

TOWN OF HUNTER
Local Law No. ___ of 2016

THE TOWN OF HUNTER MOBILE HOME PARK AND TRAILER CAMP LAW

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[Note: For informational purposes only, changes from Local Law No. 3 of 2016 are marked as follows: additions or modifications are underlined; deletions are shown by strikethrough. Such markings will not appear in the final law.]

A LOCAL LAW repealing and replacing Local Law No. 3 of 2016 of the Town of Hunter regulating mobile homes, mobile home parks, trailer camps and travel and other trailers.

BE IT ENACTED by the Town Board of the Town of Hunter, Greene County, as follows:

1. Title

This Local Law shall be known as the Mobile Home Park and Trailer Camp Law of the Town of Hunter.

2. Purpose

The purpose of this Local Law is to promote the general welfare of the community, including the protection and preservation of the property of the Town of Hunter and of its inhabitants by establishing specific requirements and regulations governing the occupancy and

maintenance of mobile homes, mobile home parks, travel trailers, trailer camps and construction trailers.

In addition, it is recognized that the Town of Hunter is a mountainous community located within the Catskill Park and the Catskill Watershed that is rich in history, scenic resources, and recreational opportunities. The town has established the importance of preserving these resources in their Comprehensive Plan, the Mountain Cloves Scenic Byway Corridor Management Plan, and the Mountaintop Community Resource Strategy. In addition, the town has been designated both a Preserve America Community and a Climate Smart Community. The intent of this law is to promote the health, safety, and general welfare of residents, balance land development with environmental protection, and further the goals and objectives of the aforementioned plans.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the town's economy and the general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town in cooperation the review of site plans. Toward this end, these regulations establish standards to help ensure that the development of mobile homes, mobile home parks, trailer camps and travel and other trailers is in harmony with the community character.

3. Definitions

For the purposes of this Local Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

Mobile Home - A mobile home is any vehicle which is designed to be transported on its own wheels or those of another vehicle; which is used, designed to be used or capable of being used as a detached single family residence; and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.

Mobile Home Lot - A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

Mobile Home Park - A mobile home park is any parcel of land which is planned and improved for the placement of two or more mobile homes which are used as dwellings.

Mobile Home Stand - A mobile home stand is a durable surface located on a mobile home lot which is to be used for the placement and capable of supporting a mobile home.

Modular Home - A modular home is a dwelling unit conforming to the provisions of the Residential or Building Code of New York State and bears an Insignia of Approval by the Secretary of State. Modular homes are not part of the Manufactured Home Certification Program.

Travel Trailer - A travel trailer is any portable vehicle which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home. Also may be referred to as RV.

Trailer Camp - A trailer camp is any parcel of land which is planned and improved for the placement of two or more travel trailers which are used as temporary living quarters.

4. Licenses Required for Mobile Home Parks and Trailer Camps

Any person, partnership, association or corporation, being the owner or occupant of any land within the Town of Hunter shall not use or allow the use of such land for a mobile home park or trailer camp unless a license has been obtained as herein provided.

5. Issuance of License

- A. The Town Clerk of the Town of Hunter shall issue a license to operate a mobile home park or trailer camp, once the requirements as herein provided are met. Such license shall be issued for a two-year period expiring on July 31st of the second year. The fee for such license shall be prorated. No license shall be transferred or assigned. A new license shall be required upon transfer of ownership of the mobile home park or trailer camp.
- B. This license will not be issued until the Town Clerk has received the following:
 - 1. a resolution from the Town Board approving issuance of a license;
 - 2. a site plan approval from the Planning Board; and
 - 3. a certification from the Code Enforcement Officer that the proposed mobile home park or trailer camp meets the minimum requirements as established by the rules and regulations of the New York State Department of Health, the New York State Uniform Fire Prevention and Building Code, and the Town of Hunter.

