

TOWN OF WHITEHALL

LOCAL LAW #8 OF 1990

A LOCAL LAW FOR THE REGULATION OF MOBILE HOMES, MOBILE HOME PARKS, TRAVEL TRAILERS AND TRAVEL TRAILER CAMPS IN THE TOWN OF WHITEHALL (OUTSIDE THE VILLAGE OF WHITEHALL)

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

This Local Law establishes an approval process for the location and occupancy of mobile homes, mobile home parks, travel trailers and travel trailer camps in the Town of Whitehall (outside the Village of Whitehall limits) Washington County, State of New York. This Local Law establishes requirements for designed construction of mobile home sites and parks; provides for maintenance regulations, authorizes the issuance of licenses and permits; authorizes inspection and fixes penalties for violations.

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SECTION 1. ENACTMENT AND TITLE

The Town Board of the Town of Whitehall, Washington County, New York, hereby enacts this local law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and statutes of local Government. This Local Law (#8 of 1990) shall be known and may be cited as Local Law for the Regulation of Mobile Homes, Mobile Home Parks, Travel Trailers and Travel Trailer Camps in the Town of Whitehall (outside Village of Whitehall). This Local Law shall replace, supersede any prior ordinances relating to the Regulation of Mobile Homes, Mobile Home Parks, Travel Trailers and Travel Trailer Camps in the Town of Whitehall (outside Village of Whitehall).

SECTION 2. PURPOSE

It is the purpose of this Local Law to promote the health, safety, morals and general welfare of the inhabitants of the Town of Whitehall by establishing specific minimum requirements and regulations governing the location, occupancy, and maintenance of mobile homes, mobile home parks, travel trailers and travel trailer camps.

The Town of Whitehall Town Board hereby delegates responsibilities and approval to the Town of Whitehall Town Board under Local Law #8 of 1990 as stated herein.

SECTION 3. DEFINITIONS

3.1 Mobile Home-Any self contained dwelling unit, (not travel trailers) that is designed to be transported to its site on its own wheels or those of another vehicle, which may contain the same water supply, kitchen facilities and plumbing, sewage disposal and electric systems as immobile housing and is designed to be used exclusively for residential purposes; the structure must be certified by U.S. Department Housing Urban Development (HUD) and conform to the HUD Code. (A modular home which conforms to New York State Building Code is not considered a mobile home.)

3.2 Mobile Home Lot-Means a designated site of specific total land area within or without a mobile home park for the accommodation of one mobile home and its occupants.

3.3. Mobile Home Park-Means any parcel of land whereon two or more mobile homes are parked or located, or which is planned and improved for the placement of two or more mobile homes and which is held open to the public for the parking or placement of mobile homes and is a contiguous parcel of land under one ownership which is at least (5) acres in area.

3.4 Mobile Home Stand-Means an area prepared for the placement and support of a mobile home.

3.5 Modular Home-Any building comprised of two (2) or more sections with or without their own chassis, capable of being transported to their building site and permanently joined into one integral unit which is indistinguishable in appearance from a conventionally built home, including, but not limited to, a sloped roof, permanent foundation and conforms with New York State Building Code.

3.6 Travel Trailer-Means any vehicle designed or used or intended to be used for temporary living quarters for

travel, recreational or vacation purposes.

3.7 Trailer Camp-Means any parcel of land whereon two or more travel trailers are parked or located, or which is planned and improved for the placement of two or more travel trailers and which is held open to the public for the parking or placement of travel trailers and is a contiguous parcel of property under one ownership which is at least two (2) acres in area.

3.8 Inspector-Means the person or persons appointed by the Whitehall Town Board to enforce the provisions of the law.

3.9 Town-Means the Town of Whitehall.

3.10 County-Means the County of Washington.

3.11 Owner-Means any company, corporation or individual who has record title of all or any portion of proposed park.

3.12 Farm Worker-Means one who is employed on a farm for a minimum of twenty hours per week.

3.13 Farm-Means land used in agricultural production, of not less than ten acres, used in the preceding two years for the production for sale of crops, livestock and livestock products of an average gross sales value of ten thousand dollars (\$10,000) or more.

SECTION 4. LICENSE REQUIRED FOR MOBILE HOME PARKS AND TRAILER CAMPS

No person, partnership, association or corporation being the owner, lessee or occupant of any land within the Town of Whitehall (outside Village of Whitehall limits) shall use or allow the use of such land for a mobile home park or travel trailer camp unless a license therefore has been obtained as herein provided.

SECTION 5. APPLICATION FOR NEW MOBILE HOME PARK OR NEW TRAILER CAMP

5.1 Each application for a license for a new mobile home park or new trailer camp shall be in writing and signed by the applicant. The application shall state:

5.11 Whether the application is for a mobile home park or trailer camp.

5.12 The names and addresses of the applicant and of the owner or owners of the premises upon which the park or camp is to be located and:

- a. If any applicant or owner be a partnership, the name and addresses of each partner thereof, and
- b. If any applicant or owner be a corporation or association, the names and addresses of each officer and director thereof, and of each owner of ten percent (10%) or more of the shares thereof.

