

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

ORDINANCE NO. 8058

AN ORDINANCE ADDING CHAPTER 1700 TO THE LAKE ELMO
MUNICIPAL CODE RELATING TO THE CLOSURE OF MANUFACTURED
HOME PARKS.

The City Council ordains that Chapter 1700 and its subsections shall be added to the Lake Elmo Municipal Code to read as follows:

1700. Manufactured Home Park Closings.

1700.010. Purpose and Intent. Based upon the difficulty and expense of relocating Manufactured Homes and the unavailability of Manufactured Home Parks within a reasonable distance of the City of Lake Elmo, the Council finds that the public health, safety and welfare of Lake Elmo residents will be promoted by adopting regulations relating to the payment of Relocation Costs and Compensation in the event of the closing of all or a portion of a Manufactured Home Park. The purpose of this regulation is to define the regulations which will apply to Manufactured Home Park Closings and is adopted pursuant to the authority granted by M.S. 327C.095.

1700.020. Definitions. As used herein, the following words shall mean:

- A. Closure Statement. A written statement prepared by the Park Owner which includes the following information:
1. A statement that the Manufactured Home Park, or a portion thereof, is closing and the anticipated date of closing.
 2. A statement addressing the availability, location and potential cost of other Manufactured Home Park lot sites located within a twenty-five (25) mile radius of the Manufactured Home Park that is being closed.
 3. A statement of the probable Relocation Costs within a reasonable range which will be incurred by the Park Residents in order to relocate the Park Resident's Manufactured Home to a Manufactured Home Park within a twenty-five (25) mile radius.

- B. Current Resident List. A list of names and addresses of adult residents of the Manufactured Home Park.
- C. Eligible Park Resident. A Park Resident who satisfies the following criteria:
1. Park Lot rent is current within thirty (30) days of the anticipated Park Closing date and personal property taxes have been paid for the current and prior years.
 2. Manufactured Home has been maintained (including the roofing, siding, windows, flooring, and frame) pursuant to the Manufactured Home Park Standards for the year in which the Manufactured Home was constructed and the Manufactured Home is in good repair as determined by the City's Building Inspector.
 3. Park Resident is unable to locate space in a Manufactured Home Park within a twenty-five (25) mile radius which has the same or less restrictive standards.
 4. Personal credit history is not the reason for Park Residents inability to relocate to another Manufactured Home Park.
- D. Lot. An area within a Manufactured Home Park designed or used for the accommodation of a Manufactured Home.
- E. Manufactured Home. A structure, not affixed to or a part of real estate, transportable in one or more sections, which in the travelling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when placed on a Lot, 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, and includes the plumbing, heating, air conditioning and electrical system contained in it.
- F. Manufactured Home Park. A site, lot, field or tract of land upon which two (2) or more occupied Manufactured Homes are located either free of charge or for compensation and includes any building structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the Manufactured Home Park. Manufactured Home Park does not include facilities which are open daily during three or fewer seasons of the year.

- G. Park Closing. The conversion of all or a portion of the occupied Lots of a Manufactured Home Park to another use or the termination of use of the Manufactured Home Park.
- H. Park Owner. The owner of a Manufactured Home Park.
- I. Park Resident. An owner of a Manufactured Home located on a lot in a Manufactured Home Park within the City of Lake Elmo who rents such Lot and occupies such Manufactured Home as a principal residence.
- J. Person. Any individual, corporation, firm, partnership, incorporated and unincorporated association or any other legal or commercial entity.
- K. Relocation Costs. The reasonable cost of relocating a Manufactured Home from a Manufactured Home Park in Lake Elmo to another Manufactured Home Park within a twenty-five (25) mile radius. Such cost includes expenses incurred in the following categories:
1. Preparation for Move. Reasonable costs incurred to prepare the Manufactured Home for transportation to another site. This category does include crane services but not the cost of wheel axles, tires, frame welding or trailer hitches.
 2. Transportation to Another Site. Reasonable costs incurred to transport the Manufactured Home to another Manufactured Home Park within a twenty-five (25) mile radius. This category includes the cost of insuring the Manufactured Home for its replacement value while the Manufactured Home is in the process of being relocated and the cost of obtaining moving permits provided that the Park Owner shall not be required to pay delinquent taxes on a Manufactured Home if necessary in order to obtain a moving permit. This category does not include the cost of moving personal property.
 3. Hook-up at New Location. The reasonable cost of connecting the Manufactured Home to utilities at the relocation site provided that this category does include crane services. The Park Owner shall not be required to upgrade the electrical or plumbing systems of the Manufactured Home.

1700.030. Notice of Closing. At least nine (9) months prior to the anticipated date for the full or partial Park Closing, the Park Owner shall:

- A. Personally serve a copy of the Closure Statement on at least one adult resident of each Manufactured Home within the Manufactured Home Park.
- B. Personally serve the Lake Elmo Administrator with a copy of the Closure Statement, a Current Resident List, and a plan for funding the Relocation Costs and Compensation which will be required as a condition of closing.

1700.040. Public Hearing. The City Administrator shall forward the Closure Statement to the Planning Commission for comment. Upon review by the Planning Commission, the City Administrator shall schedule a public hearing before the City Council preceded by ten (10) days mailed notice to people whose names appear on the Resident List. Failure to notify all Park Residents shall not invalidate the public hearing. At the public hearing the City Council shall review the Closure Statement, receive comments and evaluate the impact of the Manufactured Home Park Closing on the Park Residents, the City's resources and its comprehensive plan.

