

Section

Time of Sale Inspection
CHAPTER 150: MANUFACTURED HOMES

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TIME OF SALE INSPECTION

§ 150.01 PURPOSE AND RELATIONSHIP TO OTHER CODES.

The purpose of this subchapter is to enhance the supply of safe, sanitary, and adequate manufactured homes and to prevent the deterioration of the existing stock of manufactured homes in the city, thereby protecting the general health, safety, and welfare. This subchapter mandates inspections and repairs when manufactured homes are transferred as described herein. An owner who continues to own and occupy a home is not obligated under this subchapter to make any repairs, but this provision shall not be deemed to exempt any owner or occupant from the requirements of any other health, safety, or nuisance law, rule, or regulation which may apply to the home.
(Ord. 2003-173, passed 6-2-2003)

§ 150.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. City of Morristown, or the City Administrator or designee.

EVALUATION REPORT. A written report prepared and signed by a person licensed as a time-of-sale housing evaluator on a form in compliance with § 150.03.

HARDSHIP. Inability of seller to make required repairs, including, but not limited to, economic circumstances, illness, death, weather, or acts of God.

HAZARD and HAZARDOUS CONDITION. The conditions described in § 150.10. The terms describe only conditions which are required by this subchapter to be corrected, and not all potentially dangerous or substandard conditions which may exist in a manufactured home.

MANUFACTURED HOME. A single-family detached manufactured home unit which is designed, constructed, and equipped for year-round use as a residential structure, constructed at a factory or assembly plant and drawn to the site on attached undercarriage and wheels, and having no foundation other than wheels, blocks, jacks, or skirting. **MANUFACTURED HOME** does not include recreational vehicle, nor does it include prefabricated or modular structures which meet or exceed the requirements of the Uniform Building Code.

OWNER'S AGENT. A person who acts for, or has the power or authority to act for, the owner of a manufactured home.

SALE. The transfer of title or possession of a manufactured home whether or not absolute title is transferred, but not including the rental of a home for residential use.
(Ord. 2003-173, passed 6-2-2003)

§ 150.03 EVALUATION REPORT REQUIRED.

(A) Except as set forth in this subchapter, after 9-30-2003, no manufactured home located within a R-M Residential-Mobile Home District, as defined in Chapter 152, may be voluntarily offered for sale or conveyed, whether by delivery of title or by contract for delivery of title, or moved into such a district until the owner or owner's agent has first applied for and secured an evaluation report prepared by an evaluator licensed under this subchapter.

(B) If the structure is in compliance with requirements of this subchapter, the evaluation report shall state that it has been inspected and is in conformance with this subchapter. An evaluation report is valid for 1 year from the date of its issuance.

(C) No person shall offer for sale by exhibiting or showing a manufactured home within the city without first having obtained an evaluator's report and an inspection as described in this subchapter. The evaluation report shall be conspicuously displayed for inspection at the premises at any time that the manufactured home is being shown for sale, and a copy shall be provided to the buyer before entering into an agreement for the sale of the manufactured home, whether orally or in writing.

(D) No manufactured home park owner or manager shall enter into a lot lease with a tenant for a manufactured home for which an evaluation is required under this subchapter until a copy of the evaluation required by this subchapter is presented to the owner or manager.
(Ord. 2003-173, passed 6-2-2003) Penalty, see § 10.99

§ 150.04 EXCEPTIONS.

The provisions of this subchapter do not apply to:

(A) Any newly constructed manufactured home for a period of 3 years after title is transferred to the first residential occupant;

(B) The sale or other transfer of title of any manufactured home to a public body;

(C) The sale or transfer of title of any manufactured home for the purpose of demolition;

(D) The sale or conveyance of any manufactured home by a sheriff or other public or court officer in the performance of their official duties. This exemption does not apply, however, to the sale of a manufactured home by a person appointed by a probate court;

(E) The sale or transfer of title to a licensed dealer; and/or

(F) A manufactured home being moved to the city which was subject to inspection in another jurisdiction which required inspections commensurate with the requirements of this subchapter; provided that, prior to occupancy of the home, a current, valid report from the other jurisdiction is submitted to the city, is determined by the city to be in substantial conformance with this subchapter, and no hazard exists in the home.
(Ord. 2003-173, passed 6-2-2003)

§ 150.05 EVALUATOR LICENSE REQUIRED.