6. License Application Contents

- A. All applications for a new mobile home park license shall include but not be limited to:
 - 1. The name and address of the applicant; or the name and address of each partner or principal if the applicant is a partnership or joint venture; or the name and address of each officer and director if the applicant is an association or corporation. When the applicant is not the owner of the premises, the application shall also be accompanied by a notarized authorization by the owner consenting to the premises being used for the purposes of a mobile home park by the applicant.

2. The location and description and tax map identification number of the land that is proposed to be used as a mobile home park.
3. The number of lots to be provided in such park.
4. The proposed rules governing the operation of the park.

7. Application Procedure

- A. Each application for a mobile home park or trailer camp shall be completed on forms provided by the town, filed in triplicate with the Town Clerk, and accompanied by the required fee. Upon receipt, the Town Clerk shall determine if the application form is complete. Once the application is determined to be complete, the Town Clerk shall confirm completeness by signing and dating the form and notifying the applicant by certified mail, postmarked within five business days of the application being received. If the clerk determines the application form is not complete, the clerk shall notify the applicant by certified mail, postmarked within five business days of receipt.
- B. Any applicant for a mobile home park or trailer camp must submit an application for site plan review in accordance with the Town of Hunter Site Plan Review Law, once the Town Clerk has determined that the license application is complete. In addition to and accompanying the submission requirements of the site plan review law, the applicant shall submit a copy of the complete license application, certified by the Town Clerk, to the Planning Board.
- C. The certification of the Code Enforcement Officer (5. B. 3. of this local law) must be issued in order for the Planning Board to grant site plan approval for a mobile home park or trailer camp.
- D. Once the Planning Board has issued a decision on the site plan review application, as provided for in the Town of Hunter Site Plan Review Law, the Town Board shall hold a public hearing on the license application and pass a resolution within 31 days of the Planning Board's decision, either approving, approving with conditions, or disapproving a license for a mobile home park or trailer camp; however, the Town Board shall not approve, or approve with conditions, the license if the Planning Board has disapproved the site plan review application for the mobile home park or trailer camp.
- E. The Town Board's decision on the application shall be filed in the office of the Town Clerk within five days of the decision. Within five days of the filing of the decision, the Town Clerk shall notify the applicant(s) of the decision by certified mail; and, if the Town Board's decision is approval or approval with condition, the Town Clerk shall issue the license in accordance with 5. A. of this article.

8. Standards in Granting or Denying Licenses

- A. In granting or denying any application for a mobile home park license, the Town Board shall, in addition to determining compliance of said application or renewal with the standards imposed in this local law, consider, along with any other issue it may deem relevant, the following matters as may be relevant to the application being considered:
1. Whether the proposed mobile home park operation will be a nuisance in law or in fact; and whether it will be noxious, offensive or injurious by reason of production or emission of dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions or will contaminate waters.
 2. The effect of the proposed mobile home park operation on the orderly development and character of the neighborhood of the proposed operation and upon the development and conduct of other lawful uses in the vicinity.
 3. Whether the proposed mobile home park operation will create hazards or dangers to persons or property in the vicinity.
 4. Whether the proposed mobile home park operation would be within the general welfare and public interest of the residents of the surrounding area and of the Town of Hunter in general.
 5. What conditions, restrictions and safeguards may be necessary, if it is determined that the application should be granted, to protect property values in the vicinity of the proposed mobile home park area and for the protection of the health, safety, morals, peace and general welfare of the community and of the public.

9. License and Operation Requirements

- A. Manufactured Homes, including “mobile homes” but not “modular homes” (built prior to June 15, 1976) must be designed and constructed to the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3280. Manufactured Homes constructed after June 15, 1976 must bear a seal signifying conformance to the design and construction requirements of the HUD standards. A manufactured home is not a modular home, also known as a factory manufactured home.
- B. The installation of Mobile Homes and Manufactured Homes must be done in accordance with all applicable Federal and New York State laws and regulations. NYS requires all installers to be trained, certified and licensed by the state and also requires that a manufacturer and installer obtain, from the Department of State, a warranty seal that must be attach to every home and provides minimum warranties to the homeowner.
- C. Park Operator and Owner Responsibilities:
1. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to

maintain the park and its common grounds, landscaping, streets, facilities and equipment in good repair and in a clean and sanitary condition.

