

Chapter 100

MOBILE HOMES AND MOBILE HOME PARKS

[HISTORY: Adopted by the Town Board of the Town of Liberty 7-9-1987 by L.L. No. 3-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 147.

§ 100-1. Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of the community, including the protection and preservation of the Town of Liberty and of its inhabitants, by establishing specific requirements and regulations governing the occupancy and maintenance of mobile homes and mobile home parks.

§ 100-2. Definitions.

For the purpose of this chapter, the following words, terms and phrases shall have the meanings ascribed to them in this section:

MOBILE HOME LOT — 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 — Any parcel of land which is planned and improved for the placement of three or more homes which are used as dwellings.

MOBILE HOME STAND — A durable surface located on a mobile home lot which is capable of supporting and which is used for placement of a mobile home.

§ 100-3. License requirements; fees.

- A. No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Liberty, shall use or allow the use of such land for a mobile home park unless a license has been obtained as herein provided.
- B. Issuance of license.
 - (1) The Town Building Inspector of the Town of Liberty shall issue a license after approval of the application by the Town Planning Board pursuant to special use/site plan review criteria.¹ Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer.
 - (2) No license shall be issued until the Code Enforcement Officer has received:

1. Editor's Note: See Ch. 147, Zoning.

- (a) A written application from the applicant.
 - (b) The required fee as herein provided.
 - (c) Approval of the application, plans and specifications by the New York State Department of Health or its successors.
- (3) The license shall be transferred to a new owner of a mobile home park, provided that all of the requirements of this chapter are met
- C. Supplemental license.
- (1) Any person holding a license for a mobile home park who desires to add additional lots to such park shall file an application for a supplemental license.
 - (2) The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new mobile home parks.
 - (3) When approved, the Code Enforcement Officer shall issue a supplemental license, which will be effective from the date of issuance and continue until surrendered by the licensee or revoked by the Code Enforcement Officer.
- D. The applicant shall pay the Town such fee(s) as is established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.²

§ 100-4. Park license application procedure.

- A. Each application for a mobile home park license shall be in writing and signed by the applicant.
- B. The application and plans and related information shall be filed with the Code Enforcement Officer in quadruplicate.
- C. The Code Enforcement Officer promptly shall transmit copies of the application and plans to the Town Planning Board, which shall process the application pursuant to the special use/site plan review requirements of the Town of Liberty Zoning Law.³
- D. The Code Enforcement Officer, within 30 days of the filing of the Planning Board action, shall issue the license, provided that all other requirements of this chapter are met.
- E. If the application is disapproved, the applicant shall have the right to appeal to the Zoning Board of Appeals. Any disapprovals shall be in writing and include the reasons therefor. The Code Enforcement Officer shall not issue a license in any instance where the Board has not approved the site plan.

§ 100-5. Park license application data.

2. Editor's Note: A fee schedule is located in Chapter A152, Fees.

3. Editor's Note: See Ch. 147, Zoning.

- A. Each application shall be accompanied by four complete sets of plans which have been prepared by a licensed land surveyor, engineer or other qualified person.
- B. Each application shall contain the following information:
 - (1) The name and address of the applicant or the name and address of each partner if the applicant is a partnership or the name and address of each officer and director if the applicant is an association or corporation.
 - (2) The description of the land that is proposed to be used as a mobile home park, together with a map showing its location in the Town.
 - (3) The number of lots to be provided in such mobile home park.
 - (4) The names and addresses of the owners of the property on which the mobile home park is to be located and a written statement signed by the owners consenting that the premises be used for a mobile home park.
- C. Four copies of a location map shall be presented with the application which show all land within 300 feet of the park, the location and size of each lot, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities within the park.
- D. Proposed development. The application shall be accompanied by four copies of a location map showing the following:
 - (1) The location and widths of all entrances, exits and streets.
 - (2) The location, size and arrangement of each lot within the park.
 - (3) The method and plan for electric lighting.
 - (4) The location and plan of all proposed structures and improvements.
 - (5) Plans for landscaping.
 - (6) Stormwater drainage.
 - (7) Utilities.
 - (8) Off-street parking facilities.
 - (9) Fencing and screening.
 - (10) Signs and other structures.
 - (11) The names of owners of adjoining properties.
 - (12) Recreational facilities.
 - (13) The location and type of trash receptacles.

§ 100-6. Park requirements.

- A. Site.

