

HOUSE-CAR TRAILERS AND MOBILE HOME PARKS*

ARTICLE I. IN GENERAL

ARTICLE II. MOBILE HOME PARKS*

SOUTH PORTLAND CODE OF ORDINANCES

Chapter 11

HOUSE-CAR TRAILERS AND MOBILE HOME PARKS*

* **Cross reference(s)**--Plumbing, Ch. 20; zoning, Ch. 27.
State law reference(s)--Camps and roadside places, generally, 22 M.R.S.A. § 2481 et seq.; authority to regulate sanitation and parking facilities for trailers, 30 M.R.S.A. § 2151(4).

Art. I. In General, §§ 11-1--11-18

Art. II. Mobile Home Parks, §§ 11-19--11-50

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section.

Area unit shall mean that parcel of a mobile home park that provides facilities for long-term occupancy of a mobile home and is intended for the exclusive use of its occupants. This term may be used interchangeably with the term "mobile home lot."

Building shall include the word "structure."

House-car trailer shall mean a vehicular, portable structure built on a chassis of which wheels are an intrinsic part and are designed to remain so, and said structure being designed to be used without a permanent foundation as a dwelling for one or more persons, and provided with a toilet and a bathtub or shower. A house-car trailer shall contain not less than four hundred fifty (450) square feet of floor area. This term may be used interchangeably with the term "mobile home."

Street shall mean any recognized thoroughfare in the city.

Towing unit shall mean any vehicle furnishing tractive effort for a house-car trailer.

Trailer camp is a contiguous parcel of land that has a minimum area of twenty-five (25) acres and is plotted for the development of a minimum of twenty-five (25) mobile home lots. This term may be used interchangeably with the term "mobile home park."

Travel trailer shall mean a vehicular portable structure built on a chassis of which wheels are an intrinsic part and are designed to remain so, and said structure being designed to be used without a permanent foundation as a temporary dwelling or shelter for one or more persons. A travel trailer shall contain not more than four hundred fifty (450) square feet of floor area.

(Code 1966, § 11-4-1; Ord. No. 29-73, 10-1-73)

Sec. 11-2. Enforcement.

In all trailer camps it shall be the duty of the health officer to enforce all health and sanitation regulations, the duty of the building inspector to enforce all building regulations and the duty of the police department to maintain law and order.

(Code 1966, § 11-4-7.2)

Sec. 11-3. Maintaining trailer outside mobile home park.

- (a) Except as provided elsewhere in this chapter, it shall be unlawful for any person to maintain a house-car trailer or travel trailer for permanent or temporary dwelling purposes anywhere in the city outside of a duly licensed mobile home park.
- (b) It shall be permissible for a bona fide guest of a householder to allow one or two (2) travel trailer units to camp or park in his yard adjacent to his house for a period of time not to exceed fifteen (15) days; provided, however, that the travel trailer is used only for sleeping purposes during such fifteen (15) day period, and that the person occupying the dwelling house has granted permission to the travel trailer occupants to use his toilet facilities.
- (c) It shall be permissible for a resident, in the event his residence is rendered uninhabitable by flood, fire, storm or other natural catastrophe, or by other

unforeseeable circumstance not reasonably preventable by due diligence on the part of the resident, to place on the premises for residential purposes a house-car trailer or travel trailer for a period not to exceed ninety (90) days, provided a nontransferable permit is first obtained from the building inspector. A permit shall issue only if the applicant satisfactorily demonstrates that:

- (1) No alternative shelter within the city is reasonably available;
- (2) Adequate provision has been made for utility hook-ups and compliance with all applicable health and safety ordinances; and
- (3) He owns or otherwise has lawful authority to place a house-car trailer or travel trailer on the premises.

The permit fee shall be twenty-five dollars (\$25.00). The building inspector may attach conditions to the permit reasonably calculated to ensure compliance with the provisions and intent of this subsection.

A permit may be renewed for one additional period not to exceed ninety (90) days, provided that all conditions required for the applicant satisfactorily demonstrates that he has made a good faith effort to locate alternative shelter within the city within the prior permit period.

