

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 445

**AN INTERIM ORDINANCE ESTABLISHING A
MORATORIUM ON THE APPROVAL AND SITING OF
MANUFACTURED HOMES, MANUFACTURED HOME PARKS AND MODULAR
HOMES**

WHEREAS, the Foley City Council administers zoning within the City of Foley (the “City”);

WHEREAS, the Council may regulate land use as part of the City’s zoning authority;

WHEREAS, Minnesota Statute Chapter 327, imposes certain regulations applicable to manufactured homes and manufactured home parks;

WHEREAS, Minnesota Statute Chapter 462, imposes certain limitations of the City’s ability to regulate manufactured homes and manufactured home parks;

WHEREAS, the City’s ordinances also regular modular homes;

WHEREAS, a manufactured home park within the City has recently been redeveloped; and

WHEREAS, the City’s ordinances affecting manufactured homes and manufactured home parks, modular homes and their compliance with Minnesota law, have not been evaluated for a substantial period of time.

NOW, THEREFORE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

1. In light of the recent redevelopment of a manufactured home park with in the City of Foley, significant interplay between state law and local authority, and significant passage of time since the City ordinances related to manufactured homes, manufactured home parks and modular homes were last evaluated, the City has determined to complete a study to consider compliance with state law and the impact of manufactured homes, manufactured home parks and modular homes on planning and development within the City;
2. The City remains concerned about compliance with state law;
3. The City is also concerned about foregoing regulations that might prevent inconsistent future development under the Comprehensive Plan or disruptions to the development of the City;

4. The City want to balance the rights of manufactured homes, manufactured home parks and modular homes owners with the rights of neighbors and prevent any adverse aesthetic, environmental, social, health, and safety impacts within the City;
5. The City desires to impose a moratorium on siting of manufactured homes, manufactured home parks and modular homes in order to adopt regulations and ordinances consistent with the state law, facilitate further consideration of compatibility with future planning and development in the City, and to ensure that no adverse aesthetic, environmental, social, health, or safety impacts occur within the City;
6. The City Council needs an opportunity to conduct a study of the potential impacts of manufactured homes, manufactured home parks and modular homes, review the appropriateness of existing regulations and ordinances, codify appropriate definitions, consider appropriate performance standards, and schedule a public hearing before amending the zoning ordinance;
7. During the time of the study, it is necessary to protect existing land uses, existing property values, and preserve and protect the rights of existing property owners within the City;
8. An interim ordinance, pursuant to Minnesota Statutes § 462.355, is necessary to allow the City time to update its ordinances and regulations, ensure compliance with state law as well as to restrict new manufactured homes, manufactured home parks and modular homes from affecting existing land uses, existing property values, and the rights of existing property owners during this time; and
9. An interim ordinance temporarily prohibiting new manufactured homes, manufactured home parks and modular homes is necessary to protect the planning process, development under the Comprehensive Plan, and the health, safety and welfare of the citizens of the City during the time of the study.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Foley City Council hereby ordains:

Section 1. Interim Ordinance.

1. **Temporary Restriction.** A moratorium prohibiting the construction, installation, replacement, or enlargement of manufactured homes, manufactured home parks and modular homes is hereby established.
2. **Duration.** This moratorium shall be in effect for a period of one year, or until such earlier time as the Foley City Council determines the moratorium is no longer necessary.
3. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.
4. **Validity.** Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
5. **Enforcement and Penalty.** The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Interim Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

6. **Existing Manufactured and Modular Homes.** This moratorium shall not apply to the replacement of legal manufactured homes and legal modular homes on existing properties or in existing manufactured home parks.

Section 2. Summary Publication.

At least four-fifths of the City Council’s members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

“AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SITING OF MANUFACTURED HOMES, MANUFACTURED HOME PARKS AND MODULAR HOMES WITHIN THE CITY OF FOLEY. It is the intent and effect of this Ordinance to prohibit new manufactured homes, manufactured home parks and modular homes until the City of Foley can study compliance with state law, the effects of such activities, and ensure that zoning regulations are consistent with existing law and adequately protect public health, safety, and welfare.”

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted this 3rd day of September, 2019

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator