

STATE OF ALABAMA  
COUNTY OF BALDWIN

## ORDINANCE 1027



AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING  
MANUFACTURED HOMES AND RECREATIONAL VEHICLES  
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

**WHEREAS**, City of Bay Minette Ordinance 595 was adopted on April 24, 1964 and Ordinance 667 was adopted on January 16, 1973, by the City Council of Bay Minette; and

**WHEREAS**, the City Council of the City of Bay Minette wishes to adopt Ordinance 1027, and repeal and replace Ordinance 595 and Ordinance 667; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:**

### **Section I: Occupancy in other than a manufactured home, subdivision or recreational vehicle park —Prohibited generally.**

The use, occupancy or lease of a manufactured home or recreational vehicle, whether the same be equipped with wheels, or on a foundation, within the city by any person for human living quarters, is hereby prohibited, unless:

- (a) such manufactured home is located within the confines of a manufactured home subdivision or regular manufactured home park, which is legally established and existing in the city in conformity with the ordinances of the city.
- (b) such recreational vehicle is located within the confines of a regular recreational vehicle park or camp, which is legally established and existing in the city in conformity with the ordinances of the city.

### **Section II: Same—Parking limitations.**

No person shall knowingly and willingly permit any manufactured home to be parked or left upon any property which he owns, or over which he has control, within the city, for a period of time in excess of five hours; except in a duly licensed and established manufactured home subdivision or park. While parked or stored, no recreational vehicle shall be occupied or used as a temporary or permanent residence as defined herein and shall not be connected to sanitary sewer.

This section shall not apply to any manufactured home or recreational vehicle which is not being used for living quarters or sleeping quarters, and which is being kept solely for sale in the usual course of, and the regular permanent place of business of any person, duly licensed by the city to engage in the business of selling manufactured homes or recreational vehicles. This section shall not apply to the parking and storage of recreational vehicles on private property by the property owner or primary resident.

### **Section III: Same—Temporary Use Waivers.**

Provided, however, the city council shall retain, and have the authority, at its discretion, to authorize a temporary use waiver to Ordinance 1027 this chapter so as to permit the locating and temporary occupancy of a manufactured home or recreational vehicle in areas other than established manufactured home subdivisions, parks, or recreational vehicle parks or camps, for a period not to exceed 6 (six) months. No renewals or extensions shall be authorized for such temporary use waivers. Said temporary use waiver shall be authorized only in hardship or emergency situations, determined as such by the Mayor and ratified by the City Council. The approval of such waivers shall be subject to the reasonable terms, conditions or special limitations as prescribed by the Mayor or Council, including but not limited to the location of, water and sewer connection to, or anchoring of the manufactured home or recreational vehicle.

This section is intended to provide assistance for citizens who require temporary housing pending the repair or rebuilding of a primary dwelling following any disaster which may render the primary dwelling uninhabitable as a result of emergencies or major disasters, or such other emergency purposes as may be determined by the Mayor or Council. This chapter does not authorize nor imply consent for the use or occupancy of a manufactured home or recreational vehicle in a manner inconsistent with other approved ordinances, regulations, or adopted plans of the city.

### **Section IV: Same—Definitions.**

For the purpose of this article and the interpretation and enforcement thereof, the following definitions apply:

**Hardship** – The exceptional difficulty that would result from a failure to authorize the requested waiver. For the purposes of this chapter, economic or financial hardship may be considered by the city council to qualify.

**Manufactured Home** – A structure, transportable in one or more sections, and which is built on a permanent chassis, and not designed normally to be drawn or pulled on the highway except to change permanent locations but is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems, if any, contained therein. For the purposes of this chapter, this category also includes mobile homes and similar structures whether the same be equipped with wheels, or on a foundation.

**Manufactured Home Park** – A residential development under unified ownership providing rental spaces for 2 (two) or more manufactured homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation. Said development shall be located, established and maintained in accordance with city regulations, ordinances and adopted plans.

**Manufactured Home Subdivision** – A residential development designed for the accommodation of manufactured homes on individually-owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, recreational vehicles, motor homes, campers, etc.