The building inspector may revoke a permit upon seven (7) days prior written notice, if at any time the conditions which supported initial issuance or renewal of the permit no longer obtain.

Appeals may be taken as provided in section 11-31.

(Code 1966, §§ 11-4-2.1, 11-4-2.2; Ord. No. 29-73, 10-1-73; Ord. No. 23-87/88, 10-5-87)

Sec. 11-4. Parking, storing trailer in city.

A travel trailer may be parked or stored in the city regardless of the other provisions hereof, provided that it shall not be used for living or sleeping purposes during such time it is so stored or parked and provided, moreover, that it shall not be a nuisance and does not constitute a fire hazard, and provided further that any such storage or parking of a travel trailer is permitted only upon land owned by the travel trailer owner.

(Code 1966, § 11-4-2.4; Ord. No. 29-73, 10-1-73)

Sec. 11-5. Reserved.

Editor's note--Ord. No. 29-73, amended this Code by repealing former § 11-5 derived from Code 1966, § 11-4-2.3. Said former § 11-5 contained provisions relative to converting house-car trailers into permanent structures.

Sec. 11-6. Jacking up, supporting mobile home permitted.

Provided the axles are not removed from a mobile home, it shall be permissible for the owner of such mobile home, to jack up and support the mobile home on blocks or jacks in order to take the weight off the axles.

(Code 1966, § 11-4-2.4; Ord. No. 29-73, 10-1-73)

Sec. 11-7. Use of trailer as office.

- (a) No house-car trailer or travel trailer shall be maintained in the city as a permanent office, but such office use as is compatible with the temporary demonstration and sale of such articles or services as may be readily transported in a house-car trailer or travel trailer by a distributor or salesman may be permitted from a house-car trailer or travel trailer stored on

any parking lot outside a trailer camp for a period of time not exceeding fifteen (15) days; provided, that such house-car trailer or travel trailer is not used for living or sleeping purpose during such time.

- (b) Notwithstanding the provisions of subsection (a), the city council may, by order, grant a permit under this subsection for the placement and use of a house-car trailer or travel trailer, or mobile home so-called, as a temporary office at the site of construction or reconstruction projects within the city for such a period of time as the council finds that such project will require for completion. Any permit granted pursuant to the provisions of this subsection is subject to the conditions that no sanitary facilities in the house-car trailer or travel trailer shall be connected or used and that any permit granted under this subsection shall expire and be null and void even though granted for a longer period if the building permit or permits under which such construction or reconstruction is being carried out shall expire or for any reason become void and invalid. In the event of an emergency necessitating the immediate placement of a trailer to be utilized as permitted under this section, the city manager or council chairman, after consulting with the chiefs of the fire and police departments, may temporarily authorize the placement of such trailer. Such authorization shall only be valid until the next meeting of the city council at which time a permit application shall be presented to the full council for consideration.

(Code 1966, §§ 11-4.2.5, 11-4.2.6; Ord. No. 14-72, 8-7-72; Ord. No. 29-73, 10-1-73; Ord. No. 12-76, 5-17-76)

Sec. 11-8. Reserved.

Editor's note--Ord. No. 29-73, adopted Oct. 1, 1973, repealed former § 11-8 derived from Code 1966, § 11-4-6.3.3. Said former § 11-8 pertained to the use of sinks in house-car trailers.

Secs. 11-9--11-18. Reserved.

ARTICLE II. MOBILE HOME PARKS*

 * **Editor's note**--Ord. No. 29-73, adopted Oct. 1, 1973, amended this Code by repealing former Art. II, §§ 11-19--11-38 and 11-44--11-50, and enacting in lieu thereof new Art. II, §§ 11-19--11-34. Former Art. II, pertaining to house-car trailer camps, was derived from: Code 1966, §§ 11-4-3, 11-4-4.1, 11-4-4.1.1, 11-4-4.3--11-4-4.7, 11-4-5.1--11-4-5.6, 11-4-6.1--11-4-6.3.6, 11-4-7.1, 11-4-7.3; and Ord. No. 23-67, adopted Dec. 18, 1967.

