



NYE COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

Department: Planning/Code Compliance	Meeting Date:
Category: Timed Agenda Item - 10:00 a.m.	November 7, 2023
Prepared by: Qiana Medici	Phone: (775) 751-4242
Presented by: Brett Waggoner	Phone: (775) 751-4249

Action requested: (Include what, with whom, when, where, why, and terms)

Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill 2023-15: A Bill Proposing to amend Nye County Code Title 15, titled Building and Construction, Chapter 15.16, titled International and Uniform Building and Construction Codes Effective within Nye County, Section 15.16.092, titled Minimum Standards for Manufactured Homes by amending the minimum standards and adding Waivers and Special Exceptions; and providing for the severability, constitutionality, and effective date thereof; and other matters properly relating thereto.

Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Adoption of this Bill would apply to the placement of manufactured homes in a mobile home park and on a residential lot in accordance with the requirements of the State of Nevada Housing Division, Manufactured Housing; a manufactured home shall be manufactured within the twenty (20) years immediately preceding the date on which it was affixed to the residential lot; and adding C. Waivers and Special Exceptions to Chapter 15.16.092: Minimum Standards for Manufactured Homes.

Recommendation:

Staff recommends approval of Bill 2023-14.

Financial Impact

Cost:	Fund Name:	Fund #:
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	FY:	<input type="checkbox"/> One-Time <input type="checkbox"/> Recurring
Comments:		

Review & Approval

Legal Review Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal Approval Received: <input checked="" type="checkbox"/>	Date: 8/18/23
Financial Review Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Submitted to Finance: <input type="checkbox"/>	Date:
Administrative Manager Review: <input checked="" type="checkbox"/>	Place on Agenda: <input checked="" type="checkbox"/>	Initials: ST

Item # 14

BILL NO. 2023- 15

NYE COUNTY ORDINANCE NO. ____

SUMMARY: A Bill to amend Nye County Code Title 15, titled Building And Construction, Chapter 15.16, titled International and Uniform Building and Construction Codes Effective Within Nye County, Section 15.16.092, titled Minimum Standards for Manufactured Homes by amending the minimum standards and adding Waivers and Special Exceptions; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating thereto.

TITLE: A BILL TO AMEND NYE COUNTY CODE TITLE 15, TITLED BUILDING AND CONSTRUCTION, CHAPTER 15.16, TITLED INTERNATIONAL AND UNIFORM BUILDING AND CONSTRUCTION CODES EFFECTIVE WITHIN NYE COUNTY; SECTION 15.16.092, TITLED MINIMUM STANDARDS FOR MANUFACTURED HOMES BY AMENDING THE MINIMUM STANDARDS AND ADDING WAIVERS AND SPECIAL EXCEPTIONS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERTY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of Commissioners (Board) is authorized to amend the Nye County Code; and

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals, or the general welfare of the community of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment;

WHEREAS, the Board finds this change to be appropriate and an improvement to the regulations

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate, and order compliance therewith within the Pahrump regional Planning District of Nye County the following amendments and regulations:

NYE COUNTY CODE IS HEREBY AMENDED AS FOLLOWS, with ~~Deletions~~ shown in strike- through red font, and additions and modifications shown in underscored blue font:

15.16.092: Minimum Standards For Manufactured Homes

- A. The following minimum standards shall apply to placement of a manufactured home that will not be affixed to a residential lot in a mobile home park unless the placement occurred prior to March 1, 2019:

1. A soils report shall be required for the pad site and the manufactured home pad shall be certified by a professional engineer pursuant to Nye County Building Code applicable to the location of installation. A replacement home which has the same dimensions or smaller as the original home shall be exempt from a soils report providing an original soils report is on file.
2. A manufactured home shall be permanently affixed to a residential lot by the use of poured in place reinforced concrete footings and shall be mechanically connected or anchored in accordance with the manufacturer's specifications and the requirements of the State of Nevada Housing Division, Manufactured Housing.(Ord. 374, 2009). The manufactured home must have a sticker issued by the manufactured housing division for the address where the manufactured home is located.
3. A manufactured home shall be manufactured within the twenty (20) years immediately preceding the date on which it is affixed to the residential lot.

C. Waivers and Special Exceptions:

1. The installation of any manufactured home more than twenty (20) years old on the date which it is affixed to the residential lot shall require approval of a Waiver application by the Planning Director. When applicable, Town Boards, both elected and advisory, may make a recommendation of either approval, approval with conditions, or denial to the Planning Director prior to the Planning Director making a decision on the Waiver application.
 2. An exception to sections A(1), (2), (3), or a combination thereof, may be granted to promote affordable housing options or for elevated (above-ground) installations only in FEMA designated flood zone areas, areas of poor soils, or rough terrain where permanently affixing to the land is not practical, provided installation would not have an adverse impact on surrounding properties. If an exception to section A(1) is applied for, the manufactured homeowner must receive an approval of an alternative pad design from the Nye County Building and Safety Department. The Planning Director shall determine whether an exception shall be granted. If the applicant disagrees with the Planning Director's determination, the applicant may appeal the Planning Director's decision in accordance with Title 16, Chapter 16.36 of Nye County Code.
- D. Under no circumstances shall the new placement of a pre-HUD mobile home (factory-built homes produced prior to the June 15, 1976, United States Department of Housing and Urban Development manufactured home construction standards) be allowed anywhere within the Nye County.
- E. Compliance With Applicable Laws: All manufactured homes must be installed in accordance with Federal and Nevada state regulations and Nye County Code, inspected by the appropriate government agency, and have the appropriate Installation Label(s) placed in the window, as required by the Nevada Housing Division, Manufactured Housing, prior to occupancy.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 27th day of November, 2023.

Proposed on the 10th day of October, 2023

Proposed by: Commissioner _____.

Adopted on the ____ day of _____, 2023

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Bruce Jabbour, Chair
Nye County Board of
County Commissioners

ATTEST: _____

Mark F. Kampf
Clerk and Ex-Officio
Clerk of the Board

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BY: _____

Bruce Jabbour, Chair
Nye County Board of
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ATTEST: _____

Mark F. Kampf
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