

LOCAL LAW NO. 1, 1997

A local law for the purpose of regulating Manufactured Home Communities in the Town of Columbia.

BE IT ENACTED by the Town Board of the Town of Columbia, County of Herkimer, and State of New York as follows:

Section 1. PURPOSE. It is the purpose of this local law to promote the health, safety, and general welfare of the inhabitants of the Town of Columbia, by the more efficient regulation of Manufactured Home Communities and the occupancy of manufactured homes located in communities within the Town.

Section 2. DEFINITIONS. When used in this local law, unless otherwise expressly stated, the following terms shall have the meaning indicated.

A. **Manufactured Home.** A manufactured housing unit built on a chassis which meets any or all of the following characteristics:

(1) It is manufactured as a relocatable dwelling unit intended for year around occupancy and for installation on a site with or without a basement or permanent foundation;

(2) It is designed to be transported after manufacture on its own chassis and connected to utilities after placement on a concrete pad;

(3) It is designed to be installed as a complete single wide or double wide unit with only incidental unpacking and assembling operations;

(4) It is designed and manufactured as the type of unit which would require, after January 15, 1974 a seal as provided for in the New York State Uniform Fire Prevention and Building Code and which indicates that it complies with federal construction and safety standards.

(5) It is a motor home, truck camper, camping trailer, travel trailer, or pop-up occupied on an overnight basis for more than fourteen (14) days in any thirty (30) day period.

B. **Manufactured Home Community.** Any lot, piece or parcel of land on which are located or which is offered to the public for the location of two or more occupied manufactured homes.

Section 3. LICENSE. No person or persons being the owner or occupant of any land or premises within the Town of Columbia shall use or permit the use of such land or premises for the establishment or operation of a manufactured home community until a license for the establishment or operation of such communities has been obtained as hereinafter provided; and after the issuance

such license such community shall not be maintained or operated other than in accordance with all applicable laws and terms of this local law.

Section 4. APPLICATION FOR LICENSE. A license for the establishment and operation of a manufactured home community in the Town of Columbia shall be issued by the Town Clerk, upon authorization of the Town Board. A written application for such license executed in triplicate by the person or persons who propose to operate or maintain the said community shall be filed with the Town Clerk. If such person or persons making application are not the owners of the property upon which it is proposed to operate said community, such application shall also be signed by the owner or owners of the property. Said application shall be accompanied by a check for the amount of the fee required by resolution of the Town Board and filed with the Town Clerk, as may be modified from time to time. Each application shall contain the following information:

A. The name and address of the applicant and the names and addresses of the partners, if a partnership, the names and addresses of the principal officers, if a corporation, and the names and addresses of the members or managers, if a limited liability company.

B. The name and address of the owner(s) of the premises upon which the community is to be located.

C. The interest in said premises if the applicant is not the owner thereof.

D. A survey map or plot plan containing; (i) a detailed drawing or plan of the premises including, the number of lots, lot size and locations, recreation areas, accessory buildings, service buildings, and unit location; (ii) adjoining property owners; (iii) proposed ingress and egress routes; (iv) present and proposed sewer, water, and other utility lines; (v) any unusual or special land features, such as streams, creeks, areas subject to flooding, and areas of steep slopes in excess of 15 degrees.

E. All necessary permits from those Federal, State, or Local governmental agencies from which prior approval is required.

F. Proof of service of a notice of such application upon the owners and occupants of record of all parcels of land situated, or partially situated within a distance of one thousand (1000) feet from a boundary line of the proposed manufactured home community.

Section 5. PROCEDURE.

A. Application for a manufactured home community license shall be made to the Town Board. The Town Board shall refer the application to the Planning Board within thirty (30) days from receipt of the complete application and filing fee.

B. The Planning Board may require such changes in the manufactured home community plans as are found to be necessary to meet the requirements of this local law. The Board may make such additional requirements as are deemed reasonably necessary to protect the established uses in the vicinity and to promote and protect the orderly growth and sound development of the town. In reaching its decision on the proposed development and changes, if any, in the plans, the Planning Board shall consider, among other things, the following:

- (1) The need for the proposed land use in the proposed location.
- (2) The existing character of the neighborhood.
- (3) The location of principal and accessory buildings on the site in relation to one another.
- (4) The pedestrian circulation and open space in relation to structures.
- (5) The traffic circulation features within the site, and the amount, location, and access to automobile parking areas.
- (6) The height and bulk of buildings and their relation to other structures in the vicinity.
- (7) The proposed location, type and size of driveways and landscaping.
- (8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- (9) Storm drainage and sanitary waste disposals in and adjacent to the area.

