

Local Law No 1 of the year 2017

Town of White Creek, County of Washington

A local law to provide for the regulation of Mobile Homes and Travel Trailers.

Be it enacted by the Town Board of the Town of White Creek as follows:

Article 1:

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SECTION 1. TITLE

This ordinance shall be known and may be cited as a law regulating Mobile Homes and Mobile Home Parks and travel trailer parks in the Town of White Creek.

SECTION 2. PURPOSE

It is the purpose of this ordinance to promote the health, safety, morals, and general welfare of the inhabitants of the Town of White Creek by establishing specific requirements and regulations governing the occupancy and maintenance of mobile homes, mobile home parks and travel trailer parks.

SECTION 3. DEFINITIONS

3.1 "Mobile home", means any structure that are factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec 5401) (HUD Code), and those similar structures built prior to the HUD code, other than a travel trailer, originally constructed as to be readily mobile, and used or designed or intended to be used as a dwelling, whether alone or in combination with another structure or structures, and whether same is situated or located upon wheels, jacks, foundations (temporary or permanent), slabs, or otherwise.

3.2 "Mobile home Lot" means a designated site of specific total land area within a mobile home park for the accommodation of one mobile home, and its occupants.

3.3 "Mobile Home Park" means any parcel of land whereon two or more, mobile homes are parked or located, or which is planned and /or improved for the placement of two or more mobile homes.

3.4 "Mobile home Stand" means an area prepared for the placement and support of a mobile home.

3.5 "Travel Trailer" means any vehicle¹ designed or used or intended to be used for temporary living quarters for travel, recreational or vacation purposes. For purposes of this section "temporary" shall mean one week.

3.6 "Trailer Park" means any parcel, of land whereon two or more travel trailers are parked or located, or which is planned and improved for the placement of two of more travel trailers.

3.7 "Code Enforcement Officer" means the person or persons appointed by the White Creek Town Board to enforce the provisions of this law.

3.8 "Permit to Occupy" of "Occupancy Permit" means a written permit granted by the White Creek Town Board at no charge to an owner of a mobile home, that has been inspected by the Code Enforcement Officer and has met all of the standards and requirements set forth in this ordinance.

3.9 "Town" means the Town of White Creek.

3.10 "County" means the County of Washington.

SECTION 4. LICENSES REQUIRED FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS.

No person, partnership, association or corporation being the owner of any land within the Town of White Creek shall use or allow the use of such land for a mobile home park or trailer park unless an approved site plan as per Article E of the Town of White Creek Site Plan Law, and a license as required in this law has been obtained.

SECTION 5. APPLICATION FOR LICENSE FOR MOBILE HOME PARK OR TRAILER PARK

5.1 All mobile home or travel trailer park applications shall require a Town of White Creek Mobile Home Park/Travel Trailer Park License issued by the Code Enforcement Officer.

5.2 All mobile home parks and travel trailer parks shall require site plan review approval by the Town of White Creek Planning Board prior to issuance of any building permit by the Code Enforcement Officer unless excepted herein in Section 12.1. All such uses shall meet all requirements of both the site plan law and this mobile home ordinance.

5.3 Subsequent to Planning Board site plan approval, an applicant for a mobile home park or travel trailer park shall submit an application for a license to the Town Clerk.

5.4 Such application for a license shall be accompanied by the proper application fee, as may be established by the Town Board.

SECTION 6. LICENSING PROCEDURE FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

6.1 Application for a mobile home or travel trailer park license shall be made to the Town of White Creek Town Clerk. Upon receipt of a license application for a mobile home park or travel trailer park, the Town Clerk shall indicate the date of receipt thereon and promptly transmit one copy of the application and all accompanying plans and specifications and other supporting documents to the Code Enforcement Officer, the Planning Board, and one copy thereof to the Town Board.

6.2 The Planning Board shall, within forty-five (45) days of the receipt of the application by the Town Clerk, initiate a site plan review pursuant to the Town of White Creek Site Plan Review Law, and by resolution indicate its approval or disapproval of the application. Upon a decision on the site plan, the Planning Board shall forward a copy of the application and decision to the Town Clerk and Code Enforcement Officer.