2. The park operator shall notify park occupants of all applicable provisions of this local law and inform them of their responsibilities and any regulations issued thereunder.
Proof of such notification shall be kept on file in the form of a copy of these provisions signed by the mobile home owner.
3. The park operator shall be responsible for the obtaining of a building permit prior to any new placement of a mobile home on its stand.
4. The park operator shall maintain a register containing the names of all occupants and the make, year, seal and serial number, if any, of such mobile home. Such register shall be available to any official of the town inspecting the park.
5. The park operator shall provide for the collection and removal of garbage and any other waste material and to furnish suitable wildlife-secured garbage receptacles in quantity adequate to permit the disposal of garbage and rubbish. The receptacles shall be kept in a sanitary condition at all times, and the garbage and rubbish shall be collected and disposed of at least twice a week or as frequently as may be necessary to ensure that the receptacles do not overflow.
6. Prevent any addition from being built, erected or maintained in connection with any mobile home, other than the usual awning or similar weather-protective structure.
7. Provide and keep in good order at all times fire extinguishing equipment of such type, size and number and so located within the park as to satisfy applicable regulations of the appropriate Fire Department. No fires shall be left unattended at any time.
8. The park owner shall notify the town a minimum of 60 days prior to any transfer of park ownership for purposes of inspection and shall allow access for the same.
9. The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.
10. Recording. The owner or operator of each mobile home park shall keep a written record of all persons occupying or using the facilities of such park. This record shall be available for a period of at least one year from date of occupancy. This record shall include:
 - a. The name and address of the occupant of each mobile home.
 - b. The name and address of the owner of each mobile home which is not occupied by such owner.

D. Park Occupant Responsibilities:

1. The park occupant shall be responsible for the maintenance of his/her mobile home and any appurtenances thereto and shall keep all yard space on his/her site in a clean and sanitary condition.
2. It shall be the responsibility of each mobile home occupant to keep his/her site free of litter, rubbish, unused vehicles and equipment or parts thereof.

10. Supplemental License

- A. Any person holding a license for a mobile home park or trailer camp or desiring to add additional lots to such park or camp, shall file an application for a supplemental license.
- B. The application for a supplemental license shall be filed and handled according to the procedure established in this local law and shall be subject to the requirements 5. A and B above.

11. License Renewal

- A. An application for the renewal of any mobile home park or trailer camp license, which was issued in accordance with the provisions of this local law, must be filed with the Town Clerk, with the required fee, on or before May 1st or 90 days prior to the expiration of the current license, accompanied by the required fee.
- B. A renewal application shall not be subject to site plan review approval from the planning board unless changes are proposed.
- C. A license renewal cannot be issued until the Code Enforcement Officer has certified in writing that there are no violations of this local law or the NYS Uniform Fire Prevention and Building Code.
- D. A license renewal requires a resolution of the Town Board.
- E. A license renewal requires a public hearing.
- F. Upon the certification of the Code Enforcement Officer and resolution of the Town Board, the Town Clerk shall issue a renewal license to be effective upon the expiration of the previous license and continue in force for a period of two years.
- G. Such renewal license shall not be transferable or assignable.

12. Mobile Homes Located Outside of Mobile Home Parks

- A. No occupied mobile home shall be parked or allowed to remain upon any street, highway or other public place, except that emergency stopping or parking, when caused by mechanical failure, shall be permitted upon the shoulder of any street or

highway for a period of not more than seventy-two hours, subject, however, to any prohibition or limitation imposed by other regulations or laws.

- B. Any mobile home parked or placed outside a duly licensed mobile home park used for dwelling purposes shall have an adequate supply of pure water for drinking and domestic purposes, and a sewage disposal system. Both systems shall satisfy the requirements of the New York State Department of Health and any other applicable agencies or regulations. All other federal and state laws, regulations, and codes regulating mobile homes and their installation shall also apply.