5.13 A complete legal description of the land upon which the park or camp is to be located.

5.14 The number of mobile home lots or trailer lots to be provided in the park or camp.

5.15 Any rules and regulations, covenants or restrictions between the owners of the park and the tenants shall be submitted with the application.

5.2 Such application shall be filed with the Town Clerk in triplicate.

5.3 Such application shall be accompanied by three (3) complete sets of plans and specifications prepared and certified by a registered architect, licensed professional engineer or licensed surveyor. Such plans shall show the date thereof and the name of the applicant, be drawn to scale, unless otherwise directed by the Town Board, of not more than fifty (50) feet to one (1) inch, show contour intervals of not greater than five (5) feet, indicate the North point thereof, and shall show and identify:

- 5.31 The location of the land proposed to be used as a mobile home park or trailer camp.
- 5.32 The boundaries of the park or camp.
- 5.33 The major physical features of the land within the park or camp and within three hundred (300) feet thereof, including:
- a. All water courses, marshes and area subject to flooding.
 - b. All wooded areas.
- 5.34 All existing development within the park or camp, and within three hundred (300) feet thereof, including:
- a. Structures.
 - b. Streets, roads and highways, with suitable indication of the width thereof.
 - c. Utilities and service facilities.
- 5.35 All proposed development within the park or camp, including:
- a. Entrances, exits, streets and walkways with suitable indication of the widths thereof.
 - b. Each proposed mobile home lot or trailer lot, driveway parking area, and refuse collection area, with suitable indication of the dimensions thereof.
 - c. Structures and improvements.
 - d. Grading and landscaping.
 - e. Storm water drainage.
 - f. Utilities and service facilities.
 - g. Public improvements proposed by the Town in or adjoining the park or camp within three hundred (300) feet thereof.
 - h. Solid Waste Management and Recycling Program.
- 5.4 Such plans shall include three (3) sets of appropriate detailed drawings of and specifications for proposed structures, utilities and other improvements, and shall show the method and plan for exterior lighting within the park.
- 5.5 Such application shall also be accompanied by plans approved by the New York State Department of Health or other acceptable certificate indicating compliance by the applicant with all pertinent rules and regulations of the New York State Department of Health and with the State Sanitary Code.
- 5.6 If the applicant is not the owner of the premises upon which the proposed park or camp is to be located, such application shall also be accompanied by an original or certified copy of a lease of the premises to the applicant and a statement signed and acknowledged by the owner or owners of the premises consenting that the premises be used as a mobile home park or trailer camp,, as the case may be.
- 5.7 Such further information as the Town Board may feel is necessary to require the applicant to conform with the environment, health and safety standards of this local law.

- 5.8 Such application shall be accompanied by the proper application fee as hereinafter provided.
- 5.9 Such application for mobile home parks and trailer camps are deemed to be type I actions for purposes of review under the State Environmental Quality Review Act. A long form Environmental Assessment Form shall be submitted with the application.
- 5.10 To the greatest extent possible, the procedures described in the State Environmental Quality Review Act have been incorporated into the procedures described in this Local Law. Time periods for the conduct of public hearings in order to coordinate the State Environmental Quality Review Process with other procedures relating to the review and approval of actions may affect this Local Law process. When this occurs, applicants may be requested to extend the scheduled review period to accommodate the State Environmental Quality Review Process.
- 5.11 In addition to the fee listed on the schedule of fees, the Town Board shall charge a fee to developers of projects requiring legal and technical review, provided that the fee charged reflects the actual cost of legal, engineering and technical assistance to the Town Board. This fee is not to exceed Two Thousand Five Hundred (\$2500.00) dollars without notice to the applicant. This fee does not include or cover any fees or costs associated with the State Environmental Quality Review Act (SEQRA) which is a separate and distinct cost assessed to the applicant.

SECTION 6. APPROVAL PROCESS FOR MOBILE HOME PARKS AND TRAILER CAMPS

- 6.1 Upon receipt of an application as hereinabove provided, the Town Clerk shall indicate the date of receipt thereon and promptly transmit one copy of the application and all accompanying plans and specifications and other supporting documents to the Inspector, and one copy thereof to the Town Board for review. The Town Clerk shall also place notice in the official Town newspaper that such an application has been filed.
- 6.2 The Inspector shall promptly determine whether the park or camp complies with the requirements of this law and the applicable rules and regulations of the New York State Department of Health, Washington County and the Sanitary Code of the State of New York. The Inspector shall, after such investigation and within forty-five (45) days of the date of receipt of the application by the Town Clerk, transmit his written report and findings to the Town Board.
- 6.3 The Town Board shall at its next regular monthly meeting, consider the completeness of the application, location, and the general arrangement of the mobile home park or trailer camp, including the location and width of streets; the location, size, and arrangement of lots; the location of other structures within the park or camp; the location of entrances and exits; and the location, type and extent of landscaping and screening materials.

Upon the Town Board deeming the application complete, the Town Board shall request an advisory report on the proposed project from the Planning Board. Within forty five (45) days of receipt of the application, the Planning Board shall make a written recommendation to the Town Board to approve, approve with conditions or deny the application for such license.

Upon receipt of the advisory report from the Planning Board, the Town Board shall establish a public hearing within forty-five (45) days of the date of acceptance of report. Notification of said public hearing must be provided in the official newspaper of the Town of Whitehall at least five (5) days prior to the date of the public hearing.

