

MOBILE HOME LOCAL LAW

TOWN OF ASHFORD, CATTARAUGUS COUNTY, NEW YORK

LOCAL LAW OF 1990

Article 1 General Provisions

Part 1:

Section 1-1.1 Enacting Clause; Purpose:

Pursuant to the authority conferred by the Municipal Home Rule Law of the State of New York and for each of the purposes specified therein, the Town Board of the Town of Ashford, County of Cattaraugus and the State of New York does hereby enact the following Local Law regulating and restricting the use of mobile homes, house trailers, campers and similar portable and transportable structures and units in the Town of Ashford.

Section 1-1.2 Purpose:

This Local Law is intended to promote the public health, safety, comfort, and welfare of the residents of the Town of Ashford.

Part 2: Authority; Short Title; How Cited; Severability; Application;

Section 1-2.1 Short Title:

How cited: This Local Law shall be known as the Mobile Home Local Law of the Town of Ashford and may be cited as MHL. A section of this Law may be cited by Article, and Section Number, to wit: MHL1-1.1, which refers to Article 1, Part 1, Section 1, without being preceded by the word Article, Part, or Section.

Section 1-2.2 References:

Unless otherwise stated all references in this Local Law to Article, Part, or Section number refer to the Article, Part, or Section number referred to in the Articles, Parts, or Section numbers of this Local Law, and all references in any section of this chapter to a lettered or numbered paragraph or

subparagraph refer to the paragraph or subparagraph so lettered or numbered in such Section.

Section 1-2.3

In this Local Law, unless the context otherwise requires:

- A. Words in the regular number include the plural, and in the plural include singular.
- B. Words to the masculine gender include the feminine and neuter, and when the sense so indicates words of the neuter gender may refer to any gender.
- C. The word “writing” includes typewriting or printed matter.

Section 1-2.4 Severability:

If any provision of this Law or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Local Law which can be given effect without regard to the invalid provision or application, and to this end the provision of this Local Law are declared to be severable.

Section 1-2.5 Application:

Unless otherwise stated therein, the provisions of this Local Law apply to mobile homes, house trailers, campers, and other similar portable and transportable structures or units in the Town of Ashford on its effective date or located in the Town of Ashford after the effective date.

Section 1-2.6 Purpose:

This Local Law is intended to promote the public health, safety, comfort and general welfare of the residents of the Town of Ashford.

Part 3: Definitions:

For the purpose of this Local Law, certain terms are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural and the plural the singular. The word “used” shall be interpreted to include the term “designated or intended to be used”, The term “shall” is always mandatory.

Section 1-3.1 Dependent Mobile Home;

A mobile home which does not have a flush toilet and a bath or shower. This includes mobile homes, semi-trailers and storage trailers.

Section 1-3.2 License:

Written authority issued by the Town of Ashford and approved by the Cattaraugus County Department of Health allowing a person to operate and maintain a mobile home park under the provisions of this Local Law and regulations issued hereunder.

Section 1-3.3 Licensee:

Any person licensed to operate and maintain a mobile home park under the provisions of this Local Law.

Section 1-3.4 Mobile Home:

A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same facilities for water supply, waste disposal and electrical conveniences as immobile housing. Pre-fabricated housing arriving at the site in multiple sections for fabrication are not deemed mobile homes.

Section 1-3.5 Mobile Home Park:

A plot or parcel of ground which is rented or leased and furnished to provide the space, facilities and access for or occupied by, two or more mobile homes as required herein.

Section 1-3.6 Mobile Home Space:

A plot or parcel of ground within a mobile home park or on an individual lot designed for the accommodation of one mobile home.

Section 1-3.7 Motor Home:

An integrated motor vehicle and living unit.

Section 1-3.8 Permit:

Written permission issued by the Code Enforcement Officer permitting the construction, locating, alteration and extension of a mobile home park or individual mobile home or house trailer, camper or similar portable and/or transportable structure and unit under the provisions of this Local Law and regulations issued hereunder.