- (1) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
 - (2) The park shall be at least five acres in size and have at least 50 feet of frontage on a public road. Additional parkland must be contiguous to the existing park and not bisected by a public road.
- B. Mobile home lots.
- (1) Each mobile home park shall be marked off into mobile home lots.
 - (2) The total number of mobile home lots in a mobile home park shall not exceed seven per acre.
 - (3) Each mobile home lot shall have a total area of not less than 5,000 square feet
 - (4) No more than one mobile home shall be placed on any mobile home lot
 - (5) The lot numbers shall be legibly noted for each lot on the plans submitted.
- C. Mobile home placement. Any mobile home shall not be parked or otherwise be located nearer than a distance of:
- (1) At least 25 feet from an adjacent mobile home.
 - (2) At least 40 feet from an adjacent property line.
 - (3) At least 40 feet from the right-of-way line of a public street or highway.
 - (4) At least 15 feet from the nearest edge of any roadway located within the park.
- D. Mobile home stand. Each mobile home lot shall have a mobile home stand which will provide for the practical placement on a permanent foundation on the lot of both the mobile home and its appurtenant structures and the retention of the home on the lot in a stable condition.
- E. Accessibility and lighting.
- (1) Each mobile home park shall be accessible from an existing public highway or street.
 - (2) Where a mobile home park has more than 16 mobile homes, two points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four.
 - (a) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
 - (b) No individual mobile home shall have direct access to a state, county or Town road without first entering a street or driveway in the mobile home park leading to an exit.
 - (c) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.

- (d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached and shall be at least 50 feet in width.
- (3) Each mobile home park shall have streets to provide for the convenient access to all mobile home lots and other facilities within the park.
 - (a) The street system shall be so designed as to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, dustless surfaces.
 - (b) All streets shall have the following minimum pavement widths:
 - [1] One-way traffic movement: 12 feet.
 - [2] Two-way traffic movement: 20 feet.
 - (c) Except in cases of emergency, no parking shall be allowed on such street unless such street is at least 28 feet wide, in which case parallel parking shall be allowed on one side of the street only.
- (4) All means of egress, drives and public places shall be adequately lighted.
- (5) One nonflashing, illuminated sign shall be permitted on the park. Such sign shall not be greater in area than 50 square feet and shall not extend more than 12 feet above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line.

F. Parking.

- (1) Two off-street parking spaces shall be provided on each mobile lot. Such spaces shall have a minimum width of nine feet and a minimum length of 20 feet.
- (2) One off-street parking space shall be provided for each five mobile home sites to accommodate guests and delivery and service vehicles.

G. Utilities and service facilities. The following utilities and services shall be provided in each mobile home park in accordance with the regulations and requirements of the New York State Department of Health:

- (1) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to mobile home lots and buildings within the park, and pipes to all home lots shall be provided with proper water connections.
- (2) Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilet, lavatory and kitchen sink in such home. The sewer shall be connected to a public or private off-site sewer so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects.
- (3) Garbage containers with tight-fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The containers shall be kept in

sanitary condition at all times. The containers shall be located no farther than 250 feet from any mobile home lot and shall be stored in covered collecting enclosures, and garbage shall be removed and disposed of as frequently as may be necessary to ensure that such containers shall not overflow.

- (4) Mobile homes which do not contain toilets, lavatories and tubs or showers shall not be permitted in any mobile home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.
- (5) Each mobile home lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

H. Open space.

- (1) Each mobile home park shall provide common open space for the use of the occupants of the park.
- (2) Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least 10% of the gross land area of the park.

I. Landscaping.

- (1) Land and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walkways, roads and parking areas.
- (2) Screening acceptable to the Planning Board and Code Enforcement Officer shall provide for adequate shade and a suitable setting for the mobile homes and other facilities. A side or rear yard adjacent to an existing residential area shall be a minimum width or depth of 50 feet, and the 25 feet nearest to the existing residential area shall be planted or screened with materials approved by the Planning Board and Code Enforcement Officer.
- (3) Skirting and plantings acceptable to the Planning Board and Code Enforcement Officer shall be installed along the perimeter of each mobile home, extending from the mobile home stand to the floor of the mobile home unit and fully screening the area beneath the unit from view.

- J. Recording. The owner or operator of each mobile park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each mobile home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the mobile home or the person bringing the same into the court. Such register shall be open for inspection to the Code Enforcement Officer, the Town Planning Board, the Town Board or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven years.

§ 100-7. Mobile homes located outside of parks.

- A. Prohibition of mobile homes.