If the Town Board requires additional information and clarification in order for the application to be deemed complete, the Town Board shall communicate this request in writing. The Town Board, before they can schedule a public hearing, must deem the application complete for purposes of review.

- 6.4 The Town Board, following the public hearing and within forty-five (45) days of said public hearing, shall indicate its approval, approval with conditions or disapproval of the application. A majority of the entire Town Board membership shall be required for approval. The Town Clerk shall notify the applicant of the Town Board's decision, in writing, within five (5) days thereof.

- 6.5 If the application is approved by the Town Board, the Inspector shall, upon receipt of the applicable license fee herein provided, together with the actual cost to the Town of any engineering or other similar services incurred by the Town in the consideration of the application, issue a license to be effective from the date thereof through the 31st day of December next succeeding. Such license shall specify the number of Mobile home lots or trailer lots which may be used in the park or camp to which it pertains.
- 6.6 If any application is disapproved by the Town Board, the applicant may present an appeal to the Planning Board. The hearing shall include the reasons for denial of the application by the Town Board. Approval by the Planning Board after denial of the application by the Town Board shall require a majority plus one (1) of the entire Board membership.
- 6.7 No such license shall be transferable or assignable.

SECTION 7. SUPPLEMENTAL LICENSES FOR PARKS AND CAMPS

- 7.1 Any person holding a license for a mobile home park or trailer camp and desiring to add additional lots to such park or camp shall file an application for a supplemental license.
- 7.2 The application for such supplemental license shall be made and shall be considered in the same manner as an application for a license for a mobile home park or trailer camp as provided in Section 5 and 6 hereof. All supplemental licenses shall be effective from the date of issue to the 31st day of December next succeeding. It is within the discretion of the Town Board to grant a supplemental license. Supplemental license is deemed to be a Type I action for purposes of review under the State Environmental Quality Review Act. A Long Form Environmental Assessment Form must be submitted with application form. Review procedures under Section 6 will apply.

SECTION 8. ANNUAL LICENSE RENEWAL FOR PARKS AND CAMPS

- 8.1 An application for the renewal of any mobile home park or trailer camp license, together with the appropriate renewal fee, shall be made with the Town Clerk on or before the 1st day of November preceding the expiration date of such license.
- 8.2 If the applicant for a renewal license is not the owner of the premises to which the application pertains, the renewal application shall be accompanied by the documents described in Section 5.6 hereof.
- 8.3 If the Inspector shall determine the applicable provisions of this law are being complied with by the applicant, he shall issue the renewal license to be effective for a period of one (1) year commencing on the 1st day of January following the expiration of the prior license.

SECTION 9. REQUIREMENTS FOR NEW MOBILE HOME PARKS

- 9.1 Every new mobile home park shall be at least five (5) acres in size and shall be located in an area where grades and soil conditions are suitable for use as mobile home sites, on a well drained site property graded to insure rapid drainage and be free at all times from stagnant pools of water.
- 9.11 The park shall be free or shall be made free from heavy or dense growth of brush and woods. However, applicant shall make all reasonable effort to preserve the natural surroundings of the site.
- 9.2 Every mobile home park shall be designated into mobile home lots.
- 9.21 The total number of mobile home lots in a mobile home park shall not exceed four (4) per gross acre. Soil conditions and constraints of site may further limit the number of lots per acre.
- 9.22 Each mobile home lot shall have a total area of not less than 7500 square feet and no boundary line thereof shall be less than 75 feet in length.
- 9.3 No mobile home shall be parked or otherwise located elsewhere than upon a mobile home stand.

- 9.31 No such stand shall be nearer than a distance of:
- a. Thirty (30) feet from an adjacent mobile home in any direction.
 - b. Seventy-five (75) feet from an adjoining property line.
 - c. One hundred (100) feet from the center line of any state or county street or highway and one hundred (100) feet from the center line of a town street or highway.
 - d. Thirty (30) feet from the nearest edge of any right -of-way boundary of any street within the park.

9.32 Only one mobile home shall be permitted to occupy any one mobile home lot.

9.4 Each mobile home lot shall have a mobile home stand.

9.41 The following standards shall be complied with:

- a. The mobile home shall be placed on a 4 inch thick poured concrete slab. The slab shall contain 2,000 PSI concrete and 6X6X10 welded wire fabric reinforcement. Slab size shall be large enough to allow for the required skirting to rest on the slab.
- b. The mobile home shall be blocked under required points on piers of non-combustible construction. Such piers can be dry stacked if under 3 feet in height. If over 3 feet in height, the piers shall be constructed with cement mortar and any cells core filled. An allowance of 2 inches of hardwood wedges on top of the piers are acceptable for leveling.
- c. The mobile home shall be completely skirted around the exterior walls. Skirting materials shall be manufactured for such purpose or materials which will resist decay, such as masonry or pressure treated wood. Adequate means for access under the home and ventilation shall be provided in the skirting.
- d. The mobile home shall have stairs and handrails provided on all exit doors. Stairs and handrails shall comply with the New York State Building Code Sections.
- e. The mobile home shall be placed from accessory structures according to the New York State Uniform Fire protection and Building Code. Accessory structures shall include, but not be limited to, residential garages and storage sheds.
- f. Every mobile home installation shall be equipped with an approved sewage disposal system. Such system shall be by a public municipal sewer system. If no public municipal sewer system is available, then an on-site sewage disposal system is acceptable.
- g. Every on-site sewage disposal system shall comply with the Washington County Sanitary Code.

No person, firm, corporation, association or other organization shall commence the installation of an on-site sewage disposal system without first having obtained the necessary approval, including Washington County Sanitary Code Permit.

- h. Electrical requirements. All mobile homes shall have at least a 100 amp electrical connection. All electrical installations shall be inspected by a New York State approved electrical inspection agency.

The electrical inspections required by this Local Law shall include the service or meter inspection and the power connection to the mobile home panel box before any burial of feet

cable. The owner shall obtain written verification of approval of such inspections from the electrical inspector.

The owner of the mobile home must provide the written verification of electrical approval to the Town Inspector before issuance of a Certificate of Occupancy.

- 9.5 Every mobile home park shall be easily accessible from a public highway or street.
- 9.51 Any mobile home park containing more than twelve (12) mobile homes shall have two (2) points of entry and exit, but no mobile home park shall have more than four (4) entry and exit points.
- 9.52 Every entrance to and exit from a mobile home park shall be so designed and located as to provide safe and convenient movement of persons and vehicles into and out of the park, and to minimize friction with the free movement of traffic on the public highways and streets to which it connects. Every entrance and exit shall:
- a. Be at right angles to the public highway or street to which it connects;
 - b. Be free of any material which would impede the visibility of a driver on a public highway or street;
 - c. Be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.
- 9.53 Each mobile home park shall have streets providing convenient access to all mobile home lots and other important facilities within the park. All such streets shall:
- a. Be improved to current road specifications to the Town of Whitehall;
 - b. Be so designed as to permit safe and convenient vehicular circulation within the park;
 - c. Be adapted to the topography and have suitable alignment and gradient for traffic safety;
 - d. Intersect at right angles;
 - e. Have a forty (40) foot minimum width or right-of way;
 - f. Be maintained to a minimum width of twenty (20) feet.
- 9.6 Except in case of emergency, no parking shall be allowed on any street in any mobile home park.
- 9.61 At least two (2) off-street parking spaces shall be provided for each mobile home lot.
- 9.62 Additional off-street parking spaces may be provided within the mobile home park at any convenient locations for guests and delivery and service vehicles.
- a. There shall be one such parking space for each two (2) mobile home lots within the park.
 - b. Such parking spaces shall be in bays which provide adequate maneuvering space.
- 9.63 Every such parking space and driveway shall:
- a. Be constructed of an appropriate durable non-porous material with an asphalt or

concrete surface, adequate for the support of any load reasonably expected to be placed thereon;

- b. Have a durable surface and be suitably graded to permit rapid surface drainage.

9.7 The following utilities and service facilities shall be provided in each mobile home park and shall be constructed and maintained in accordance with the regulations and requirements of the New York State Department of Health, the Sanitary Code of New York State, Town and County Solid Waste and Recycling Programs:

- a. An adequate supply of pure water for drinking and domestic purposes supplied by pipes to all mobile home lots and service buildings within the park, with proper connections to each building and mobile home.
- b. A sewage system connected to each mobile home and service building situated in the park, to receive the waste from showers, tubs, toilets, lavatories and sinks therein, and dispose of the same in a sanitary manner. Sewer connections in unoccupied lots shall be tightly sealed to prevent emission of gas and odors and the breeding or harboring of insects or vermin.
- c. Garbage cans with tight fitting covers, in quantities adequate to permit the disposal of all garbage and rubbish from the park. Such cans shall be kept covered and in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of outside of the park as frequently as may be necessary to insure that such cans shall not overflow.
- d. Other service buildings as deemed necessary for the normal operation of the park. Such buildings shall be maintained in clean, orderly and sanitary condition.
- e. Underground weatherproof electric service connections and outlets of a type approved by the New York State Board of Fire Underwriters, for the provision of electric service to each mobile home located or to be located in such park; unless underground service is not economically feasible.
- f. A storage building or other suitable place for the secure and orderly storage of personal property, such as bicycle, baby carriages, lawn furniture, and the like may be placed on each mobile home lot for the use of the occupants of the mobile home thereon. No combustible or noxious material shall be stored beneath any mobile home nor shall any personal property be so stored beneath a mobile home as to constitute a health hazard or other public nuisance.
- g. All parks shall be provided with facilities for the safe storage of necessary fuels. All systems shall be inspected and maintained in accordance with applicable codes and regulations governing such systems.
- h. Fire hydrants shall be installed in accordance with the requirements of Town of Whitehall fire officials.
- i. Mobile home park plan shall include a list of applicable rules and regulations.

9.8 Each mobile home park shall provide common open space, not including roads, conveniently located for the use of the occupants of such park.

- a. Such space shall have a total area equal to at least fifteen percent (15%) of the gross land area of the park.

9.9 Every mobile home park shall have lawn or other suitable vegetative ground cover on all areas not used for the placement of mobile homes and other buildings, walkways, roads and parking area. Trees and shrubs shall be

provided to the extent necessary to screen objectionable view, and to provide adequate shade and a suitable setting for the mobile homes and other facilities in the park.

- a. Views which shall be screened include, fuel tanks and other nonresidential uses, garbage storage and collection areas and all abutting yards of adjacent properties.
- b. Other planting shall be provided along those areas within the park which front upon public highways and streets to reduce glare from automobile headlights and provide pleasant outlooks for the living units.

9.10 No mobile home shall be placed in any mobile home park unless the same shall be at least eight hundred and forty (840) feet, contain a HUD seal certified lawfully affixed thereto, consist of a unit constructed after 1976 and shall have a flush toilet, a tub or shower, a sink, cooking and heating facilities, and plumbing and electrical systems for connection to outside systems, all which comply with all applicable laws, rules and regulations.

No mobile home shall be occupied in any mobile home park until the Inspector has approved the specific mobile home under Section 12 of this Local Law. (Certificate of Occupancy)

No mobile home shall be placed in any mobile home park unless the mobile home has received the appropriate certification from the U.S. Department of Housing and Urban Development, and conforms to the HUD Code.

9.11 Every mobile home park shall be sufficiently lighted during hours of darkness to provide for the movement of pedestrian occupants of the park to and from mobile homes and service buildings.

9.12 The owner or operator of every mobile home court shall keep a permanent record in writing, of all persons occupying or using the facilities of such court, which shall include the following:

- a. The names and addresses of each occupant of each mobile home.
- b. Name and address of the owner of each mobile home.
- c. Year, make, model and color of each mobile home.
- d. Registration numbers of any motor vehicle regularly maintained by any resident of the mobile home park.
- e. Information shall be provided to the volunteer fire company and emergency squad providing service to said area.

9.13 Construction shall commence not later than ninety (90) days from date of approval of application.

9.14 The park occupant shall be responsible for the maintenance of the mobile home and shall keep all yard space on site in a neat and sanitary condition. It shall be the responsibility of each mobile home occupant to keep the site free of litter, rubbish, unused vehicles and equipments or parts.

9.15 All interior roads shall be completely maintained by the operator, including snowplowing, snow removal and sanding.

9.16 The Town Board may require a performance bond to cover the full costs of the required improvements. Any such bond shall comply with the requirements of Section 277 of Town Law. The bond shall be satisfactory to the Town Board as to form, sufficiency, matter of execution and surety. A period of one (1) year or other period as the Town Board may determine appropriate (not to exceed three (3) years) shall be set forth in the bond within which required improvements must be completed.

A required improvement shall not be considered to be completed until the installation of the improvements has been reviewed and approved by the Town Inspector.

SECTION 10. REQUIREMENTS FOR TRAILER CAMPS

10.1 All of the provisions of Section 9 hereof shall apply to every trailer camp except as in this Section 10 otherwise provided. For the purpose of the regulation of travel trailers and trailer camps such as Section 9 shall read be and construed as if the terms "Mobile home", "Mobile home lot", "Mobile home Park", and "Mobile home Stand" read "Travel Trailer", "Trailer Lot", "Trailer Park", and "Trailer Stand".

10.2 The total number of trailer lots in any trailer camp shall not exceed six (6) per gross acre.

10.3 Each trailer lot shall have a total area of not less than 2,500 square feet with a minimum dimension of thirty (30) feet.

10.4 No travel trailer shall be parked or otherwise located nearer than a distance of:

- a. Thirty (30) feet from an adjacent travel trailer in any direction.

10.5 The following utilities and service facilities shall be provided in each trailer camp and the same shall comply with the regulations and requirements of the New York State Department of Health, the Sanitary Code of New York State and SEQRA.

10.51 An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and trailer lots within the camp to meet the requirements of such camp. Each lot shall be provided with a cold water tap, the waste from which shall be emptied into a drain connected to an approved disposal system.

10.52 Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building, in the latter case such facilities shall be separated by sound-proof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.

10.53 Such toilet and other sanitary facilities shall be provided in the following manner:

- a. Male facilities shall consist of not less than: one flush toilet for every ten trailers, one urinal for every ten trailers; one lavatory for every ten trailers; one shower, with an adjoining dress compartment of at least sixteen square feet for every ten trailers.
- b. Female facilities shall consist of not less than: one flush toilet for every ten trailers; one lavatory for every ten trailers; one shower, with an adjoining dress compartment of at least sixteen square feet for every ten trailers.
- c. Provide adequate solid waste recycling facilities.

10.54 Lavatory and shower facilities shall be supplied with hot and cold running water.

10.55 The building housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night; shall be well-ventilated with screened openings; shall be constructed of moisture-proof material; shall be well-heated and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of water-impervious material.

10.56 Such building shall not be located nearer than forty (40) feet nor further than four hundred (400) feet from any travel trailer.

10.57 Laundry facilities at suitable locations for the convenience of the occupants of the park. Such facilities shall be equipped with at least one (1) operating washing machine and one (1) operating dryer. Such facilities shall be housed in a permanent structure or structures which shall be adequately lighted, heated and ventilated. Be maintained in a clean, orderly and sanitary condition.