Section 1-3.9 Person:

Any individual, firm, trust, partnership, public or private association or corporation.

Section 1-3.10 Rights-of- Way:

Portion of designated land set aside for the installation of roads, utilities and/or sidewalks, curbs, gutters or other unrestricted uses.

Section 1-3.11 Vacation/Recreation/Travel Trailer:

A travel trailer used as a recreational or a seasonal vacation home.

Section 1-3.12 Lot Description:

A parcel of land with uninterrupted dimensions as required for mobile home use.

Article 2 Mobile Home Park Plan

Part 1: The Mobile Home Park Plan Shall Conform to the Following Requirements:

Section 2-1.1

The plan for the mobile home park, drawn and prepared by an architect or civil Engineer licensed by the State of New York and certified by same, and shall be kept on file with the Town of Ashford Planning Board.

Section 2-1.2

Shall be located on a well drained site, properly graded to insure rapid drainage.

Section 2-1.3

Shall contain a minimum of 10 acres.

Section 2-1.4

There shall be at least 30 feet of clearance between individual mobile homes, and between mobile homes and any permanent structure on or adjacent to the park. Also, mobile homes and any other permanent or temporary structure shall be set back a minimum of 50 feet from the nearest highway, roadway or private roadway right-of-way line. All mobile homes and structures shall be set back a minimum of 25 feet from any other existing lot lines.

Section 2-1.5

All mobile homes shall abut upon a drive or interior road with a right-of-way of not less than 30 feet in width and a road surface of not less than 20 feet in width shall have been unobstructed access to a public street or highway. This road shall meet the minimum specifications of Town roads.

Section 2-1.6

Mobile home spaces shall be provided consisting of a minimum of 10,500 square feet for each space and which shall be at least 70 feet wide and clearly defined.

Section 2-1.7

An adequate and tested supply of pure water for drinking and domestic purposes shall be supplied to all mobile home spaces within the park, approved by the Cattaraugus County Health Department.

Section 2-1.8

A combined sewage treatment and disposal system shall be provided as recommended and approved by the Cattaraugus County Health Department and/or New York State Department of Environmental Conservation.

Section 2-1.9

Adequate garbage storage and collection or disposal facilities, as approved by the Cattaraugus County Department of Health, shall be provided.

Section 2-1.10

Every park operator shall keep a complete register of occupants which shall be available for inspection at all times by the enforcement and health officials. Also, every park owner/manager shall obtain a permit for each mobile home located in the park.

Section 2-1.11

Two parking spaces must be provided for each mobile home. A carport may be erected on approval of the Code Enforcement Officer, but not attached to the mobile home.

Section 2-1.12

Limit of one accessory building per lot, not to exceed 100 square feet, and properly anchored to specifications. The building must be a minimum of 10 feet from the mobile home.

Section 2-1.13

The mobile home park owner shall provide a mobile home stand to provide adequate support for the placement and tiedown of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other

forces acting on the structure. The mobile home park owner shall also require each mobile home owner to enclose the bottom portion of the mobile home with a fire retardant, manufactured material, properly ventilated, within 30 days after arrival in the park.

Section 2-1.14

Every mobile home park shall have a minimum of one improved acre of maintained recreation area for each ten acres or major fraction thereof, shown on the plan for the mobile home park, for the use of persons living in the park.

Section 2-1.15

Distribution systems for electricity, gas, fuel oil and telephones to the mobile home service entrance structure of the mobile home service equipment shall be underground and be in accord with applicable state and local regulations or standards, Adequate lighting to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians shall be provided.

Section 2-1.16

The grounds of a mobile home park shall be maintained in a clean manner free of litter and refuse. Each individual will be responsible for his mobile home space. Any damaged mobile home or other structures must be repaired or removed within 30 days. Park management will be responsible for the mobile home park.