(A) No person shall complete an evaluation report on the form prescribed in this subchapter without first having received an evaluator license from the city, as provided in this subchapter.

(B) Any person desiring a license to conduct an evaluation report shall make written application to the city on a form prepared by the city.

(C) The application form shall be accompanied by a non-refundable evaluator license fee.

(D) The city will license evaluators who have passed certification of competency tests in the cities of Minneapolis, St. Paul, or Bloomington, or in another state or local jurisdiction, provided that the applicant establishes to the satisfaction of the city that the competency standard of the jurisdiction is equal to or higher than the listed jurisdictions.

(E) All licenses under this subchapter shall terminate on December 31 of each year.
(Ord. 2003-173, passed 6-2-2003)

§ 150.06 CITY EMPLOYEES.

(A) The city may perform evaluations using qualified employees who meet the license requirements. Evaluations performed by city employees shall only be through an agreement between the owner or owner's agent and the city. Fees for evaluations conducted by the city shall be established by resolution.

(B) City employees shall be subject to the duties in § 150.09, except requirements (A)(4) and (B)(3).
(Ord. 2003-173, passed 6-2-2003)

§ 150.07 STANDARDS FOR DENYING OR REVOKING AN EVALUATOR LICENSE.

(A) *Generally.* Evaluator licenses shall be granted or denied by the city in accordance with guidelines adopted by the City Council.

(B) *Specifically.*

(1) *Denial of license.* The city shall deny an evaluator license if the applicant:

(a) Is not of good moral character and repute;

(b) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, Subsection 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, Subsection 3, as it may be amended from time to time;

(c) Has falsified any information or omitted material information in the license application form required by the city;

(d) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city; and/or

(e) Fails to pay the required fees.

(2) *Revocation, suspension, and refusal to renew.* The City Council may revoke, suspend, or refuse to renew an evaluator license if the license holder:

(a) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, Subsection 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, Subsection 3, as it may be amended from time to time;

- (b) Has falsified any information or omitted material information in the license application form required by the city;
- (c) Has been the subject of substantiated complaints from residents using the applicant's inspection services;
- (d) Has demonstrated incompetency or inefficiency in conducting inspections;
- (e) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city;
- (f) Allows required insurance to lapse;
- (g) Has allowed the evaluator's certification to be used by another person;
- (h) Violates any of the provisions of this subchapter or any conditions provided for in the license issued pursuant to this subchapter; and/or
- (I) Fails to pay the required fees or fails to promptly file any disclosure report.

(3) *Notice and hearing.* Revocation or suspension of a license, or denial of a renewal application, by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least 8-days notice of the time and place of the hearing and shall state the reasons for the proposed action. The notice shall be mailed to the licensee at the most recent address listed on the license application.
(Ord. 2003-173, passed 6-2-2003)

§ 150.08 FORMS.

The city shall prepare or authorize use of forms as it deems appropriate to constitute a disclosure under this subchapter. The forms shall provide information concerning City of Morristown housing standards, major structural defects, and hazards to health, safety, and property.
(Ord. 2003-173, passed 6-2-2003)

§ 150.09 DUTIES OF EVALUATORS.

- (A) Each evaluator shall comply with the following:
 - (1) Maintain a current license from the city;
 - (2) Conduct an inspection of the property being offered for sale and conduct all evaluations within program guidelines;

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(3) Meet required continuing education requirements established by the city;

(4) (a) Provide a certificate of insurance showing proof of the following insurance coverage:

1. General liability insurance of not less than \$250,000 per claim and \$500,000 per year; and

2. Professional errors and omissions insurance of not less than \$250,000 per claim and \$500,000 per year aggregate.

(b) The insurance may include a deductible not exceeding \$5,000. The insurance shall list the City of Morristown as an additional insured and shall cover any and all liability resulting from the performance of the duties as a licensed housing evaluator.