13. Existing Mobile Homes, Mobile Home Parks and Trailer Camps

The provisions of this local law do not apply to individual mobile homes, mobile home parks and trailer camps which were established before the enactment of the local law.

14. Enforcement

The Code Enforcement Officer of the Town of Hunter shall enforce the provisions of this local law. Such Building Inspector shall have the right to enter and inspect any mobile home park, trailer camp, or other premises used for the parking or placement of a mobile home by appointment, between the hours of 9:00 a.m. and 5:00 p.m., except on Sundays and legal holidays.

15. Revocation of Mobile Home Park and Trailer Camp Licenses

- A. If the Code Enforcement Officer finds and reports to the Town Board that a mobile home park or a trailer camp, for which a permit has been issued, is not being maintained in a clean and sanitary condition, or is not being operated in accordance with the provisions of this local law, the Town Board may, by resolution, authorize the service upon the holder of the permit of a written notice which will require the holder of the permit to correct the conditions specified in such notice within ten days after the service of such notice or to show cause at a hearing to be conducted on the date and time specified therein by the Town Board why such permit should not be revoked for failure to correct such condition or conditions. Service of such notice shall be by any means authorized under the civil practice of the State of New York for service of a summons on a defendant in a legal action and shall clearly state that as a result of such hearing, the Town may revoke the permit of the holder and that at such hearing, the holder may be represented by counsel.
- B. If the holder of such permit shall refuse or fail to correct the condition or conditions specified in such notice within ten days after the service of such notice, the Town Board will conduct such hearing and hear evidence by the Code Enforcement Officer and the holder of the permit and other witnesses having knowledge of the facts. Following such hearing the Town Board may, by an order based on such hearing, revoke or suspend the holder's permit.
- C. However, if the owner or operator of such mobile home park or trailer camp shall

thereafter correct such conditions and bring the mobile home park or trailer camp into compliance with this local law, such owner may then apply for the issuance of a new license for such park or camp.

16. Penalties

- A. Any person who shall violate any of the provisions of this law shall be guilty of a violation and subject to the following:
 - 1. A fine not to exceed \$350.00 or imprisonment for a period not to exceed 15 days, or both; or
 - 2. A penalty of \$350.00 to be recovered by the Town in a civil action.
- B. Every week such condition shall continue shall constitute a separate offence.
- C. In addition to the above provide penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this law.
- D. The person responsible for the violation shall be responsible for the Town's reasonable attorney fees and court costs.

17. Exceptions and Variances

- A. None of the provisions of this local law shall be applicable to the following:
 - 1. The business of mobile home or travel trailer sales, except that where units are used as living quarters, they shall conform with the provisions of this local law.
 - 2. Unregistered travel trailers or recreational vehicles intended for seasonal use on public highways.
 - 3. A mobile home or travel trailer located on the site of a construction project, survey project or other similar work project and which is used solely as a field office or work or tool house in connection with such project, provided that such mobile home or travel trailer is removed from such site within thirty days after the completion of such project.
 - 4. Any person who is subject to undue hardship because of the provisions of this local law can petition the Town Board in writing setting forth in detail the nature of the hardship and requesting that part or all the provisions of this local law be deemed inapplicable to their particular circumstances. The Town Board can vote to grant such a variance for the particular property involved. No such variance shall be given except in undue hardship cases and only after a public hearing has been duly noticed and held. No such variance shall apply to any of the requirements of the NYS Uniform

Fire Prevention and Building Code or any other state or federal law or regulation pertaining to mobile homes.

18. Severability

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

19. Repealer

The following local law and all amendments thereto is hereby repealed: Local Law # 3 of 2016, “Mobile Home, Mobile Home Park, Trailer Camps, Travel and Other Trailers Law.”

20. Effective Date

This local law shall take effect upon its filing in the Office of the Secretary of State.