10.58 Not less than one (1) public telephone.

10.6 Waste from all buildings and trailer lots shall be discharged into a County approved public or private sewer system in such manner as not to present a health hazard.

SECTION 11. MOBILE HOME LOCATED OUTSIDE OF MOBILE HOME PARK

11.1 No mobile home shall be placed within the Town and outside a licensed mobile home park, except as follows:

- a. The Town Supervisor and Town Inspector may grant a permit, for a period of not to exceed one year to the owner of land within the Town who intends to construct on such land a single-family permanent residential dwelling unit for his own occupancy. The owner of the land may place or park a mobile home on such land for his own occupancy during the construction of such dwelling only after applicant has received the appropriate building permit from Washington County. Said permit may be renewed only once, without a fee, for a period not to exceed six (6) months. The mobile home shall be removed from the premises upon expiration of the permit or upon completion of the dwelling, whichever is earlier. In addition to the application form, the owner shall furnish the information of Section 11.2 and the following data:
 1. Specifications and Washington County approved plans and building permit for the dwelling house in accordance with the NYS Building Codes.
 2. Evidence of financial ability to complete construction.
- b. The Town Inspector and Town Supervisor may grant a permit, for a period not to exceed one year, to the owner or occupant of land within the Town of Whitehall to temporarily replace an occupied dwelling destroyed by fire or other disaster in accordance with paragraph 11.4. Said license is not transferable and becomes void if ownership of the land changes or if the mobile home is unoccupied for more than ninety (90) consecutive days. Said permit may be renewed only once, without a fee, for a period not to exceed six (6) months. In addition to the application form, the owner shall furnish the information of Section 11.2 and the following data: Specifications and Washington County approved plans and building permit for repair and/or replacement of the damaged structure in accordance with the New York State Building Codes, if applicable.
- c. The Town Inspector and Town Supervisor may grant a permit to the owner of a farm, who can demonstrate substantial need, to set up a mobile home (or mobile homes) to be occupied only by a farm worker (or workers) and his (their) family (ies). Such need may include data on a number of cows being milked, acreage farmed, size of greenhouse operation, size of stable operation or other appropriate considerations. Each mobile home shall be located on a lot of at least seventy five (75) feet by one hundred (100) feet and no closer than one hundred (100) feet to the farm house or any farm building. The lot(s) shall be free from drainage problems and fenced off from farm animals. Said license shall be valid for twelve (12) months from the date of issue. The maximum number of mobile homes permitted under this section is three (3).
- d. The Town Board may grant a permit for a single family mobile home on a single parcel only upon the Town Board conducting a public hearing upon ten (10) day notification of said public hearing being placed in the official newspaper of the Town of Whitehall. Section 6 will govern the procedure for approval. No renewal is required under this permit approval.

11.2 The plot upon which a mobile home is to be placed under 11.1d shall consist of not less than one acre with frontage on an open public highway or private land with no other mobile home, building or structure now on or hereafter to be placed on said plot except a garage or storage building as an accessory to said mobile home.

All mobile homes must comply with the sanitary laws and regulations of the New York State Health Department and other State and Federal regulations if applicable. The mobile home may not be used as an office for business. Electrical inspection by an authorized inspection agency must occur. The mobile home shall be located in an area where grades and soil conditions are suitable for use as mobile home sites.

Applicant, in addition to this Section, must comply with requirements in Section 9.4, 9.7, 9.9, 9.10, 9.11 and 11.7 of said

Law.

The applicant must file three (3) copies of the application for a license with the Town Clerk, accompanied by a fee determined by the Town Board.

Within thirty (30) days prior to the expiration of a permit for mobile home outside a mobile home park (Section (d) not applicable) the owner shall renew said permit with the building inspector.

For mobile homes permitted for farm use, evidence of the farm worker-occupant's employment on the farm shall accompany the renewal application.

11.3 All mobile homes 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. Systems shall satisfy the requirements of the New York State Department of Health and other appropriate agencies, including Washington County.

11.4 All non-farm occupied mobile homes outside a duly licensed mobile home park shall be parked or placed at least:

- a. A distance of one hundred (100) feet from the center line of a state or county street or highway and one hundred (100) feet from the center line of a town street or highway.
- b. A distance of seventy-five (75) feet from an adjacent property line.
- c. A distance of one hundred fifty (150) feet from a home or mobile home in any direction.

11.5 Not more than one non-farm mobile home shall be placed or parked on any parcel of land which is located outside a licensed mobile home park.

11.6 No mobile home shall be placed or situated in the Town of Whitehall unless the same shall contain at least 840 square feet interior dimension, having the U.S. Department of Housing and Urban Development seal affixed thereto, and be constructed after 1976.

11.7 The owner of land , as above provided for , shall file application and three (3) copies for a license with the Town Clerk.

11.71 Each such application for a single mobile home shall be in writing and signed by the applicant. 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 drawn to scale of not smaller than 1 inch equals 20 feet. This plan must show the boundaries of the land, the location of the mobile home on the land, the location and plan for the proposed water and sewage disposal systems, and the location of adjacent properties and structures.
- d. A certified or photostatic copy of the deed to the land which indicates that the applicant is the owner of such land.
- e. The proper fee.
- f. Environmental Assessment Form (Short Form).
- g. Such further information as the Town Board may feel is necessary to make a decision on the application.

