

ORDINANCE 2024-01

An Ordinance of the City of Mulberry, Kansas, providing for installation or construction requirements for dwellings within the City of Mulberry, Kansas.

WHEREAS, the City Council of the City of Mulberry has determined to be the City's best interest to develop minimum requirements for Dwellings: and

WHEREAS, it is in the best interest of the City that the health, safety and general welfare of the City be promoted by planning the orderly growth of the City, and

WHEREAS, the City Council of the City of Mulberry finds it to be in the best interest of the public safety, health and general welfare to regulate dwellings within the City; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY:

SECTION I. ORDINANCE TITLE

This Ordinance is hereby referenced as the "Dwelling Minimum Requirements Ordinance"

SECTION II. GENERAL DEFINITIONS

For Purposes of this Ordinance, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

- A. Building Official: The Fire Chief, Code Enforcement Officer, or other designated inspection authority of the City.
- B. Driveway: A private drive allowing principle means of access to the individual dwelling.
- C. Dwelling: Any structure used as a Residence within the City of Mulberry except for those residences that fall under Ordinance No

95-4 and its successors regulating Mobile Homes and Trailers within City Limits.

SECTION III. Minimum Requirements

All dwellings must meet the following requirements:

- A. A minimum of 400 square feet of living space must be provided for a single occupant, with an additional 125 square feet for each additional occupant.
 - i Living Space does not include porches, garages, and other spaces not heated or cooled by artificial means.
- B. Owners shall give Notice to the City prior to moving, relocating, or constructing any Dwelling within the City of Mulberry.
 - i This Notice shall include a drawing of the lot and where the proposed prefabricated dwelling or newly constructed dwelling shall be located upon the lot.
 - ii Upon receipt of Notice, the Building Official shall inspect the lot to insure conformity with this Ordinance, the placement of utilities on the lot and the cost, if any, for connecting City Utilities to the prefabricated dwelling or constructed dwelling.
- C. The Dwelling must be built to standards of a licenses structural engineer's approved plans for a residential dwelling.
- D. The Dwelling must be on a foundation with a minimum of (6) inches of steel reinforced concrete that can support load bearing walls. A Dwelling built on a trailer is required to remove wheels and axles in order to be on a foundation as described above.
- E. The Dwelling must be located on a city lot containing a minimum of 10,000 square feet.

- F. The Dwelling must have at least 15 feet clearance between it and other existing structures and 35 feet set back from the public street.
- G. The Dwelling must have a driveway.
- H. All prefabricated Dwellings must meet the tie down, skirting, and age requirements of the Ordinance No 95-4 and its successors.
- I. Must have an assigned address confirmed through the 911 GIS Systems Administrator.
- J. Must be connected to all City Utilities. Compost toilets are prohibited.
- K. It is prohibited to connect or attach multiple pre-manufactured dwellings.

SECTION IV. REFUSAL OF UTILITY SERVICES

The City shall not provide utility services to any prefabricated, newly constructed, or relocated dwelling that does not meet the above minimum dwelling requirements. This provision shall exempt any non-conforming Dwellings within the City of Mulberry that are connected to City Utilities at the time of this Publication so long as the Dwelling is not relocated.

SECTION V. PENALTY PROVISIONS

Any Person violating this Ordinance or any portion thereof shall upon conviction be guilty of a Class C Misdemeanor and shall not be fined less than \$250.00 for each day that such violation continues. Each day may be considered a separate offense and punishable accordingly.

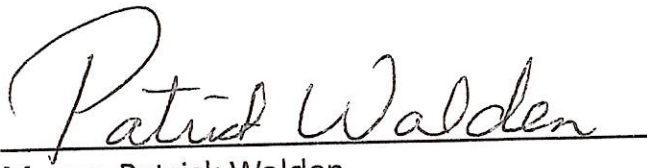
SECTION VI. SEVERABILITY

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect after its passage and publication as required by law and shall not apply to any preexisting dwelling prior to passing the Ordinance.

PASSED, AND APPROVED BY THE CITY COUNCIL OF MULBERRY,
KANSAS ON THIS 30th DAY OF APRIL 2024.

A handwritten signature in cursive script, reading "Patrick Walden", written over a horizontal line.

Mayor: Patrick Walden

ATTEST:

A handwritten signature in cursive script, reading "Cherokee Pelican", written over a horizontal line.

City Clerk: Cherokee Pelican