Sec. 11-19. Short title.

This article shall be known and may be cited as the "Mobile Home Park Ordinance of the City of South Portland, Maine."

(Ord. No. 29-73, 10-1-73)

Sec. 11-20. Interpretation, purpose and construction.

In their interpretation and application the provisions of this article and the provisions incorporated herein shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal and private services, and safe streets. Whenever a printed provision of this article conflicts with an incorporated provision, the printed provision shall control.

(Ord. No. 29-73, 10-1-73)

Sec. 11-21. Scope and application.

- (a) This article shall not impose or interfere with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this article imposes a greater restriction upon land use than is imposed or required by existing provisions of law, ordinance contract or deed, the provisions of this article shall control.
- (b) This article shall not apply to property in the hands of a dealer as stock in trade provided such property is unoccupied, located at least twenty-five (25) feet from the boundary line of all public ways and outside any mobile home park.

(Ord. No. 29-73, 10-1-73)

Sec. 11-22. Definitions.

- (a) *Mobile home*. A vehicular, portable structure built on a chassis of which wheels are an intrinsic part and are designed to remain so, and said structure being designed to be used without a permanent foundation as a dwelling for one or more persons, and provided with a toilet and a bathtub or shower. A mobile home shall contain not less than four hundred fifty (450) feet of floor area.
- (b) *Mobile home park*. A contiguous parcel of land that has a minimum area of twenty-five (25) acres and is plotted for the development of a minimum of twenty-five (25) mobile home lots.
- (c) *Mobile home lot*. That parcel of a mobile home park that provides facilities for long-term occupancy of a mobile home and designed for the exclusive use of its occupants.
- (d) *Mobile home stand*. That part of an individual mobile home lot which has been

reserved for the mobile home.

- (e) *Applicant, licensee or owner* of a mobile home park are interchangeable unless the context clearly indicates otherwise.

(Ord. No. 29-73, 10-1-73)

Sec. 11-23. General prohibitions.

- (a) No mobile home shall be permitted to locate in a duly licensed mobile home park unless such mobile home shall meet or exceed the minimum standards of all applicable statutes and regulations of the State of Maine, including but not limited to such regulations as may from time to time be adopted pursuant to the provisions of the "Industrialized Housing Laws" of the State of Maine, and of the "Code of Ordinances, City of South Portland, Maine."
- (b) For the purpose of this article, travel trailers having a floor area of less than four hundred fifty (450) square feet are not considered as mobile homes.
- (c) Except as expressly provided to the contrary in Section 27-1520, no person shall maintain and occupy a mobile home or any other manufactured housing in the City of South Portland except in a duly licensed mobile home park, unless expressly authorized under Article I of this chapter.

(Ord. No. 29-73, 10-1-73; Ord. No. 12-84/85, 12-3-84; Ord. No. 6-10/11, 9/20/10 [Fiscal Note: Less than \$1000])

Sec. 11-24. Licensing provisions.

- (a) No person, firm or corporation shall establish, conduct, maintain or operate a mobile home park unless such person shall first obtain a license issued annually by the building inspector.
- (b) The building inspector, upon written application of any person, may issue or renew mobile home park licenses to any such person upon compliance with the provisions of this article. The fee therefore shall be one hundred fifty dollars (\$150.00), renewable annually on the first day of January.
- (c) The applicant shall file with the application proof of ownership of the premises or of a lease or written permission from the owner.
- (d) Initial applications shall be accompanied by a set of plans drawn by a registered land surveyor to a scale of not more than one hundred (100) feet to the inch showing the following information:
- (1) Name and address of applicant.
 - (2) The area, dimensions and topography of the tract of land.
 - (3) The number, location, size and shape of all mobile home lots.
 - (4) The location of any existing or proposed buildings
 - (5) Names of abutting property owners.
 - (6) The location, name and width of streets and walkways.
 - (7) The location of water, sewer, gas and other utilities and sewage disposal facilities.
 - (8) The results of soil percolation tests made in a representative manner by a registered engineer. Where public sewer is available this requirement shall be waived.
- (e) Application for a license to operate a new mobile home park or to expand an existing one shall require the approval of park design by the planning board.