11.72

- a. The Town Clerk shall transmit the completed application to the Town Inspector.
- b. Upon receipt, the Inspector shall review all applications and their compliance with the provisions of this law and the requirements of the County or State Department of Health, and report findings to the Town Supervisor.
- c. With respect to an application for a permit for a mobile home to temporarily replace an occupied dwelling destroyed by fire or other disaster, the Inspector and the Town Supervisor, shall issue or deny the permit within ten (10) days of receipt of the application.
- d. With respect to an application for a permit for a mobile home for use during now construction and for farm use, the Inspector and the Town Supervisor shall issue or deny the permit within thirty (30) days of receipt of the application.

11.73 The Town Clerk shall notify the applicant of the decision and issue a permit to the applicant if the application was approved.

11.8 If an application for a permit under 11.1a, 11.1b, 11.1c is denied by the inspector and the Town Supervisor, the applicant may appeal said decision to the full Town Board.

If an application for a permit to place a mobile home, under Section 11.1d, is denied by the Town Board, under Section 6, the applicant may appeal said decision to the Planning Board. Approval by the Planning Board after denial by the Town Board, shall require a majority plus one of the Planning Board membership.

11.9 For all mobile homes 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. Both systems shall satisfy the requirements of the New York State Department of Health and any applicable County regulations.

SECTION 12. CERTIFICATE OF OCCUPANCY PERMIT

No mobile home may be occupied within the Town of Whitehall (outside Village limits of Whitehall) without first having received a Certificate of Occupancy from the Town Inspector.

12.1 The Certificate of Occupancy shall be issued only after the Town Inspector is satisfied that all other requirements of this Local Law have been approved and after approval has been obtained under either Section 6 or Section 11 of this Local Law if applicable.

The applicant shall demonstrate that the mobile home placed shall be equipped with a potable water system.

Every water supply including, but not limited to, a driven well or spring shall be tested for bacteria. The well water test shall be performed by a recognized testing agency suitable to the Town Inspector. Applicant must submit test results to the Town Inspector prior to the issuance of the Certificate of Occupancy to demonstrate water supply meets the standards of the Health Department.

12.2 The Certificate of Occupancy shall contain the following information:

- a. The name and address of the owner of the mobile home and also the name and address of the occupant, if different from the owner.
- b. The street or road name of the mobile home site with the parcel tax map numbers.
- c. The manufacturer of the mobile home, model, serial number and year of the mobile home.
- d. The date of the issuance of all approvals associated with the placement and occupancy of the mobile home.

- e. The signature of the Town Inspector and the Town Supervisor.

SECTION 13 EXISTING MOBILE HOMES

13.1 A mobile home, which is lawfully in existence prior to the enactment of this law, but not located in a mobile home park, may be continued to be used as living quarters by its occupant, provided:

- a. The owner of the land upon which such mobile home is located shall register such mobile home with the Town Clerk within sixty (60) days of the effective date of this law. Such registration shall be accompanied by a description of the parcel and of the mobile home, and a statement of the ownership of each.
- b. the mobile home meets the requirements of Section 11.3 (Water and Sewage Disposal Requirements).

13.2 If the owner of the land desires to substitute a mobile home, such owner shall file an application for a permit pursuant to Section 11 herein, followed by the requirements of Section 12 for a Certificate of Occupancy.

SECTION 14. TRANSFER OF OWNERSHIP

Upon transfer of ownership of a mobile home for which a Certificate of Occupancy has been issued, the owners will notify the Town Inspector. The Town Inspector will inspect the mobile home for compliance under this Local Law. Upon the Town Inspector's approval, a Certificate of Occupancy will be issued to the new owner of the mobile home. A fee for this inspection, together with an application requesting such inspection, shall be required and may be obtained at the Town Clerk's Office.

SECTION 15. TRAVEL TRAILERS LOCATED OUTSIDE TRAILER CAMPS

15.1 No travel trailer used as a permanent residence shall hereafter be parked or otherwise placed within the Town unless such travel trailer is parked or placed in a duly licensed trailer camp.

SECTION 16. ENFORCEMENT

16.1 The Inspector and authorized representatives of the Town of Whitehall, shall enforce all of the provisions of this local law.

SECTION 17. REVOCATION OF MOBILE HOME PARK OR TRAILER CAMP LICENSE

17.1 If a police officer, the Inspector, or any authorized representative of the Town finds that any mobile home park or trailer camp is not being maintained in a clean and sanitary condition or is not being conducted in accordance with the provisions of this law, or that the applicable fees provided for in this law have not been paid or that the applicable registration provision of this law are not being carried out, such facts shall thereupon be reported to the Town Board and said Town Board may direct the Town Clerk to serve and order in writing upon the holder of the license for such park or camp directing that the condition therein specified be remedied within ten (10) days after receipt of service of such order.