6.3 If the application is approved by the Planning Board, the Code Enforcement Officer shall, upon receipt of the applicable license fee herein provided, issue a license to be effective from the date thereof through the next 30st day of June. Such license shall specify the number of mobile home or trailer lots which may be used in the park to which it pertains and any other condition imposed by the Planning Board in its site plan decision. If the application is denied by the Planning Board, the Code Enforcement Officer shall deny the mobile home or travel trailer park license.

6.4 Once issued, no such license shall be transferable or assignable.

6.5 Upon completion of construction of the park and installation of all required improvements, the Code Enforcement Officer shall notify the Town Planning Board of his determination that the work was properly performed, the water supply conforms to the necessary town and State standards, the sanitation system is properly installed and conforms to all local, County and State regulations. Upon confirmation that all requirements have been met, the Code Enforcement Officer shall issue a Certificate of Occupancy for this park.

SECTION 7. SUPPLEMENTAL LICENSES FOR MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

7.1 Any person holding a license for a mobile home park or trailer park and desiring to add additional lots to such park shall file for an amended site plan approval with the Planning Board and a supplemental license with the Code Enforcement Officer.

7.2 The application for such supplemental site plan and license shall be considered in the same manner as in an application for a license for a new mobile home or travel trailer park as provided in section 5 and 6 hereof. All supplemental licenses shall be effected from the date of issue until the 30st day of the next succeeding June.

SECTION 8. LICENSE RENEWAL FOR MOBILE HOME AND TRAVEL TRAILER PARKS

8.1 An application for the renewal of any mobile home park or trailer park licenses shall be made with the Town Clerk on or before the 1st day of June preceding the expiration date of such license.

8.2 The Code Enforcement Officer shall review the license renewal application. If any changes to the site or operation of the park is proposed that are not consistent with the original site plan approval, the Code Enforcement Officer shall send the renewal application to the Planning Board for a review and approval of an amended site plan. Upon the approval of the renewal application by the Planning Board, the Code Enforcement Officer shall issue a renewal. If no changes to the site or operation of the park are proposed in the renewal application, and all conditions that may have been imposed by the Planning Board in its site plan approval are in effect, the Code Enforcement Officer, upon confirmation of receipt of the applicable fee, shall thereupon issue such renewal license to be effective for a period of one (1) year.

8.3 No renewal license shall be transferable or assignable.

SECTION 9. APPLICATION, LICENSE AND REGISTRATION FEES AND COSTS

9.1 Any fee established by the Town Board for an application, license, or renewal shall be payable to the Town Clerk of the Town of White Creek. The nonrefundable application fee for a license to construct and operate a mobile home park, a renewal, or supplemental license to expand an existing mobile home park or trailer park shall be set by the Town Board.

9.11 The original permit shall be reviewed and renewed annually by the Town of White Creek by the 30th of June. The applicant shall pay the actual cost incurred by the Town for any engineering, legal fees, or other services in connection with the consideration of the license application.

9.12 An annual inspection shall take place to ensure that all mobile home park permit conditions continue to be met. An annual renewal fee, as set by the Town Board, shall be collected prior to such renewal. The fee will be prorated by the month.

SECTION 10. REQUIREMENTS FOR MOBILE HOME PARKS

10.1 Every Mobile Home park shall be at least ten (10) acres in size and shall be located in an area where grades and soil conditions are suitable for use as mobile home sites, on a well-drained site properly graded to insure proper drainage and be free at all times from stagnant pools of water.

10.11 The park shall be free, or shall be made free from heavy or dense growth of brush and woods.

10.2 Every mobile home park shall be marked off into mobile home lots.

10.21 The total number of mobile home lots shall not exceed four (4) per gross acre.

10.22 Each mobile home lot shall have a total area of not less than 10,000 square feet and no boundary line thereof shall be less than one hundred (100) feet in length.