The board shall determine the adequacy of the design with respect to arrangement of lots, streets, street names, and other facilities to assure conditions favorable to health, safety and convenience. In reviewing any such application, the planning board shall apply the standards set forth in section 11-25 of this article.

- (f) Renewal applications shall be accompanied by plans, drawn to scale, showing any proposed extensions or alterations, which extensions and alterations shall be made to conform with the provisions of this article before such renewal license shall be granted. The making of extensions or alterations without such approval shall be cause for immediate revocation of the mobile home park license.

(Ord. No. 29-73, 10-1-73)

Sec. 11-25. Modification of space, bulk and use provisions.

Notwithstanding other provisions of this article relating to space, bulk, and use, the planning board in reviewing plans for proposed mobile home parks may modify said provisions related to space, bulk and use to permit innovative approaches to environmental design in accordance with the following standards.

- (1) The purpose and intent of this article shall be upheld.
- (2) There shall be compliance with all state and local codes and ordinances.
- (3) There shall be no approval of any proposed mobile home park which exceeds the net residential density set forth in this article. For the purposes of this article, net residential density shall be established by the area of residual space available for mobile home development after deduction of vehicular rights-of-way and land not developable because of drainage, subsurface conditions or other natural impediment.
- (4) Front yard set back requirements may not be modified by a reduction of more than fifty per cent (50%).
- (5) Minimum side yard requirements may not be modified by a reduction of more than fifty per cent (50%).
- (6) Frontage requirements shall not be modified by a reduction of more than thirty-five per cent (35%).
- (7) Each building and mobile home stand shall be an element of an overall plan for site development.
- (8) Where possible, mobile home stands shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
- (9) Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.
- (10) All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and designed as not to be unsightly or hazardous to the public.
- (11) Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be allocated to the recreational amenity and environmental enhancement of the mobile home park and shall be designated as such on the site plan for the proposed development.
- (12) After approval of a proposed mobile home park there shall be no further subdivision of land within the proposed development which will increase the allowable net density.

- (13) The applicant shall be required to execute a bond in the amount of one hundred dollars (\$100.00) per mobile home lot to secure faithful compliance with this article prior to issuance of the license by the building inspector. Such bond shall be filed with the finance director of the city.

(Ord. No. 29-73, 10-1-73)

Sec. 11-26. General development requirements.

Mobile home parks shall conform to the following minimum requirements unless otherwise modified in accordance with the special provisions set forth in section 11-25 of this article:

- (1) Mobile home parks may be authorized for development only where permitted in Chapter 27, Zoning, "Code of Ordinances, City of South Portland, Maine."
- (2) Mobile home parks shall be located on a well drained site properly graded to insure rapid drainage and freedom from stagnant pools of water. The site shall not be exposed to objectionable smoke, noise, odors or any other adverse influences, and no portion subject to unpredictable sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- (3) The area of the mobile home park shall be a contiguous parcel of land having a minimum area of twenty-five (25) acres.
- (4) All mobile homes shall be located at least fifty (50) feet from all mobile home park boundary lines.
- (5) A minimum of twenty-five (25) mobile home lots shall be completed and provided with all utilities, streets, and sidewalks as required by this article before occupancy of the mobile home park shall be permitted.
- (6) A mobile home park shall not exceed a net residential density of six (6) mobile homes per acre.
- (7) Lot size and setback requirements:
 - (a) Each individual mobile home lot shall be not less than seven thousand (7,000) square feet in area, and shall be not less than seventy (70) feet wide and one hundred (100) feet deep.
 - (b) No mobile home shall be located less than twenty (20) feet from the side and rear lines of an individual mobile home lot, and there shall be a minimum side and end clearance of forty (40) feet between adjacent mobile homes.
 - (c) No mobile home shall be located closer than twenty (20) feet to a street or service building within the park.
- (8) Streets, walks and parking:
 - (a) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall have a fifty (50) foot right-of-way and a thirty-six (36) foot pavement. All park streets shall be well drained, paved, maintained in good condition, and at night adequately lighted.
 - (b) Street pavement widths shall be not less than thirty-six (36) feet where parking is permitted on both sides of a street. Where parking is permitted on one side of a street, the minimum pavement width shall be twenty-eight (28) feet. Where on street parking is prohibited the minimum pavement width shall be twenty (20) feet.