If such conditions are not corrected after the expiration of said ten (10) day period, the Town Board may cause a notice in writing to be served upon the holder of said license requiring the said holder to appear before the Town Board at a time to be specified in such notice and show cause why such license should not be revoked. The Town Board may, after a hearing at which testimony of witnesses may be taken, and the holder of the license shall be heard, revoke such license if said Town Board shall find that the said park or camp is not being maintained in a clean and sanitary condition, or that any provision of this law has been or is being violated or that the fees provided for in this law have not been paid or for other sufficient cause. Upon the revocation of such license, the premises shall immediately cease to be used for the purpose of a mobile home park or trailer camp and all mobile homes and travel trailers, as the case may be, shall forthwith be removed herefrom and the land returned to its original condition.

Such Town Officers and officials shall be authorized and have the right, in the performance of duties, to enter any mobile home park and make such inspection necessary to determine satisfactory compliance with this local law.

SECTION 18. REVOCATION OF PERMIT OF MOBILE HOME OUTSIDE OF MOBILE HOME PARK

18.1 If a police officer, the Inspector or any authorized representative of the Town finds that any mobile home outside a mobile home park is not being maintained in a clean and sanitary condition, or is not being maintained in accordance with the provisions of this law, or that the fee provided for in this law has not been paid, such facts shall thereupon be reported to the Town Board and the said Town Board may direct the Town Clerk to serve and order in writing upon the holder of the license, the owner of the mobile home, or the owner of the premises on which it is located, or any or all thereof, directing that the condition therein specified be remedied within ten (10) days after the date of service of such order.

If such conditions are not corrected, after the expiration of said ten-day period, the Town Board may cause a notice in writing to be served upon the person or persons upon whom such order was served requiring the appearance of the person so served before the Town Board at a time to be specified in such notice and show cause why such permit should not be revoked.

The Town Board may after a hearing at which testimony of witnesses may be taken, and the person or persons so served shall be heard, revoke such permit if the Town Board shall find that the said mobile home is not being maintained in a clean and sanitary condition or if they find that any provision of this law has been violated or that any fee provided in the law has not been paid or for any other sufficient cause.

Upon the revocation of such permit, the said mobile home shall be removed forthwith from the premises (not more than five (5) days following written notification of revocation).

SECTION 19. PENALTIES

19.1 Any person who violates any provisions of this law shall be guilty of a violation against such law punishable by a fine of not more than two hundred and fifty (\$250.00) dollars and not more than fifteen (15) days imprisonment..

In addition, the violation of this law or any of the provisions thereof shall subject the person, firm or corporation violating the same to a civil penalty in the sum of two hundred and fifty (\$250.00) dollars and said penalty to be recovered by the Town of Whitehall in a civil action. The application of the above penalty or penalties, or the prosecution for the violation of the provisions of the law shall not be deemed to prevent the revocation of any license issued pursuant thereto or the enforced removal of conditions prohibited by this law.

In the event a police officer, inspector or any authorized representative of the Town finds a violation has occurred regarding section 9.7, 10.5, 11.3 written notification shall be given to require compliance in a reasonable period of time. Reasonableness will be determined in the context of the nature of the violation.

If failure to comply occurs, the Town upon ten (10) day written notification will undertake compliance. Said cost for compliance will be assessed against said property owner as well as operators of facilities.

These courses of action by the Town are not exclusive to other remedies found within this Local Law.

SECTION 20. ISSUANCE OF LICENSE NOT TO WAIVE COMPLIANCE WITH OTHER STATUTES OR ORDINANCES

20.1 The issuance of any license and permit pursuant to the provisions of the law shall not be deemed to waive compliance by any person with any statute of the State of New York or law, ordinance or health regulation of the Town or of the County.

SECTION 21. EXCEPTIONS (STORAGE AND CONSTRUCTION PROJECT)

21.1 None of the provisions of this law shall be applicable to the following:

- a. The storage or garaging of travel trailers, not being used for living or sleeping purposes, within a building or structure or to the storage of one unoccupied travel trailer on premises occupied as the principal residence of the owner of such travel trailer, provided, however, that such unoccupied travel trailer shall not be parked or located between the street line and the

front building line of such premises.

- b. A mobile home or travel trailer located on the site of a construction project, survey project or other similar 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 (30) days after the completion of such project. The mobile home or travel trailer placement must be approved by the Inspector and Town Supervisor on the appropriate application form prior to placement of said structure. Duration is limited to twelve (12) months unless renewal is sought and approved by the Town Inspector and the Town Supervisor. Renewal is limited to an additional six (6) months.

SECTION 22. WAIVERS AND VARIANCES

Where there are practical, difficult, or unnecessary hardships in the way of carrying out the strict letter of provisions of this ordinance, the Town Board shall have the power in a specific case to vary any such provisions in harmony with the general purpose and intent of this code, so that the public health, safety and general welfare may be secured and substantial justice done. In considering a waiver, the Board shall be guided by the circumstances of the situation and the intent of the applicant, and shall act as to protect the best interests of the community.

SECTION 23. BOARD CONDITIONS

After consideration of any application's potential impact upon the health, safety and welfare of the Town, the Town Board may impose reasonable conditions upon the issuance of any license or permit within the scope of this Local Law.

SECTION 24. VALIDITY

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

SECTION 25. CHANGES IN THIS LOCAL LAW

The Town Board may from time to time amend, supplement, change or repeal any of the sections of this Local Law.

SECTION 26. EFFECTIVE DATE

This Local Law shall take effect upon proper filing with the New York State Secretary of State's Office.