- (1) No occupied mobile home shall be parked or allowed to remain upon any street, highway or other 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 24 hours, subject, however, to any prohibition or limitation imposed by other regulations or laws.
- (2) No occupied mobile home shall hereafter be parked or otherwise placed within the Town of Liberty and outside a licensed mobile home park unless a license is first obtained as herein set forth. A license may be issued only as follows:
 - (a) The Code Enforcement Officer may issue a license for a period not to exceed two years to the owner of a parcel of land within the Town of Liberty (located only in a zoning district where mobile homes are permitted) who intends to construct on such parcel a dwelling house for the owner's own occupancy or the owner's employee's occupancy during the construction of such dwelling. Said mobile home shall have an adequate supply of pure water for drinking and domestic purposes and a sewage disposal system designed by a professional engineer. Both systems shall comply with the requirements of the New York State Department of Health, its successors and the Town of Liberty. Said mobile home shall be removed from the premises upon expiration of the permit.
 - (b) The Code Enforcement Officer may issue a license to the owner or lessee of a parcel of land for the purpose of locating on said parcel a mobile home for human habitation other than as set forth in Subsection A(2)(a) above, which mobile home shall be occupied as a one-family residence or a two-family residence if said mobile home is constructed for that purpose. Said mobile home shall comply with the provisions of Subsection C of this section, entitled "Mobile home requirements and facilities."

B. Mobile home licenses.

- (1) The owner or lessee of land, as provided for in Subsection A(2)(a) and (b) above, must file an application for a license with the Code Enforcement Officer.
- (2) Each application for a mobile home license shall be in writing and signed by the applicant. In the event that the application shall be filed by the lessee, the consent of the owner, in writing, to the placement of the mobile home on said lot shall be submitted with the application.
- (3) This application must state and be accompanied by the following;
 - (a) The name and address of the applicant.
 - (b) The location and description of the land.
 - (c) A plan or sketch showing the boundaries of the land, the location and plan for proposed water supply and sewage disposal systems and the location of adjacent property and structures.
 - (d) A copy of the deed to the land which indicates that the applicant is the owner of such land or, if the applicant is the lessee, consent by the owner as above set

forth.

- (e) A fee to be established by resolution by the Town Board.⁴
- (4) The Code Enforcement Officer shall approve or disapprove the application and, if disapproved, inform the applicant, in writing, of the reasons for said disapproval within 30 working days of the application and shall thereupon issue a license to the applicant if the application is approved. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer.
- (5) If the application is disapproved, the applicant shall have the right to appeal to the Zoning Board of Appeals.

C. Mobile home requirements and facilities.

- (1) Any mobile home parked or placed outside a duly licensed mobile home park shall have an adequate supply of pure water for drinking and domestic purposes and a sewage disposal system designed by a professional engineer. Both systems shall comply with the requirements of the New York State Department of Health or its successors and the Town of Liberty.
- (2) No occupied mobile home outside a duly licensed mobile home park shall be parked or placed nearer than:
 - (a) A distance of at least 35 feet from the nearest right-of-way of any public highway or street.
 - (b) A distance of at least 25 feet from an adjacent property line.
 - (c) A distance of at least 25 feet from an adjacent dwelling.
- (3) Not more than two occupied mobile homes shall be placed or parked on any parcel of land which is located outside a licensed mobile home park.
- (4) Skirting consisting of shrubbery or other suitable material shall be installed along the perimeter of each mobile home licensed under this section, which screening shall extend from the ground to the bottom of the trailer.

§ 100-8. Enforcement.

The Code Enforcement Officer shall enforce all of the provisions of this chapter and shall have the right, at all reasonable times, to enter and inspect any mobile home or other premises used for the parking or placement of a mobile home.

§ 100-9. Revocation of licenses.

A. Revocation of mobile home park licenses.

- (1) If the Code Enforcement Officer finds that a mobile home park for which a license

4. Editor's Note: A fee schedule is located in Chapter A152, Fees.

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 chapter, the Code Enforcement Officer may serve personally or by certified mail upon the holder of the license a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order. The Code Enforcement Officer shall, for purposes of determining compliance with this chapter, be authorized to make periodic inspections of all mobile home parks and shall be provided entry to accomplish that task. The Town Board shall specify the frequency of such inspections and set fees to cover costs involved.

- (2) If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within 10 days after the service of such order, the Code Enforcement Officer may revoke such license, and the holder of the license shall thereupon terminate the operation of such mobile home park, provided that residents have been afforded adequate opportunities consistent with state and/or federal law to relocate.
- (3) However, if the owner or operator of such mobile home park shall thereafter correct such conditions and bring the mobile home park into compliance with this chapter, such owner may then apply for the issuance of a new license for such park, and if the application is approved and a license granted, the applicant shall pay to the Town the fee required by this chapter without any credit for the fee paid for the license which was revoked.
- (4) Any license which is not used for the purpose intended within two years of the date of issuance, as evidenced by placement of the home on the designated site, shall automatically expire.

B. Revocation of licenses for mobile homes outside of mobile home parks.

- (1) If the Code Enforcement Officer finds that any mobile home located outside a licensed mobile home park is not being maintained in accordance with the provisions of this chapter, the Code Enforcement Officer may serve a written order upon the holder of the license and/or the owner of the premises directing that the condition or conditions therein specified be remedied within 20 days after the date of service of the order.
- (2) If such condition or conditions are not corrected within the 20 days, the Code Enforcement Officer may revoke such license. Upon revocation of the license, the water supply and sewer system shall be disconnected and the mobile home shall be removed from the premises.
- (3) Any license which is not used for the purpose intended within two years of the date of issuance, as evidenced by placement of the home on the designated site, shall automatically expire.

