

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of HOWARD

Local Law No. 1 of the year 2013

A local law entitled "Manufactured Home Parks in the Town of Howard".
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of HOWARD as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 1 OF THE YEAR 2013

A Local Law, entitled “Manufactured Home Parks in the Town of Howard” .

Be it enacted by the Town Board of the Town of Howard as follows:

Section 1. Title

This Local Law shall be known and cited as the Town of Howard Manufactured Home Park Local Law.

Section 2. Intent and Purpose

It is the intent and purpose of this Local Law to promote the health, safety, comfort, convenience and general welfare of the community and to protect and preserve the property of the Town of Howard and its inhabitants by regulating manufactured home parks in the Town of Howard.

Section 3. Definitions

CARPORT

An awning or shade structure for a vehicle or vehicles, which may be freestanding or partially supported by a manufactured home.

HEALTH AUTHORITY

A legally designated health authority or its authorized representative of the Town of Howard.

LICENSEE

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

MANUFACTURED HOME

A structure transportable in one or more sections that, in the traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required

utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include Department of Motor Vehicle registered “recreational vehicles”, “travel trailers”, or “modular homes”.

MANUFACTURED HOME PARK

A contiguous parcel of land, which is planned and improved specifically for such a purpose, on which three (3) or more manufactured homes (with or without the wheels and axles in place), are located. Such a park consists of manufactured homes, each located on a site leased or rented to its occupants who either own, rent, or lease the living unit as a permanent residence.

MANUFACTURED HOME SPACE (LOT)

The site in a manufactured home park that is rented to an individual for the exclusive right of occupancy which can accommodate one manufactured home, off-street parking, private outdoor space and patios, storage buildings, and other accessory structures.

PARK

A manufactured home park.

PERMIT

A written document issued by the enforcing agency permitting the construction, alteration or expansion of a manufactured home park.

PERSON

Any natural individual, firm, trust, partnership, association or corporation.

STORAGE BUILDINGS

Any building or structure being 12’ by 12’ or less, not requiring a building permit.

Section 4. Park Permits and Licenses

It shall be unlawful for any person to operate and maintain a manufactured home park within the limits of the Town of Howard unless such person holds a valid license issued annually by the Town of Howard in compliance with the provisions of Section 4 of this local law.

It shall be unlawful for any person to construct, alter or extend any manufactured home park within the Town of Howard unless said person holds a valid building permit issued by said Town for the specific construction, alteration or extension proposed.

Licenses issued as provided herein shall be transferable only upon written application to and approved by the Town of Howard.

Section 5. Applications for licenses and permits

- A. Application for a construction permit or initial annual license shall be filed with the Town Clerk, accompanied by payment of such fees as may be required herein.
- B. Applications for an initial license shall be filed within 90 days of the effective date of this local law.
- C. Applications for permits or initial licenses shall be signed by the applicant and shall include the following:
 - (1) The name and address of the applicant.
 - (2) The location and a legal description survey of the property on which the park is or will be located.
 - (3) Plans and specifications of the park, including but not limited to the following:
 - (a) The area and dimensions of the tract of land on which the park is or will be located.
 - (b) The location of all manufactured home lots and stands.
 - (c) The location and width of roadways, including rights-of-way.
 - (d) The location of all utility lines in their respective detail.
 - (e) The plans and specifications for the water supply and sewage disposal facilities.
 - (f) Plans and specifications for any community service buildings.
 - (g) Certification that the plans for water and sewer facilities have been approved by the New York State Department of Health.

- (h) The appropriate Environmental Assessment Form (EAF) shall be required.
 - (i) Such further information as may be requested by the Town Board or designated official to enable determination of the park's compliance with this chapter.
- D. The application and all accompanying plans and specifications (including survey) shall be filed in triplicate. The Town Board, Planning Board or designated official shall inspect the application, plans and specifications.
- E. No permits shall be issued except in compliance with this chapter and all other applicable laws and regulations.