10.23 Each mobile home lot shall be separately and clearly numbered to facilitate identification for emergency services.

10.3 No mobile home shall be parked or otherwise located elsewhere than upon a mobile home stand.

10.31 No such mobile home stand shall be nearer than a distance of:

- (A) Fifty feet from an adjacent mobile home in any direction.
- (B) Fifty (50) feet from an adjacent property line.
- (C) One hundred (100) feet from the right-of-way line of any street or highway.
- (D) Twenty (20) feet from the nearest edge of any right-of-way boundary of any street within the park.

10.4 Each mobile home lot shall have a mobile home stand.

10.41 Every such stand shall:

- (A) Permit the practical placement on and removal from the lot of a mobile home and its appurtenant structures, and the retention of the home on the lot in a stable condition;
- (B) Be of sufficient size to fit and support the dimensions of any mobile home- placed thereon, together with it's appurtenant, structures or appendages.
- (C) Have a base constructed of a minimum thickness, of six (6) inches of gravel or as required by the New York State Building code, with a minimum of six (6) inches of reinforced concrete forming a rectangular pad or stand on top of the gravel base. The stand must be constructed to the minimum standards hereinabove specified, but must also be capable of withstanding and supporting any load which may reasonably be expected, or in fact is placed upon it.
- (D) The perimeter must be graded to permit sufficient surface drainage.

10.5 Every mobile home park shall be easily accessible from a public highway or street.

10.51 All mobile home parks shall have at least two (2) points of entry and exit, but no park shall have more than four (4) entry and exit points.

10.52 Every entrance to and exit from a mobile home park shall be so designed and located as to provide safe and convenient movement of persons and vehicles into and out of the park, and to minimize friction with the free movement of traffic on the public highways and streets to which it connects. Every such entrance and exit shall:

- (A) Be at right angles to the public highway or street to which it connects.
- (B) Be free of any material which would impede the visibility of a driver on a public highway or street.
- (C) Be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

10.53 Each mobile home park shall have streets providing convenient access to all mobile home lots and other important facilities within the park. All such streets shall:

- (A) Be improved to not less than the minimum standards established by the Town of White Creek "Rules and Regulations Governing Dedication of Private Streets the Town".
- (B) Be so designed as to permit safe and convenient vehicular circulation within the park.
- (C) Be adapted to the topography and have suitable alignment and gradient for traffic safety.
- (D) Intersect at right angles.
- (E) Have a fifty (50) foot minimum width of right of way.
- (F) Be paved to a minimum width of 12 feet; if for one-way traffic movement only. 20 feet; if for two-way traffic movement.

10.6 Except in case of emergency, no parking shall be allowed on any street in any mobile home park.

10.61 At least two off street parking spaces shall be provided on each mobile home lot. Each such space shall;

- (A) Have a minimum length of twenty-five (25) feet, and
- (B) Be connected to the street providing access to the mobile home lot by a driveway having a minimum width of nine (9) feet.

10.62 Additional off street parking spaces shall be provided within the mobile home park at convenient locations for guest and delivery and service vehicles.

- (A) There shall 1 be one such parking space for each two (2) mobile home lots within the park.
- (B) Such parking spaces shall provide adequate maneuvering space.

10.7 The following utilities and service facilities shall be provided in each mobile home park and shall be constructed and maintained in accordance with the regulations and requirements of the New York State Department of Health and the Sanitary Code of New York state.

- (A) A minimum supply of 200 gallons per day, per mobile home lot, of pure water for drinking and domestic use must be available. Water will be supplied by pipes to all mobile home lots, and service buildings within the park, with proper connections to each building and mobile home.
- (B) A sewage system connected to each mobile home and service building situated in the park, to receive the waste from showers, tub, toilets, lavatories and sinks therein, and dispose of the same in a sanitary manner. Sewer connections in unoccupied lots shall be tightly sealed

to prevent emission of gas or odors and prevent the breeding or harboring of insects or vermin.