C. The Planning Board shall approve, approve with modifications or disapprove such application and shall report its findings to the Town Board within forty-five (45) days following the date of referral by the Town Board to the Town Planning Board.

D. Within thirty (30) days of receipt of the recommendation of the Planning Board, the Town Board shall hold a public hearing on the application for a manufactured home community license. Notice of such hearing shall be published at least three (3) non-consecutive days in the official Town newspaper(s), the last day of publication to be at least five (5) days before the hearing.

E. Within forty-five (45) days from the time of the public hearing the Town Board shall act to approve, conditionally approve with modifications, or disapprove the application. Conditional approval of an application shall expire one hundred and eighty (180) days after the resolution granting such conditional approval unless the conditional requirements have been certified as

completed within that time. The Town Board may however extend the time, by ninety (90) days, within which the conditions may be met, if in its opinion such extension is warranted.

F. In the event the Planning Board disapproves an application or approves with modifications or conditions which the applicant is unwilling to make, an affirmative vote of not less than three-fourths (3/4) of the members of the Town Board shall be required to approve such application.

G. Upon approval by the Town Board of the application or in the event of conditional approval after such time that all conditions specified for the establishment of the manufactured home community have been met, the Town Clerk shall issue a manufactured home community license. Said license is for a twelve (12) month period.

Section 6. ASSIGNABILITY OF LICENSE. No license issued pursuant to the terms of this local law shall be assignable or transferable.

Section 7. RENEWAL OF LICENSE. License renewal shall be automatic provided that the design and maintenance of the manufactured home community is in accordance with the requirements at the time of the approval of the initial license, and/or the license has not been revoked as hereinafter provided.

Section 8. REVOCATION OF LICENSE. A manufactured home community license may be revoked for violation of this local law and/or any applicable federal, state or local laws, rules or regulations, as hereinafter provided.

Section 9. PROCEDURE FOR REVOCATION OF LICENSE.

A. A notice of violation shall be served upon the licensee by certified mail to the address of the licensee shown on the application or by personal delivery to the licensee.

B. The notice of violation shall contain the following:

(i) A description of the nature and location of the violation(s).

(ii) The date by which such violations must be remedied, which shall be not less than thirty (30) days nor more than sixty (60) days from the date of service of the notice.

(iii) A date, time and place for a hearing before the Town Board concerning such violation(s), which hearing shall be scheduled not less than five (5) days nor more than twenty (20) days from the date of service of the notice.

(iv) A statement that in the event of neglect or refusal to remedy the violation(s) that the manufactured home community license may be revoked.

Section 10. NOTICE OF REVOCATION. Notice of Revocation shall be served upon the licensee by certified mail to the address of the licensee shown on the application or by personal delivery to the licensee, and the premises shall forthwith cease to be used as a manufactured home community and all occupants shall be removed therefrom within thirty (30) days from the date of service.

Section 11. COMMUNITY LOCATION. The site of a proposed manufactured home community shall:

A. be located where orderly development of a manufactured home community can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the community, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.

B. have an area of sufficient size to allow development of the manufactured home community without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.

C. be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.

Section 12. LOTS AND SITES. Each manufactured home community shall be divided (exclusive of internal roads, open space or common areas) and marked off into manufactured home sites numbered consecutively. All sites shall have a total area of not less than five thousand (5,000) square feet with a minimum dimension of forty (40) feet.

Section 13. SET BACKS AND SPACING. All manufactured homes, including extensions, patios, porches or garages and all other structures in a manufactured home community shall satisfy the following set back requirements. A detached structure located on the same site with an individual manufactured home shall be part of the manufactured home for the purpose of spacing requirements.

(a) Be a minimum of thirty (30) feet from the center line and twenty-five (25) feet from the nearest edge of any roadway within the manufactured home community.

(b) Be a minimum of ten (10) feet from all site lines.

(c) Be a minimum of thirty (30) feet from an adjacent manufactured home in any direction.

- (d) Be a minimum of fifty (50) feet from the property line of an adjoining landowner.
- (e) Be a minimum of one hundred (100) feet from the right of way line of any public street or highway.
- (f) No manufactured home site, roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within thirty (30) feet of a boundary line of an adjoining landowner.