(5) Keep the city apprised of his or her current mailing address and telephone number; and

(6) Agree to a code of ethics in performance of evaluation duties.

(B) Each evaluator shall comply with the following procedure for preparing and filing reports.

(1) The evaluation report shall be either typewritten or legibly printed in ink on forms furnished by the city. The report shall indicate whether the condition meets City of Morristown housing standards, is below City of Morristown housing standards, or is deemed to be hazardous at the time and date of the evaluation.

(2) The evaluator shall submit the original evaluation report to the seller. A duplicate shall be filed with the city within 10 calendar days after the evaluation has been made.

(3) A filing fee, as set by resolution, shall be required with each evaluation report filed with the city.
(Ord. 2003-173, passed 6-2-2003)

§ 150.10 CORRECTION OF HAZARDS.

(A) The following items are hazards which must be corrected as required by this subchapter:

(1) Heating systems that are unsafe due to burned out or rusted heat exchangers; burned out, rusted, or plugged flues; no vent; connection with unsafe gas supplies; or incapacity to adequately heat the living space;

(2) Water heaters that are unsafe due to burned out or rusted heat exchangers; burned out, rusted, or plugged flues; no vent; connection with unsafe gas supplies; or lack of temperature and pressure relief valves;

(3) Electrical systems that are unsafe due to dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed uninsulated wires; temporary distribution systems; or ungrounded systems;

(4) Plumbing systems that are unsanitary due to leaking waste systems, fixtures, or traps; lack of an operating toilet; lack of dishwashing and bathing facilities; cross-connection of municipal water supply with fixtures or sewage lines; or the lack of water;

(5) Structural systems, including walls, chimneys, ceilings, roofs, foundations, floor systems, or decks which are not capable of carrying imposed loads;

(6) Exterior roofs, walls, chimneys, and foundations that are not weather tight and watertight to the extent that it creates an immediate hazard;

(7) Abandoned fuel tanks;

(8) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, vermin infestation, or other materials rendering residential building and structures unsanitary for human occupancy; and

(9) Lack of properly located operational smoke detectors.

(B) No re-occupancy of any vacant manufactured home shall be permitted if a hazard exists.

(C) When correcting hazards, the owner shall obtain all necessary permits from the city and the premises shall be subject to city inspection prior to occupancy of the manufactured home.

(D) If, due to hardship, the owner cannot undertake corrective action, a buyer may elect to correct hazards identified in the evaluator's report. A buyer intending to correct hazards must have written consent from the city. The written consent may be subject to terms and conditions, including:

(1) A signed agreement from the buyer accepting responsibility for correction of the hazardous items;

(2) Reasonable completion dates;

(3) Evidence of financial ability to perform the corrections;

(4) When the buyer may occupy the manufactured home; and

(5) That home shall be posted by the city as uninhabitable until the corrections are completed.

(E) An owner who disputes the report of an evaluator may present evidence supporting the owner's position to the city for review. The burden is on the homeowner to show clear evidence that the report is incorrect.

(F) All inspections shall be governed by the Manufactured Home Building Code, as defined in M.S. § 327.31, as it may be amended from time to time.
(Ord. 2003-173, passed 6-2-2003) Penalty, see § 10.99

§ 150.11 VIOLATIONS.

(A) The failure of any owner, agent of an owner, or buyer to comply with the provisions of this subchapter or to comply with an order issued by the city pursuant to this code shall be a misdemeanor.

(B) The failure of any evaluator to comply with the licensing provisions of this subchapter shall be a misdemeanor.

(C) The city may enforce provisions of this subchapter by injunction or any other appropriate remedy in a court of competent jurisdiction.

(D) It is a misdemeanor to occupy a home which has been posted as uninhabitable, or to remove a notice posted by the city.
(Ord. 2003-173, passed 6-2-2003) Penalty, see § 10.99

§ 150.12 WARRANTY LIMITATIONS.

Except as otherwise stated in writing by the evaluator, nothing in the evaluator's report shall guarantee or warrant that a manufactured home meets all minimum maintenance, housing, and building standards.

(Ord. 2003-173, passed 6-2-2003)