- (C) Garbage cans with tight fitting covers, in quantities adequate to permit the disposal of all garbage and rubbish from the park. Such cans shall be covered and in a sanitary condition at all times. An adequate supply of such cans shall be kept within one hundred (100) feet of each mobile home lot. Garbage and rubbish shall be collected and disposed of outside the park as frequently as may be necessary to insure that such cans shall not overflow.
- (D) Other service buildings as deemed necessary for the normal operation of the park. Such buildings shall be maintained in a clean, orderly and sanitary condition.
- (E) Not less than one public telephone for each mobile home park.
- (F) Weatherproof electric service connections and outlets of a type approved by the New York State Board of Fire Underwriters, for the provision of electric service to each mobile home located in such park.
- (G) A storage building of a minimum 100 square feet, and suitable for the secure and orderly storage of personal property, such as bicycles, baby carriages, lawn furniture, and the like shall be placed on each mobile home lot for the use of the occupants of the mobile home thereon. No combustible or noxious materials shall be stored beneath any mobile home, nor shall any personal property be so stored beneath a mobile home so as to constitute a health hazard or other public nuisance.

10.8 Each mobile home park shall provide common open space conveniently located for the use of the occupants of the park.

10.81 Such open space shall have a total area equal to at least ten (10) percent of the gross land area of the park.

10.9 Every mobile home park shall have lawn or other suitable vegetative ground cover on all areas not used for the placement of mobile homes and other buildings, walkways, roads, and parking areas. Trees or shrubs shall be provided to the extent necessary to screen objectionable views, and to provide adequate shade and a suitable setting for the mobile homes and other facilities in the park.

- (A) Views which shall be screened include, laundry facilities, gas tanks, service buildings, and other nonresidential uses, garbage storage and collection areas, and all abutting yards of adjacent properties.
- (B) Other planting shall be provided along those areas within the park which front upon public highways and streets to reduce glare from automobile headlights and provide pleasant outlooks for the living units.

10.10 No mobile home shall be placed in any mobile home park unless the same shall have a flush toilet, a tub or shower, a sink, cooking and heating facilities, and plumbing and electrical systems for connection to outside systems, all which comply with all applicable laws, rules and regulations.

10.101 Every mobile home park shall be sufficiently lighted during hours of darkness to provide for the movement of pedestrian occupants of the park to and from mobile homes and service buildings.

10.102 The owner or operator of each mobile home park shall, on a form to be supplied by the Town, make a permanent record of all persons occupying each mobile home therein, such form shall be submitted to the Town Clerk within thirty (30) days of the initial occupancy of a home, within thirty days of any change of occupancy, and within 30 days of a request therefor in

writing by the Inspector.

(A) Such form shall be signed by the owner or operator of the park and shall contain the following information:

1. The name and address of each occupant of the mobile home, together with the ages of all who are minors.
2. The date of arrival of the mobile home at the park.
3. The name and address of the owner of the mobile home.
4. The name of the Manufacturer.
5. Model designation.
6. Date of Manufacture.
7. Color.
8. Manufacturer's serial number.
9. Weather Zone.
10. Outside design temperature.
11. Overall dimensions of the mobile home.
12. Certification that the mobile home bears a seal that states that it is in compliance with all New York State requirements for mobile homes.
13. The number of the mobile home lot upon which such mobile home is located.

(B) Within 30 days after the departure of any mobile home, the owner or operator of the park shall notify the Town Clerk in writing of the date of such departure.

SECTION 11. REQUIREMENTS FOR TRAILER PARKS

11.1 All of the provisions of Section 10 hereof shall apply to every trailer park except as in this Section 11 otherwise provided. For the purpose of the regulation of travel trailers and trailer parks such Section 10 shall be read and construed as if the terms "Mobile Home," "Mobile Home Lot," "Mobile Home" and "Mobile Home Stand" read "Travel Trailer", "Trailer Lot," "Trailer Park" and "Trailer Stand".

11.2 The total number of trailer lots in any trailer park shall not exceed ten (10) per gross acre.

11.3 Each trailer lot shall have a total area of not less than 2,500 square feet with a minimum dimension of thirty (30) feet.