- (c) Dead-end streets shall be limited in length to one thousand (1,000) feet and at the closed end shall be provided with a turn-around having a minimum radius of fifty (50) feet.
- (d) Paved sidewalks not less than three (3) feet in width shall be provided on at least one side of every street within the mobile home park.
- (e) Paved walkways not less than two (2) feet in width shall connect each mobile home stand to a paved sidewalk, to a paved street or to a paved driveway connecting to a paved street.
- (f) Off-street parking in all mobile home parks shall be furnished at the rate of at least one and one-half (1.5) car spaces for each mobile home. Parking spaces shall be paved and shall be located at a distance not to exceed two hundred (200) feet from the mobile home that it is intended to serve.
- (g) Mobile home stands shall provide an adequate foundation for the placement of a mobile home. Stand foundations shall be of such construction as to prevent heaving, shifting, or settling due to frost action.
- (h) All individual mobile homes shall be equipped with skirting or other type of enclosure.

(Ord. No. 29-73, 10-1-73)

Sec. 11-27. Utilities generally.

(a) *Water supply.*

- (1) An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home park. Where a public water supply is available, connection to such system shall be required and its supply used exclusively. When a public water supply is not available, a private water supply may be developed and used subject to approval by the plumbing inspector and the state department of health and welfare.
- (2) The water supply shall be capable of delivering a minimum of one hundred fifty (150) gallons per day per mobile home.
- (3) Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- (4) The water supply system shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.
- (5) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with the State of Maine Law, the state plumbing code and local regulations and shall be of a type and in locations approved by the plumbing inspector.

(b) *Sewage disposal.*

- (1) Sewage disposal systems shall comply with all State of Maine Law, the state plumbing code and local codes and ordinances.
- (2) Septic sewage disposal shall be prohibited on soils which are classified as "poor" or "very poor" for septic sewage disposal as defined by the U. S. Soil Conservation Service.
- (3) Where soils are classified by the U. S. Soil Conservation Service as "poor" or "very poor," a sewer system designed by a registered engineer shall be required.
- (4) Any mobile home park located within five hundred (500) feet of an

existing public sewer shall be required to provide a sewage system designed by a registered engineer to connect to the existing public sewer.

(c) *Electrical distribution system.*

- (1) Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with all applicable State of Maine Law and local codes and regulations governing such systems. All facilities shall be approved by the building inspector.
- (2) Wherever soil conditions permit, all electrical distribution facilities shall be located underground.

(d) *Refuse disposal.*

- (1) The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
- (2) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than one hundred fifty (150) feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- (3) Refuse collection stands shall be provided for all refuse containers. Such stands shall be so designed as to prevent containers from being tipped.

(e) *Fuel supply and storage.*

- (1) Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installation of systems shall be subject to inspection and approval by the building inspector.
- (2) All fuel oil supply systems shall be constructed and installed underground in each mobile home lot in accordance with all applicable codes and regulations. Installation of the system shall be subject to inspection and approval of the building inspector.

(Ord. No. 29-73, 10-1-73)

Sec. 11-28. General operational requirements; responsibilities of park occupants.

- (a) The licensee shall operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.
- (b) The licensee shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities thereunder.
- (c) A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage, and electrical utilities. The licensee shall be responsible for the proper placement of each mobile home on a mobile home stand and for the proper installation of all utility connections. The licensee shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home.
- (d) The licensee shall maintain a register containing the names of all park occupants. Such register shall be available to any civil authority inspecting the park.
- (e) The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

- (f) The licensee shall be responsible for notifying the assessor of the arrival or impending departure of any occupied mobile home or change of ownership that occurs within the park.
- (g) No park shall permit the entrance of a mobile home having an evaporating type of heating or cooking facilities without the approval of the building inspector.
- (h) Responsibilities of park occupants:
 - (1) The park occupant shall comply with all applicable requirements of this section and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (2) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance in the park.