Section 14. WATER AND SEWER SERVICE. It shall be the responsibility of the licensee to ensure adequate water and sewage disposal systems are in place for each and every site within the manufactured home community and that each such system is properly maintained. All installations shall be in accordance with Section 17.6 of the New York Public Health Law, Appendix 75-A of Part 75 of Administrative Rules and Regulations, New York state Building Construction Codes and any other federal, state, county, or local law, rule or regulation, as amended from time to time.

Section 15. SERVICE BUILDINGS. Service buildings must comply with the requirements of the New York State Uniform Fire Prevention and Building Code.

Section 16. FUEL OIL. All fuel oil supply systems, provided for manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction thereof. Additionally, all fuel oil tanks shall be placed at the rear of the manufactured home, service building or other structure and not less than five (5) feet from an exit. Supports or standards for fuel storage tanks shall be of a noncombustible material.

Section 17. LIQUEFIED GAS. All liquefied petroleum gas supply systems, provide for manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the New York State Uniform Fire Prevention and Building Code and all rules and regulations of any authority having jurisdiction thereof. Additionally storage tanks shall be no less than one hundred (100) pounds and must be located at the rear of the manufactured home, service building or other structure

Section 18. SCREENING. The manufactured home community shall be screened and bounded on all sides by shrubbery or other vegetation with a mature height of at least eight (8) feet.

Section 19. CONDITIONS. The licensee shall operate the manufactured home community in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the community, its common grounds, roads, facilities and equipment in good repair and in a neat and sanitary condition.

Section 20. GARBAGE RECEPTACLES AND SANITATION. All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times. It shall be the responsibility of the licensee to ensure that garbage and rubbish shall be collected and properly disposed of outside of the community. All areas of the community shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard. Occupants shall be responsible for the maintenance of personal manufactured homes and any appurtenances thereto, and shall keep all personal yard space in a neat and sanitary condition.

Section 21. RECORDS. The licensee shall ensure that:

- A. Each manufactured home within the community bears a readily identifiable number.
- B. An office is maintained on the premises in which a record of the names of each household head, and the corresponding manufactured home number is maintained.
- C. The Town Clerk is notified in writing within fifteen (15) days of when a manufactured home is moved from or to a site in the community.

Section 22. GENERAL REQUIREMENTS. Manufactured Home Communities shall be designed and maintained so that:

- A. Access roads shall meet public road as nearly as possible to right angles and compatible grades;
- B. An entrance shall be located either directly opposite or more than two hundred feet from the nearest intersection of public roads, and at least one hundred fifty (150) feet from any other entrance to the community;
- C. An entrance shall be of sufficient width to allow reasonable turning movements of vehicles with manufactured homes attached and of service, delivery, or emergency vehicles;
- D. All entrances shall be located so as to permit safe line of sight distances to and from their points of intersection with the public road;
- E. Common entrance and access roads shall be required to serve any manufactured home community having three (3) or more manufactured homes;
- F. At least two (2) independent common entrance and access roads shall be required for any manufactured home community having twenty (20) or more sites;
- G. Access roads connecting manufactured home community interior roads with public roads shall meet the Town road standards.

Section 23. INTERNAL ROADS. All roads lying within the boundaries of a manufactured home community shall be privately owned, maintained, and named. Each shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached and must meet the following criteria.

- A. All manufactured home sites shall face on and be serviced by an internal road.
- B. All roads shall be provided with a durable surface of either blacktop, gravel, or concrete and shall be designed, graded and leveled so as to permit the safe passage of emergency and other vehicles at a speed of (15) miles per hour.
- C. Manufactured home clustering, landscaping and an open space system should be utilized in an effort to avoid uniform gridiron road patterns.
- D. Cul-de-sacs shall be provided in lieu of closed end roads, with a turnaround having a diameter of at least ninety (90) feet.
- E. All roads shall have a minimum width of sixteen (16) feet of durable surface centered within a minimum thirty (30) foot right of way.

Section 24. OFFENSE. Any person who shall violate any of the provisions of this local law shall be guilty of an offense and subject to a fine of not more than two hundred fifty (\$250.00). Each day that such violation continues shall constitute a separate offense.

Section 25. SEVERABILITY. If any clause, paragraph, section, or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or article thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 26. This local law shall take effect immediately upon adoption.