Section 2-1.17

An annual inspection shall be conducted by the Code Enforcement Officer to be certain all aspects of the mobile home local law are still in compliance. Special inspections shall be permitted when deemed necessary by the Code Enforcement Officer. The Code Enforcement Officer shall keep records of the mobile home permits and utility permits.

Section 2-1.18

Grounds, buildings and structures shall be maintained in such a manner as to control noxious insects and rodent infestations. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Code Enforcement Officer or other agency having jurisdiction.

Section 2-1.19

A mobile home park owner or representative shall be available 24 hours a day for emergencies.

Section 2-1.20

A mobile home park owner shall also be required to carry a minimum of one million dollars (\$1,000,000.) public liability insurance. A mobile home park owner shall also be required to carry surety bonds in the amount of \$20,000. per lot in case of park abandonment, naming the Town of Ashford as beneficiary of bonds. The mobile home park owner shall be responsible for clean-up monies acquired by the Town of Ashford from bonds will be used for clean-up of abandoned park after 30 days from abandonment. Mobile home park owner shall also be required to carry surety bonds with a minimum amount of twenty thousand dollars (\$20,000.) in case of any individual mobile home abandonment.

Article 3 Mobile Homes on Individual Lots

Part 1: A mobile home located on a deeded and surveyed individual lot outside the limits of an approved mobile home park shall conform to the following requirements:

Section 3-1.1 A mobile home shall be located on a lot containing not less than two acres and shall be the principal use on the lot. Where the mobile home is located on a lot or parcel of land containing any other residential uses or living quarters, the total area of the lot or parcel of land shall not be less than four acres.

Section 3-1.2 Exception to area requirements: The minimum lot size for a dwelling unit shall not apply where the lot is described in a deed which was recorded in the County Clerk's office before the enactment of Local Law #1

of the year 1990. (August 1, 1990) This section amended as Local Law #3 of the year 1991.

Section 3-1.3 The mobile home shall contain a minimum floor area of 550 square feet.

Section 3-1.4 Plans shall be provided and approved by the Cattaraugus County Health Department showing water supply, sewage disposal, drainage, and refuse disposal. These plans shall be followed and inspection of these facilities and final approval of the use by the Health Department shall be required.

Section 3-1.5 The mobile home shall be set back at least ten (10) feet from any side or rear property line and shall be set back at least fifty (50) feet distance from the nearest right-of-way line of any public street or highway.

Section 3-1.6 The mobile home shall be placed on a mobile home stand to provide adequate support for the placement and tiedown of the mobile home. The stand shall not heave, shift or settle under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Metal skirting or other approved material screening the space between the mobile home floor and ground is required to enclose the frame of the mobile home. This must be done within 30 days of the mobile home being placed on the site.

Section 3-1.7 Dependent mobile homes, semi-trailers and storage trailers shall not be located within the Town.

Section 3-1.8 Distribution systems for electricity, gas, fuel oil and telephone to a mobile home service entrance structure or to the mobile home service equipment shall be in accordance with applicable State and local regulations or standards.

Section 3-1.9 Mobile homes shall be maintained in such manner as to control noxious insects and rodent infestations. Extermination methods and other measures to control insects and rodents shall conform with the reasonable requirements of the Code Enforcement Officer or other agency having jurisdiction.

Article 4 – Recreational Vehicles

Part 1: Recreational Vehicles

Section 4-1.1 Motor homes, campers, or recreation, vacation or travel trailers owned by a resident(s) of the Town may be stored on such resident's property for an unlimited period provided that no occupancy is taken therein or business conducted therewith and provided said motor home or recreation, vacation or travel trailer is not parked or stored between the public highway and the front of the main portion of the principal improvement on the premises. Where the land on which the motor home, recreation, vacation or travel trailer is to be stored, is vacant or unimproved lands, only a unit owned by the owner of the real property may be stored thereon and shall be set back from the nearest highway right-of-way line a minimum of 100 feet.