§ 100-10. Penalties for offenses; additional remedies.

- A.** Any person, partnership, association or corporation who violates any provision of this chapter shall be guilty of an offense against this chapter and subject to a fine of not less

than \$25 nor more than \$100. When a violation of any of the provisions of this chapter is continuous, each day or portion thereof shall constitute a separate and distinct violation.

- B. In addition to the above provided penalties, the Code Enforcement Officer may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this chapter or to restrain by injunction the violation of this chapter.

§ 100-11. Exceptions.

None of the provisions of this chapter shall be applicable to the following:

- A. The business of mobile home sales, except that where units are used as living quarters, they shall conform to the provisions of this chapter.
- B. The storage of an unoccupied mobile home; provided, however, that such unoccupied mobile home shall not be parked or located between the street line and the front building line of any premises or within any required yard area or within any portion of an RS District.
- C. A mobile home located on the site of a construction project, survey project or other similar work project which is used solely as a field office or work or toolhouse in connection with such project, provided that such mobile home is removed from such site within 30 days after the completion of such project.
- D. A modular house or manufactured home which is prefabricated in sections, transported to the building site, then fastened together and anchored to a permanent and totally enclosed masonry foundation and which has a minimum width of 24 feet for its entire length and contains a minimum of 960 square feet of usable living space.

§ 100-12. Nonwaiver.

The issuance of any permit or license pursuant to the provisions of this chapter shall not be deemed to waive compliance by the holder thereof, by the property owner or by any occupant of any court or mobile home park, with any statute of the State of New York, law or health regulation of the State of New York or the County of Sullivan or the Town of Liberty or with any provision of this chapter.

§ 100-13. Applicability to existing parks and individual mobile homes.

- A. Existing mobile home parks.
 - (1) A mobile home park which is lawfully in existence prior to the enactment of this chapter may continue to be used and operated as a mobile home park, provided that:
 - (a) The owner or lessee shall, within two months from the effective date of this chapter, apply for a license pursuant to the provisions of §§ 100-4 and 100-5 hereof and pay the fees as provided.
 - (b) The park complies with § 100-6G(4) and (5), I and J this chapter.

- (2) The license shall thereupon be issued even though the park does not otherwise comply with the remaining provisions of this chapter.
 - (3) Additions and improvements to a park shall not be made and mobile homes shall not be added to a mobile home park unless said additions and improvements completely comply with this chapter.
 - (4) Within one year from the enactment of this chapter, existing mobile home parks shall comply with all provisions of this chapter, excepting those which relate to features of initial design and are, therefore, unchangeable.
- B. Existing mobile homes located outside mobile home parks.
- (1) A mobile home which is in existence prior to the enactment of this chapter but not located in a mobile home park may continue to be used as living quarters by its occupants, provided that:
 - (a) The owner or lessee shall, within two months from the effective date of this chapter, apply for a license.
 - (b) It meets the requirements of § 100-7C(1), (3) and (4).
 - (2) If the owner or lessee of the land desires to substitute a mobile home or change its location, such owner or lessee shall file an application for a license and pay the fee pursuant to this chapter and shall comply with the provisions of this chapter.
- C. Variances.
- (1) The Zoning Board of Appeals may, for good cause shown, authorize variations from the strict interpretation of the provisions of this chapter affecting existing mobile home parks and mobile homes.
 - (2) Procedure for variance.
 - (a) The owner of an existing mobile home park or mobile home outside a mobile home park may apply for a variance by filing an application with the Code Enforcement Officer, together with an application for a license, setting forth the reasons for the variance.
 - (b) The application for the variance shall be provided to the Town of Liberty Planning Board for a thirty-day opportunity to review and comment. The Town Zoning Board of Appeals, after receiving the recommendations from the Code Enforcement Officer and the Planning Board, shall have the authority to grant or deny the variance, which action shall be taken within 90 days of the Code Enforcement Officer's receipt of the variance application.

§ 100-14. Review by Planning Board.

In all cases where this chapter requires action, reports, recommendations or approval of plans by the Planning Board, the Planning Board shall submit the findings and recommendations to the Zoning Board of Appeals or Code Enforcement Officer within 30 days after receipt by it of a copy of the plans and application. In the event that the report and recommendations of the

Planning Board shall not be submitted to the Zoning Board of Appeals or Code Enforcement Officer within said time and said time has not been extended by the Board or Building Inspector, final action may be taken by the Zoning Board of Appeals without the recommendations and report of the Planning Board.