11.4 No travel trailer shall be parked or otherwise located nearer than a distance of:

(A) Twenty (20) feet from an adjacent travel trailer in any direction.

11.5 The following utilities and service facilities shall be provided in each trailer park and the same shall comply with the regulations and requirements of the New York State Department of Health and the Sanitary Code of New York State:

11.51 An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and trailer lots within the park to meet the requirements of such park. Each lot shall be provided with a cold water tap, the waste from which shall be emptied into a drain connected to an approved disposal system.

11.52 Toilet and other necessary sanitary facilities for males and females shall be provided in

permanent structures. Such facilities shall be housed in either separate buildings or in the same building, in the latter case such facilities shall be separated by sound proof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.

11.53 Such toilet and sanitary facilities shall be provided in the following manner:

- (A) Male facilities shall consist of not less than one flush toilet for every fifteen trailer lots; one urinal for every fifteen trailer lots; one lavatory for every ten trailer lots; one shower, with adjoining dressing compartment of at least sixteen square feet, for every ten trailer lots.
- (B) Female facilities shall consist of not less than; One flush toilet for every ten trailers; one lavatory for every ten trailers; one shower, with an adjoining dressing compartment of at least sixteen square feet, for every ten trailers.

11.54 Lavatory and shower facilities shall be supplied with hot and cold running water.

11.55 The buildings housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of moisture proof material; shall be well heated; and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of a water impervious material.

11.6 Waste from all buildings and trailer lots shall be discharged into an approved public or private sewer in such a manner that it does not present a health hazard. Such a sewer system must meet New York State Health Department standards, and the New York State sanitary code.

11.7 The owner or operator of each trailer park shall keep a permanent written record of all persons occupying or using the facilities of such park. Such record shall be available for inspection for a period of at least on (1) year from the date of occupancy. Such record shall include:

- (A) The name and address of the owner of each travel trailer, which is not occupied by such owner.
- (B) The state in which each travel trailer and is registered and the registration number, and make.
- (C) The name and address of the owner of the automobile or other vehicle which propelled the travel trailer.
- (D) The state in which such automobile is registered, the make and the registration number.

SECTION 12 OCCUPANCY PERMITS FOR EXISTING MOBILE HOMES - OCCUPANCY PERMITS FOR MOBILE HOME UPGRADES ON AN EXISTING MOBILE HOME SITE NOT IN A MOBILE HOME PARK

12.1 Persons wishing to occupy or upgrade to a newer mobile home on a lot already occupied by a mobile home can do so provided the new structure is placed in the same location and with the same footprint and provided the old mobile home is removed from the property within seven (7) days after the new home arrives on the property. In that case, no site plan review shall be required when a new mobile home is placed on the same location and with the same building footprint. However, if a different location or building footprint is proposed for the new mobile home, an abbreviated site plan review pursuant to Article E of the Town of White Creek Site Plan Review Law shall be followed prior to permitting and site preparation.

In either case, the Code Enforcement Officer will review the application and perform an onsite inspection of the mobile home and property. This inspection shall be limited to one visit unless violations are found and follow up visits are required to see if the violations have been corrected. From information gained through this inspection and from any records that may exist about the water supply and the sewage disposal system, the Town Code Enforcement Officer will make a signed written report as to the mobile home and mobile home site's compliance with the provisions, standards, and requirements of this law. The Code Enforcement Officer will make this report in a timely fashion, and provide the applicant and the Town Board with copies of any records or statements used to provide information in the report.

The report will state if said site and said mobile home are in fact in compliance with this law, and if there are violations, list specifically what they are. If no violations exist, then the Code Enforcement Officer will issue an Occupancy Permit. If violations exist, no occupancy permit will be issued until the violation(s) are rectified.