Section 4-1.2 Permanent occupation or residence or use of a motor home, recreation, vacation or travel trailer as a residence is prohibited. Casual use outside of a residential area for vacation or recreation purposes is permitted provided such uses comply with the requirements of the Cattaraugus County Health Department.

Section 4-1.3 Use of a motor home, camper, or recreation, vacation or travel trailer as living quarters in any residential area as an accessory use to a residence, building, or vacant land for over 15 days, shall require the granting of a permit for same, which permit shall have a maximum duration of 30 days. A maximum of one extension of the permit may be granted by the Code Enforcement Officer.

Article 5 – Campgrounds

Part 1: Campgrounds

Section 5-1.1 Campgrounds shall be set up the same as mobile home parks with the exception, that lot sizes be a minimum of 20 by 40 feet.

Article 6 – Mobil Home Permits and Licenses

Part 1: Mobil Home Permits and Licenses

Section 6-1.1 General: No mobile home or mobile home park shall be erected, added to or structurally altered until a permit or license has been issued by the Code Enforcement Officer. No mobile home park can operate unless fully licensed under the provisions of this Local Law. All existing mobile homes at the time of the enactment of this Local Law have one year to comply with the health requirements of this Local Law.

Section 6-1.2 Application for a license or permit: The application for a mobile home or mobile home park license or permit shall be filed with the Code Enforcement Officer. The permit to construct or take the action requested in the application shall be issued by the Code Enforcement Officer after receipt of all the documentation required by this Local Law. The application shall be in writing, signed by the applicant and shall include the following:

Section 6-1.2-1 Name and address of applicant.

Section 6-1.2-2 Location and legal description of the mobile home park or mobile home including number of lots, size of lots, rights-of-way, utilities, topography and any other information deemed necessary by the Code Enforcement Officer to show conformity with the requirements of section 6 of this Local Law.

Section 6-1.2-3 Such further information as may be requested by the Code Enforcement Officer, Town Board or County Health Department.

Section 6-1.2-4 The Code Enforcement Officer shall keep adequate supply of Cattaraugus County Health Department regulations to be given to permit applicants.

Section 6-1.2-5 The Code Enforcement Officer shall review and inspect all mobile home parks every year.

Section 6-1.3 Public record: One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer together with such permit to the applicant. The second copy, along with a copy of each application, shall become a public record after a permit is issued or denied.

Section 6-1.4 Water supply and sewage disposal: All water supply and sewage disposal installations shall conform with the New York State

Sanitary Code and County Health Code. No lot or park plan shall be approved by the Code Enforcement Officer unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the Code Enforcement Officer before issuing a mobile home permit, including possible run-offs to said properties.

Section 6-1.5 Issuance of permits and licenses: It shall be the duty of the Code Enforcement Officer to issue a mobile home permit, temporary use permit, mobile home park permit license, campground permit and temporary occupied recreational vehicle permit, provided he is satisfied that all requirements of this local law are complied with and all other reviews and actions, if any, called for in the Local Law have been secured. All mobile home permits shall be issued in duplicate. One copy shall be kept by the Code Enforcement Officer for public record.

Section 6-1.6 Denial of permits and licenses: When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this Local Law, he shall refuse to issue a mobile home permit, mobile home park license, campground permit, or temporary occupied recreational vehicle permit and the applicant may appeal to the Town Board for reversal of the Code Enforcement Officer's decision.

Section 6-1.7 Referral to Planning Board: the Town Board may refer to the Town Planning Board for review all applications that have been denied by the Code Enforcement Officer and suggest recommendations that would bring the proposed park in compliance with the Mobile Home Local Law. The Applicant can then reapply for another review. The Code Enforcement Officer may also refer to the Town Planning Board for review all applications that comply with this Local Law. The Town Planning Board may make recommendations that would benefit the Town as a whole as well as the applicant.