**Occupancy** – The use or habitation of any manufactured home or recreational vehicle, or portion thereof, either permanently or temporarily, for living quarters. This includes dwelling, sleeping, lodging, or other living activities that, in the opinion of the governing body, are commonly considered residential accommodations or activities.

**Recreational Vehicle** – A self-propelled vehicle used for temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this chapter, this category also includes travel trailers, campers, motor homes, and camping trailers capable of being towed by a passenger motor vehicle and motor homes.

**Recreational Vehicle Park** – A development for the accommodation of tourists or vacationers on a short-term basis as temporary living quarters for recreation or vacation purposes, providing rental spaces for each individual recreational vehicle, travel trailer, camper, motor home, etc., and service facilities for the use of the tenants, whether publicly or privately owned and whether operated for or without compensation. For the purposes of this chapter, this category also includes camps and campgrounds. Said development shall be located, established and maintained for short-term occupancy in accordance with city regulations, ordinances and adopted plans.

**Temporary Use** – A use established for a specified limited duration with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

#### **SECTION V: COUNCIL ACTION**

That Ordinance 595 and Ordinance 667 are hereby annulled and repealed.

#### **SECTION VI: SEVERABILITY.**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **SECTION VII: EFFECTIVE DATE.**

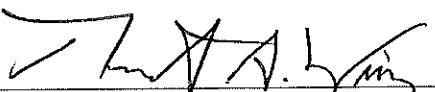
This Ordinance shall be in full force and effect as of upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

#### **SECTION VIII: POSTING OF ORDINANCE**


Ordinance 1027 shall be posted in three public locations as required by law. Posting locations include Bay Minette City Hall; Bay Minette Public Library and North Baldwin Utilities.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, that Ordinance 1027, repealing and replacing Ordinance 595 and Ordinance 667, is hereby ADOPTED.

Done this the 17<sup>th</sup> day of April 2023.


  
Robert A. Wills, Mayor  
City of Bay Minette, Alabama

ATTEST:

  
Rita Diedtrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 17<sup>th</sup> day of April 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 17<sup>th</sup> day of April 2023.

  
Rita Diedtrich, City Clerk

\* \*HAVE A NICE DAY\* \*  
 \* \*HARRY D'OLIVE, JR.\* \*  
 \* \*PROBATE JUDGE\* \*  
 \* \*BALDWIN COUNTY, ALABAMA\* \*  
 RECEIPT NUMBER..... 2124321  
 INSTRUMENT NUMBER..... 2059309  
 Rcvd of: CITY OF BAY MINETTE  
 Date: 4/21/2023 Time 15:23  
 For: ORDINANCE  
 TpIN Bk Pg2059309 Inst 2059309  
 Grantor  
 Grantee  
 Cash Drawer 70 ID LSWILLIAMS  
 Recording Fee 12.00  
 D.P. Fee 5.00  
 Archive 5.00  
 Total..... 22.00

Paid:  
 Cash 22.00  
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\* \*HAVE A NICE DAY\* \*  
 \* \*HARRY D'OLIVE, JR.\* \*  
 \* \*PROBATE JUDGE\* \*  
 \* \*BALDWIN COUNTY, ALABAMA\* \*  
 RECEIPT NUMBER..... 2124324  
 INSTRUMENT NUMBER..... 2059310  
 Rcvd of: CITY OF BAY MINETTE  
 Date: 4/21/2023 Time 15:25 For: ORDINANCE  
 TpIN Bk Pg2059310 Inst 2059310  
 Grantor  
 Grantee  
 Cash Drawer 70 ID LSWILLIAMS  
 Recording Fee 12.00  
 D.P. Fee 5.00  
 Archive 5.00  
 Total..... 22.00

Paid:  
 Cash 22.00  
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 \*\*\* Batch ID..... CASH BW \*\*\*  
 \*\*\* Number of Receipts... 2 \*\*\*  
 \*\*\* Total of Receipts..\$ 44.00\*\*\*