal that will not impair the health, safety or welfare of the intended occupants, any neighboring landowners, or the general public, the Township Committee may grant a license to place the temporary housing trailer(s) on the lot, subject to the following conditions:

- (1) The initial duration of the license shall be six (6) months from the date of the Township Committee's vote for approval, or from that date of approval until the estimated repair or reconstruction completion date provided per § 131-20.(H), above, whichever is longer. Thereafter the license may be extended for subsequent durations as may be deemed appropriate by the Township Committee for good cause, and with modified or supplemental conditions as may be deemed appropriate by the Township Committee, upon the written request of the applicant (i.e., the owner of the temporary housing trailer(s)). The license will automatically expire at the end of the initial duration unless extended; if extended the license will expire automatically at the end of the last extension.
- (2) Prior to placing the temporary housing trailer(s) on the lot the applicant (i.e., the owner of the temporary housing trailer(s)) must post a cash deposit with the Township in the amount of \$2,500 for each temporary housing trailer to be placed on the lot, and the applicant, head of household, and lot owner must enter into a license agreement with the Township providing as follows:
 - (a) The license agreement must specify the initial license duration and authorize the Township to remove the temporary housing trailer(s) from the lot if the applicant fails to do so.
 - (b) The license agreement must authorize the Township to take reimbursement from the aforesaid deposit for any costs incurred with respect to removal of the temporary housing trailer(s) from the lot, and any costs incurred in connection with any other aspect of non-compliance with the conditions of the license, including any post-removal transportation, storage and disposal costs, and any court costs, attorney or other professional fees, and must further provide that the balance of the deposit following such removal, if any, will be returned to the applicant only after the applicant retrieves the temporary housing trailer(s) from the Township.
 - (c) The license agreement must require the applicant to reimburse the Township, prior to retrieving the temporary housing trailer(s) from the Township, for any costs incurred by the Township as aforesaid in excess of the deposit.

- (d) The license agreement must include the manufacturer name(s), model(s), and serial or other identification number(s) of the temporary housing trailer(s) that will be placed on the lot.
- (e) The license agreement must include the approved plan or drawing of the lot and require that the temporary housing trailer(s) be placed upon the lot in conformance with the approved plan or drawing.
- (f) The license agreement must require that only easily-removable access steps or stairs and temporary foundations will be provided for the temporary housing trailer(s), and that no other appurtenances such as skirting, porches or patios will connect to or adjoin the temporary housing trailer(s).
- (g) The license agreement must set forth the names and ages of the household members who will reside in the temporary housing trailer(s).
- (h) The license agreement must provide that no person may reside in or otherwise occupy the temporary housing trailer(s) until all applicable construction approvals and certificates of occupancy have been issued by the Mannington Township Housing Officer and Construction Official, but that no zoning permit is required while the license is in effect.
- (i) The license agreement must provide that the license may be revoked by the Township Committee for any noncompliance with its terms and conditions, in which case the temporary housing trailer(s) must be removed from the lot within two (2) weeks following the Township's issuance of revocation notice.
- (j) The license agreement must require the applicant(s), the lot owner(s), and the head of household to release, and agree to indemnify, defend, and hold the Township harmless from and against any claim, judgment, or other cost for personal injuries, losses, or damages to any person or property, including but not limited to damage to the temporary housing trailer(s) and the household's furnish and other contents therein, that are or may be caused, incurred or alleged in connection with the Township's removal, transportation, storage, and disposal of the temporary housing trailer(s), utility connections, and other appurtenances, or any other exercise of the Township's rights or remedies under the license agreement and/or this article.
- (k) The license agreement may contain any other conditions imposed by the Township Committee based on the particular facts or circumstances of the temporary housing trailer proposal.
- (l) To become effective, the license agreement must be signed by the applicant (i.e., the owner(s) of the temporary housing trailer(s)), the head of household, the lot owner(s), and the Township.

- (m) The fully-executed license agreement will constitute the license. The license will take effect upon execution of the license agreement by all parties, but the duration of the license will run from the date of the Township Committee's vote for approval, not from the effective date of the license.
- (3) Prior to placing any trailer having its own motor power on a lot as a temporary housing trailer the applicant (i.e., the owner of the trailer) must give Mannington Township a set of ignition and door keys for the trailer.
 - (4) No temporary housing trailer may be placed on any lot in Mannington Township without an effective temporary housing trailer license.
 - (5) No person may reside in or otherwise occupy a temporary housing trailer until the Mannington Township Housing Officer has confirmed that the correctly specified temporary housing trailer has been placed on the lot as depicted on the approved plan or drawing, and all applicable construction approvals and certificates of occupancy have been issued by the Mannington Township Construction Official (no zoning permit is required while the license is in effect).
 - (6) The applicant (i.e., the owner(s) of the temporary housing trailer(s)) must remove the temporary housing trailer(s) from the lot within two (2) weeks following the expiration of the license. If not so removed, the Township may remove the temporary housing trailer(s) and shall be entitled to reimbursement for all costs as provided above.
 - (7) Any license may be revoked by the Township Committee for any noncompliance with its terms and conditions, or any violation of this article, in which case the temporary housing trailer(s) must be removed from the lot within two (2) weeks following the Township's issuance of revocation notice. If not so removed, the Township may remove the temporary housing trailer(s) and shall be entitled to reimbursement for all costs as provided above.

§ 131-22. Violations and penalties.


In addition to the provisions of this article, any violations of this article shall be punishable as provided in § 1-15 of this Code.

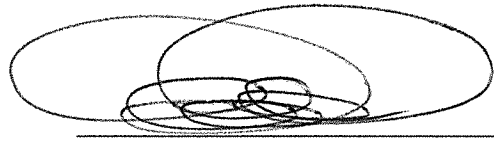
10. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
11. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
12. This Ordinance shall take effect after final passage, adoption and publication according to law.

NOTICE

Notice is hereby given that the foregoing proposed Ordinance No. 18-03 was introduced and passed on first reading by the Township Committee of the Township of Mannington, County of Salem, State of New Jersey, at a regular meeting held on September 6, 2018. A second reading and public hearing on the foregoing Ordinance will be conducted by the Township Committee at a regular meeting to be held on October 4, 2018 at 7:00 p.m., in the Mannington Town Hall, 491 Route 45, Mannington Township, New Jersey, after which the Ordinance will be considered for final passage

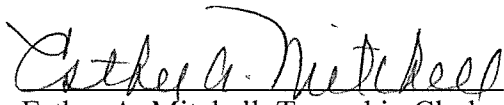
ATTEST:


Esther A. Mitchell, Township Clerk


Donald C. Asay, Mayor

CERTIFICATION

I hereby certify the above to be a true copy of an Ordinance introduced and passed by the Mannington Township Committee on second reading following a public hearing at a regular meeting held on 10-4, 2018.


Esther A. Mitchell, Township Clerk

DATE: 10-4-2018