Section 6-1.8 Expiration of a mobile home permit: a mobile home permit shall expire after one year if the applicant fails to implement his application as filed with the Code Enforcement Officer.

Section 6-1.9 Expiration of a mobile home park license: A mobile home park license shall expire after one year, but is subject to renewal provided all conditions of this Local Law remain satisfied.

Section 6-1.10 Revocation of permits and licenses: If it shall appear, at any time, to the Code Enforcement Officer that the application or accompanying plot is in any material respect false or misleading, or that the work is being done upon the premises differing materially from that called for in the application filed with him, he may issue a stop-work order and review the mobile home permit or the mobile home park license by notifying the owner, pending revocation, in writing.

Section 6-1.11 Temporary use permits: A temporary permit can be issued for a mobile home on site while rebuilding or building a house or business. Such permit shall be granted for one year. A one year extension may be available on approval of the Town Board. The permit and extension permit fee is to be the same as current mobile home fee. The mobile home is to be set up the same as in section 3-1.5 Of this Local Law. Under no condition may permit applicant allow storage of habitation use by other than the owner of the mobile home.

Article 7 – Certificate of Occupancy

Part 1: Certificate of Occupancy:

Section 7-1.1 General: No mobile home shall be occupied until a certificate of occupancy is issued by the Code Enforcement Officer stating that the mobile home complies with the provisions of this Local Law.

Section 7-1.2 Application for certificate of occupancy: All certificates of occupancy shall be applied for coincident with the application for a mobile home permit. Said certificate shall be issued within ten (10) days after the completion of all requirements. Upon completion of the requirements the Code Enforcement Officer should be notified.

Section 7-1.3 Record: The Code Enforcement Officer shall maintain a record of all certificates and shall be made a matter of public record.

Article 8 -- Enforcement

Part 1: Enforcement

Section 8-1.1 Complaints: Any person alleging a violation of this Local Law may file a complaint, in writing, signed by the complainant, with the Code Enforcement Officer, who shall record such complaint and properly investigate said complaint and file a copy of his findings with the Town Board.

Section 8-1.2 Procedure:

Section 8-1.2-1 In the event that the investigation by the Code Enforcement Officer shall disclose a violation of this Local Law, he shall issue a written notice thereof requiring compliance with this Local Law within thirty (30) days of the personal service of such notice upon the alleged violator.

Section 8-1.2-2 Upon failure of the alleged violator to comply with the notice of violation within thirty (30) days, the Code Enforcement Officer shall prepare and file an appropriate accusatory instrument with the Town Justice for prosecution and/or disposition as provided by law.

Section 8-1.3 Penalties: Violation of any provision of this Local Law shall constitute a misdemeanor and be punishable as provided in the Penal Law of the State of New York. In addition, conviction hereunder shall be punishable by a fine not exceeding \$250.00 for the first offense. Each week that the violation shall continue following conviction shall constitute a separate offense.

Article 9 – License and permit fees

Part 1: License and permit fees:

Section 9-1.1 All license and permit fees will be posted at the Town Municipal Building, Town Clerk’s Office, and with the Code Enforcement Officer.

Section 9-1.2 The annual license fee for each mobile home park shall be \$100.00 plus \$10.00 for each mobile home in the park during the assessment year.

Section 9-1.3 The fee for transfer of a mobile home park license shall be \$50.00.

Section 9-1.4 The permit fee for an individual mobile home on an individual lot shall be \$75.00. This shall include installation inspection.

Section 9-1.5 The temporary use permit and extension of temporary use permit fee for an individual mobile home on an individual lot shall be \$75.00.

Article 10 -- Effective date

Part 1: Effective date:

Section 10-1.1 This Local Law shall be effective upon its filing with the Secretary of State, and the date of filing be inserted as follows: August 1, 1990

A Local Law amending and restating the Trailer Ordinance of March 17, 1962.