SECTION 13. ENFORCEMENT

13.1 The Town Board authorizes the duly appointed Code Enforcement Officer to issue all licenses, renewals, building permits, and Certificates of Occupancy for all mobile home parks, travel trailer parks. The Code Enforcement Officer shall have the right to enforce all the provisions of this law. Such Code Enforcement Officer shall have the right, at all times, to enter and inspect any mobile home park, travel trailer park and all records by this law required to be kept by the owner or operator thereof.

SECTION 14. REVOCATION OF MOBILE HOME PARK OR TRAILER PARK LICENSE.

14.1 If the Code Enforcement Officer finds that any mobile home park or trailer park is not being maintained in a clean and sanitary condition, or is not being conducted in accordance with the provisions of this law, or that applicable fees provided for in this law have not been paid, or that the applicable registration provisions of this law are not being carried out, such facts shall be reported to the Town Board. The Town Board may direct the Code Enforcement Officer to serve an order in writing upon the holder of the license for such park, directing that the conditions therein specified be remedied within ten (10) days after date of service of such order. If such conditions are not corrected after the expiration of the ten (10) day period, the Code Enforcement Officer may cause a notice in writing to be served upon the holder of the license requiring the holder to appear before the Town Board at a time to be specified in such notice and show cause why such license should not be revoked. The Town Board may, after a hearing at which testimony of witnesses may be taken, and the holder of the license' shall be heard, revoke such license if the Town Board shall find the park is not being maintained in a clean and sanitary condition, or that any provision of this law has been or is being violated, or that the fees provided for in this law have not been paid or for other sufficient cause. Upon the revocation of a license, the premises shall immediately cease to be used for the purpose of a mobile home park or travel trailer park and all mobile homes and travel trailers, as the case may be, shall be removed from the premises.

SECITON 15. PENALTIES

15.1 Any person who violates any provision of this law shall be guilty of a violation punishable by a fine of not more than one hundred dollars (\$100.00) and not more than fifteen (15) days imprisonment. In addition, the violation of this law or any of the provisions of this law shall subject the person, firm or corporation violating the same to a civil penalty in the sum of fifty dollars

(\$50.00) and when violation of this law or any of the provisions thereof is continuous each twenty-four hours thereof shall constitute a separate and distinct violation.

The penalty shall be recovered by the Town of White Creek in a civil action. The application of the above penalty or penalties, or the prosecution for the violations of the provisions of this law shall not be deemed to prevent the revocation of any Site Permits and / or Occupancy Certificates issued pursuant thereto or the enforced removal of conditions prohibited by this law.

SECTION 16 ISSUANCE OF LICENSE NOT TO WAIVE COMPLIANCE WITH OTHER STATUTES OR ORDINANCES

16.1 This issuance of any license pursuant to the provisions of this law shall not be deemed to waive compliance by any person with any statute of the State of New York or law, ordinance or Health regulation of the Town of White Creek, or the County of Washington.

SECTION 17. EXCEPTIONS

17.1 None of the provisions of this law shall be applicable to the following:

- (A) The storage or garaging of travel trailers, not being used for living or sleeping purposes, within a building or structure or to the storage of one unoccupied travel trailer on the premises occupied as the principal residence of the owner of such travel trailer, provided, however that: such unoccupied travel trailer shall not be parked or located between the street or highway line and the front building line of such premises.
- (B) A mobile home or travel trailer located on the site of a construction project, survey project or other similar work project and which is solely used as a field office or work tool house in connection with such project, provided that such mobile home or travel trailer is removed from such site within thirty (30) days after a project has been completed.
- (C) A sectional house which is prefabricated in sections, transported to the building site fastened together, and is so designed and constructed so as to be intended and is in fact placed on a permanent and totally enclosed masonry foundation, and has a minimum width of eighteen (18) feet for its entire length and contains a minimum of 1,000 square feet of usable living space, and where the completed dwelling is indistinguishable in appearance from conventionally built houses

SECTION 18. VALIDITY

If any section, paragraph, subdivision or provision of this law shall be found invalid, such invalidity shall apply to the section, paragraph, subdivision or provision adjudged invalid, and the remainder of the law shall remain valid and effective.

Article 2: This act shall take effect upon filing with the New York Department of State