(Ord. No. 29-73, 10-1-73)

Sec. 11-29. Occupancy permit for mobile homes within a mobile home park.

- (a) No mobile home shall be erected, used or occupied until a certificate of occupancy shall have been issued by the building inspector upon application in writing.
- (b) The certificate of occupancy shall certify that the mobile home meets the standards set for individual mobile homes and that all required improvements with respect to the location of such mobile home in a mobile home park have been completed. Required improvements with respect to the location of a mobile home shall include a water supply system, a sewage disposal system, a power supply system, a mobile home stand, an access way, a parking area, streets, street lights and walks and shall meet the standards set forth and incorporated in this article.
- (c) The application for a certificate shall be in writing, signed by the applicant and directed to the building inspector, shall be submitted in such form as the building inspector shall prescribe and shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (d) The building inspector shall examine the application and shall conduct such investigation as shall satisfy him that the mobile home and the required improvements are in compliance with this article. If the building inspector is satisfied, he shall issue the certificate forthwith.
- (e) Issuance of the certificate shall constitute a permit for the erection and occupancy of such mobile home in accordance with the application and with this article and the provisions incorporated herein.
- (f) Failure to issue the certificate within thirty (30) days constitutes a denial.

(Ord. No. 29-73, 10-1-73)

Sec. 11-30. Enforcement generally.

- (a) *Inspections.* The building inspector shall make regular inspections of any mobile home park pursuant to a written schedule which shall provide for inspections only during reasonable hours and only after forty-eight (48) hours notice. A copy of such schedule shall be filed in the city clerk's office and the office of the mobile home park attendant.
- (b) *Procedure upon finding violation.* If after any inspection the building inspector has knowledge or has reason to believe that a violation of any provision of this article or any provision incorporated herein exists, he shall issue a written order requiring a showing of compliance within thirty (30) days of issuance. Such order shall contain a description of the violation or

suspected violation and shall be directed to and served on the alleged offender and the owner of the mobile home park. Service shall be by mail or personal. If compliance is not shown within the thirty (30) days, the building inspector shall notify the municipal officers for the purpose of taking court action.

- (c) *Violations a nuisance.* Any condition existing in violation of any provision of this article or of any provision incorporated herein is a nuisance.

(Ord. No. 29-73, 10-1-73)

Sec. 11-31. Appeals.

- (a) Any person aggrieved by an order or decision of any officer or board under this article may file a written request for a hearing before the municipal officers within thirty (30) days after issuance of such order or decision. The municipal officers shall publish notice of a public hearing on this request to be held not less than seven (7) days after publication. Publication shall be by printing in a newspaper of general circulation in the municipality and by personal service or by mail on the person requesting the hearing. At such hearing the municipal officers shall determine whether the order or decision appealed from was in accordance with the provisions of this article and the provisions incorporated therein. The municipal officers shall issue written findings of fact, conclusions of law, and its order to carry out the findings and conclusions. These findings, conclusions and order shall be filed with the city clerk and served by the municipal officers upon all parties appearing or represented at the hearing. Failure to issue such written findings, conclusions and order within thirty (30) days of the appeal constitutes a denial.

- (b) An appeal may be taken to superior court within thirty (30) days of the order of the municipal officers.

(Ord. No. 29-73, 10-1-73)

Sec. 11-32. Penalty.

Any person found in violation of any provision of this article or any provision incorporated herein shall be fined not more than one hundred dollars (\$100.00) plus costs. Each day that a violation continues shall be deemed a separate offense.

(Ord. No. 29-73, 10-1-73)

Sec. 11-33. Separability.

If any section, subsection, sentence, clause, phrase or portion of this article 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.

(Ord. No. 29-73, 10-1-73)

Sec. 11-34. Ordinances repealed.

All ordinances and parts of ordinances in conflict with the provisions of this article are hereby repealed.

(Ord. No. 29-73, 10-1-73)

Secs. 11-35--11-50. Reserved.