Section 6. Land Development Standards for New Parks

A. Location of Park

- (1) As the Town of Howard does not have a zoning law, a manufactured home park may be located on any approved site. In addition to the requirements of this manufactured housing park law, all requirements of the New York State Department of Environmental Conservation, the New York State Uniform Fire Prevention and Building Code as administered through the Town's Code Enforcement Officer, the Town's Land Use Law and Subdivision Law, and any other Town, County, State and Federal laws applicable.

B. Access to public streets

- (1) All driveways, exits or entrances shall comply with regulations of the New York State Department of Transportation or the Steuben County Department of Public Works or the Town of Howard, whichever applies. The applicant shall obtain a permit that is required in order to establish an entrance to a State, County or Town of Howard road.
- (2) All manufactured home parks shall have access from two (2) points to public rights-of-way, or if bordering on two (2) roads, access can be one (1) for each road, such access points being separated by at least one hundred (100) feet.
- (3) The entrance streets connecting the manufactured home park streets with a public road shall have a minimum roadway width of twenty-four (24) feet, or a total of thirty-six (36) feet including right-of-way.

C. Lot Size and Density

- (1) All manufactured homes must be located a minimum of 150 feet from the edge of the right of way of any public road and shall not be closer than a minimum of 50 feet to any property line or 100 feet from a building, excluding storage buildings, on an adjacent property or 150 feet from a residence on an adjacent property.
- (2) The manufactured home units shall be separated from other units by at least thirty (30) feet. All manufactured homes and other structures, excluding storage buildings, must be at least fifteen (15) feet from all lot lines and the edge of all private streets. Storage buildings must be at least five (5) feet from any lot line.

D. Recreation Area

- (1) Recreation areas may include space for a community building and community use facilities, such as indoor recreation areas, swimming pools and hobby and service buildings. Requirements shall be based on the size and complexity of the manufactured housing park.

E. Landscaping and Screening

- (1) Landscaping and screening will be required to the extent needed to provide for screening of objectionable views, adequate shading and suitable setting for manufactured homes and other facilities.
- (2) Visual screening, where required, will be a solid fence six feet high, maintained in good condition and free of all advertising. Planted screens in lieu of such fence shall consist of evergreens not less than six feet in height.
- (3) Screening may be required where appropriate for objectionable views such as laundry drying yards, refuse collections stations, accessory uses and adjacent properties.
- (4) Landscaping will be required in appropriate size, quantity and character to provide an attractive setting for the manufactured home and accessory facilities, to provide privacy, to minimize glare and to afford shade.
- (5) Existing natural vegetation shall be protected to the extent possible where such is suitable for preservation.

F. Parking Spaces

The following minimum parking requirements shall be met in any new park:

- (1) Off-street automobile parking spaces shall be provided at the rate of not less than two car spaces for each manufactured home lot, plus one additional space of each two manufactured home lots.
- (2) Two spaces shall be located on each manufactured home lot and the remainder in conveniently adjacent parking bays. The two required on-lot spaces may be provided in a garage.
- (3) Parking spaces shall be well-drained and uniformly graded. Base material will be composed of gravel or crushed stone compacted to maximum density. A smooth, well-drained surface, durable under normal use and weather conditions, shall be provided.
- (4) The minimum size of parking spaces shall be nine (9) feet by twenty (20) feet.
- (5) Additional space must be provided for parking of recreational and other vehicles. This parking will be separate from the homes.

G. Internal Streets

New or proposed roads or streets shall be suitably located, of sufficient width, and adequately constructed to accommodate expected normal traffic and to allow access for snow removal, road maintenance, and emergency equipment.

- (1) The width of all rights-of-way must be a minimum of thirty-six (36) feet, twenty-four (24) of which must be roadway.
- (2) All streets shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Street surfaces shall be maintained free of cracks and holes, and their edges shall be protected by suitable means to prevent raveling and shifting of the base.
- (3) Street surface drainage and overland surface drainage adjacent to streets shall be conveyed by shallow ditches to storm water drains, dry wells or natural drainage systems.
- (4) Grades of all streets shall not be more than 8%. Short runs with a maximum of 12% may be permitted, provided that traffic safety is assured.