1700.050. Conditions of Closing. As a condition of closing, the Park Owner shall pay Relocation Costs to eligible Park Residents or the Park Purchaser shall pay Compensation to eligible Park Residents as hereinafter provided. Development and/or building permits shall not be issued for subsequent uses of the Manufactured Home Park Property until the Park Owner has complied with the City's Development Regulations and until the Park Owner and/or Park Purchaser have made arrangements, acceptable to the City, for the funding Relocation Costs and the Compensation required hereby.

1700.060. Park Resident Statement. Within ninety (90) days of receipt of a Closure Notice, a Park Resident shall provide the Park Owner with a written statement of Relocation Costs or; in the alternative, a written statement that the Park Resident cannot relocate the Park Resident's Manufactured Home to another Manufactured Home Park within a twenty-five (25) mile radius and the reasons for such conclusion.

1700.070. Election to Receive Relocation Costs.

- A. If a single section Manufactured Home can be relocated to another Manufactured Home Park within a twenty-five (25) mile radius, the Park Owner shall pay eligible Park Residents Relocation Costs as defined herein, or, an amount equal to \$3,500, whichever is less.

- B. If a double section Manufactured Home can be relocated to another Manufactured Home Park within a twenty-five (25) mile radius, the Park Owner shall pay eligible Park Residents Relocation Costs as defined herein, or, an amount equal to \$5,000, whichever is less.
- C. The Park Owner shall make relocation payments directly to contractors providing the relocation service, but, upon proof of payment of such Relocation Costs by an eligible Park Resident, shall reimburse the eligible Park Resident directly for such Relocation Costs. The Park Owner shall be entitled to receive adequate documentation of Relocation Costs, including costs of proposals, invoices, estimates and contracts for relocation services.
- D. The maximum relocation payment specified in Sections 1700.070(A) and 1700.070(B) above shall be adjusted on January 1st of each year commencing on January 1, 1992 based upon the change in the Consumer Price Index, Minneapolis-St. Paul, for all urban consumers ("CPI-U") as published in the Bureau of Labor Statistics of the United States Department of Labor. The amount of the adjustment shall be equal to the percentage of change in the CPI-U on the date of adjustment over the CPI-U in effect on January 1st of the preceding year.

1700.080. Election to Receive Compensation. If a Manufactured Home cannot be relocated to another Manufactured Home Park within a twenty-five (25) mile radius, an eligible Park Resident shall elect one of the following options by giving written notice to the Park Owner who shall forward such notice to the Park Purchaser; and the Compensation payment provided for herein shall be paid within thirty (30) days prior to the date of the closing on the sale of the Manufactured Home Park.

- A. The eligible Park Resident may elect to receive compensation in an amount equal to the average Relocation Cost provided to eligible Park Residents for the relocation of similar housing, in which event, the Park Purchaser shall pay such compensation and the eligible Park Resident shall retain title to the Manufactured Home and be responsible for its prompt removal from the Manufactured Home Park; or
- B. The eligible Park Resident may elect to receive compensation in an amount equal to the estimated market value for the Manufactured Home as stated on the Current Year Personal Property Tax Statement for the Manufactured Home, in which event, the Park Purchaser shall pay such compensation to the eligible Park Resident and the eligible Park Resident shall transfer title to the Manufactured Home to the Park Purchaser free and clear of all liens and encumbrances.

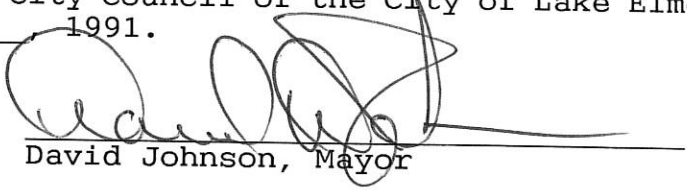
1700.090. General Requirements.

- A. Displaced Park Residents cannot be required to vacate the Manufactured Home Park until sixty (60) days after conclusion of the public hearing before the City Council.
- B. If there is a partial closure of the Manufactured Home Park and other Lots remain available within the same Manufactured Home Park, the Park Owner must allow Displaced Residents an opportunity to relocate within the Manufactured Home Park unless the Displaced Residents' Manufactured Home, because of its size, is not compatible with the available lot.

1700.100. Limitation of Relocation Costs and Compensation. The total amount of Relocation Cost and Compensation to be paid to eligible Park Residents shall not exceed twenty (20) percent of the estimated market value of the Manufactured Home Park, as stated in the Property Tax Statement for the year in which the Closure Statement is served on the City Administrator. In the event that the total of the Relocation Cost and Compensation payable to eligible Park Residents exceeds this limitation, the Relocation Costs and Compensation payable to each eligible Park Resident shall be decreased proportionately so that the total of the Relocation Costs and Compensation does not exceed the limitation stated herein.

Effective Date. This ordinance shall be effective the day following its publication.

Adoption Date. Passed by the City Council of the City of Lake Elmo the 1st day of October, 1991.


David Johnson, Mayor

ATTEST:


Mary Kueffner, City Administrator

Publication Date. Published on the 6th of November, 1991.