- (5) Street intersections should generally be at right angles. Offsets at intersections and intersection of more than two streets at one point shall be avoided.
- (6) Street lighting shall be designed to produce adequate lighting at street and potentially hazardous locations.
- (7) The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to two hundred (200) feet and shall be provided with adequate turnarounds to be approved by the Planning Board.

H. Utilities

Water supply, sewage disposal, fuel supply and/or storage and electrical service, including equipment, fittings, materials and installations serving manufactured homes and appurtenant service buildings and structures, shall be approved systems and equipment designed, constructed, maintained and operated in accordance with applicable state and local standards and regulations.

I. Refuse Disposal

Each manufactured home shall have adequate metal or plastic garbage cans with tight-fitting covers or sufficient alternate means for waste disposal. Receptacles shall be kept in a sanitary condition at all times.

J. Skirting

Each manufactured home shall be skirted around the bottom portion with uniform durable material properly ventilated within 60 days of placement of the unit or before a Certificate of Occupancy is issued.

K. Service Buildings

All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

L. Fire Prevention and Control

Fire Protection in the manufactured home park shall satisfy all applicable safety regulations of the Fire District in which the manufactured park is located and all provisions of the New York State Uniform Building and Fire Code and its revisions.

Section 7. Responsibilities and Duties of Owners and Managers

- A. All park owners shall keep a register of the year, make, serial number, and size of all manufactured homes in the park, said register to be maintained in the office of the park owner. The names and addresses of the manufactured home owners shall also be on file.
- B. The person or persons to whom a license has been issued shall provide adequate supervision to maintain the park, its facilities and equipment and roadways in good repair and in safe and sanitary condition at all times.

Section 8. Revocation of License

The Town Board or designated official may revoke any license to maintain and operate a park, when the licensee has been found guilty by a court of competent jurisdiction of violation of any provision of this law. A penalty of Twenty-five Dollars (\$25.00) per day will be assessed until such license is reissued. The Code Enforcement Officer will issue a new operation certificate when the circumstances leading to the conviction have been remedied, the penalty is paid, and the park is being maintained and operated in full compliance with the law.

Section 9. Posting of License

The license certificate shall be conspicuously posted in the office of or on the premises of the manufactured home park at all times.

Section 10. Application License Fee and Annual License Fee

The application license fee and annual license fee for each manufactured home park shall be as set by the Town Board in a current schedule of fees, upon the recommendation of the Planning Board . The annual license fee shall be payable on or before January 31st of each year.

Section 11. Inspection

The Town Board or designated official is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this law. Said official shall be authorized to enter at a reasonable time upon any private property, except the manufactured home, for the purpose of inspecting and investigating conditions relating to the enforcement of this law.

Section 12. Severability

If any provision of this manufactured home park law or the application thereof to any person, property or circumstances is held to be invalid, the remainder of this law and the application of each provision to other persons, property or circumstances shall not be affected thereby.

Section 13. Conflict with Other Laws

This manufactured home park law shall not repeal, abrogate, annul or in any way impair or interfere with any provision of law or rules or regulations previously adopted or issued and still in effect relating to the use of structures or premises, provided that where this law imposes a greater restriction upon the use of structures or premises or requires larger lots or yards than are imposed or required by such existing laws, rules or regulations, the provisions of this manufactured home park law shall control.

Section 14. Repeal and Supersession

Local Law #1 for the year 1992 of the Town of Howard is hereby repealed and superseded by this local law.

Section 15. Effective Date

This manufactured home park law shall take effect upon the filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2013 of the ~~(County)(City)~~(Town)(Village) of HOWARD was duly passed by the TOWN BOARD on September 11, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Loreen A. Kar

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/30/13

(Seal)