

TOWN OF NEW BREMEN

MOBILE HOME LAW

LOCAL LAW #1 OF 1996



## ARTICLE I. INTRODUCTORY PROVISIONS

### Section 110. Enactment and Authorization

The Town Board of the Town of New Bremen, Lewis County, New York, does hereby ordain and enact the Town of New Bremen Mobile Home Law pursuant to the authority and provisions of Section 130 (21) of the Town Law and of Section 10 of the Municipal Home Rule Law.

### Section 120. Title

This local law shall be known as the "Town of New Bremen Mobile Home Law".

### Section 130. Purpose

It is the purpose of this local law to promote the health, safety, and general welfare of the Town by providing minimum standards for the placement and use of mobile homes in the Town of New Bremen. 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 economy of the Town and the general welfare of its inhabitants.

### Section 140. Administration

This mobile Home Law shall be administered by the Town Board and the Enforcement Officer, and the duties of each shall be as provided herein.

## ARTICLE II. DEFINITIONS

For purposes of this law, the following terms shall have the indicated meanings:

**Accessory Structure:** A building or a structural adjunct, such as a garage or porch, which primarily serves a subordinate function generally associated with the residential use and occupation of premises and thus excluding, by way of example, a dwelling, a mobile home, or an addition or detached building acting as business or living quarters.

**Building:** A roofed structure having columns or walls resting upon, or affixed to, the ground or grounded support, but excluding mobile homes and travel trailers.

**Dwelling:** A building used, designed or intended as living quarters for one or more persons, whether or not occupied.

**Enforcement Officer:** An individual designated by resolution of the Town Board to assume, undertake and exercise the duties and responsibilities placed upon that officer by the provisions of this law.

**Lot:** All areas of contiguous real estate owned by the same individual or individuals, or such lesser portion thereof as is established and identified either by a survey filed in the office of the Lewis County Clerk or by a deed recorded in the office of the Lewis County Clerk.

Lot Line: Property lines bounding a lot.

Mobile Home: A structure, including a vehicle or towable unit other than a travel trailer, which is adapted, intended or used as temporary or permanent living quarters for one or more persons and whose design features permit, or originally permitted, site to site transportability by wheel, wholly or in segments, but excluding sectionally pre-fabricated, wood-frame dwellings.

Mobile Home Park: A lot which includes three or more mobile home sites.

Mobile Home Site: A plot of land sufficiently improved and equipped to accommodate the placement thereon, and the occupancy, of a mobile home, together with so much of the surrounding real estate as is reserved exclusively to serve that mobile home and its occupants.

Rear Lot Line: That lot line which is opposite and most distant from the road line.

Road: A public way for vehicular traffic which affords the principle means of access to abutting properties.

Road Line: The right of way line of a public road. Absent record evidence of the right of way line of a road, that right of way shall be deemed to extend 25 feet on either side of the road centerline.

Road Center Line: The center of the traveled surface of a road.

Setback, Front: The shortest distance between a specified object and a road center line.

Setback, Rear: The shortest distance between a specified object and the rear lot line.

Setback, Side: The shortest distance between a specified object and a lot line that is not a road line or rear lot line.

Travel Trailer: A vehicle or towable unit not more than 8 feet in width or 40 feet in length, adapted, intended or used as temporary or permanent sleeping quarters for one or more persons in connection with vacation, camping, or other recreational pursuits.

### ARTICLE III. PERMIT REQUIREMENTS FOR MOBILE HOMES

#### Section 310. Permit Required

- A. Except as otherwise provided by this law, a permit shall be required before an owner, tenant or other occupant of real estate may locate, relocate, or replace a mobile home in the Town of New Bremen or erect, enlarge or replace an accessory structure to that mobile home. A permit shall be issued pursuant to, and in accordance with, the requirements of this law.
- B. No person or entity in possession of real estate within the Town of New Bremen, as owner, tenant, or otherwise, shall knowingly authorize or permit the use of that property as a site of a mobile home, unless a permit has first been issued pursuant to this law.



### Section 320. Emergency Living Quarters Exception

A mobile home may temporarily be located within the Town and occupied as living Quarters, exempt from the requirements of Section 310 and Section 510, upon the following conditions:

- a. The usual living quarters of the occupants have been rendered uninhabitable because of fire, flood or other disaster;
- b. Within 48 hours after occupancy, temporary arrangements have been implemented for safe and adequate access, fuel and water supply, and sewage disposal for the mobile home;
- c. Within 120 hours after placement of the mobile home, an application for a temporary permit is filed; and
- d. The mobile home is removed from such temporary site by the expiration date of the temporary permit or within 3 days after service of a notice of determination denying the temporary permit on account of failure to meet any of the foregoing conditions, whichever is earlier.

### Section 330. Interim Living Quarters Exception

A single mobile home may temporarily be located within the Town and occupied as living quarters, exempt from the requirements of Section 310 and Section 510, upon the following conditions:

- a. The intended occupants are in the process of constructing or renovating a conventional dwelling upon the same lot or are engaged in employment within the Town;
- b. A temporary permit is first obtained;
- c. Temporary arrangements are first implemented for safe and adequate access, fuel and water supply, and sewage disposal for the mobile home; and
- d. The mobile home is removed from such temporary site at the earliest to occur of the following: by the expiration date of the temporary permit; the expiration of three days from service of a notice of determination denying the temporary permit on account of failure to meet any of the foregoing conditions; the completion of the work associated with issuance of the temporary permit.

### Section 340. Mobile Home Sales Exception

None of the provisions of this local law shall be applicable to the business of storage and display of unoccupied mobile homes which are available for sale to the general public on a mobile home sales lot.

## ARTICLE IV. REGULATIONS FOR ALL MOBILE HOMES

### Section 410. Building Code

All mobile homes shall meet the appropriate standards of the New York State Uniform Fire Prevention and Building Code (9 NYCRR1200), and all other appropriate rules and regulations of the Town of New Bremen, County of Lewis, State of New York, and the United States.

### Section 420, Mobile Home Skirting

- A. The mobile home shall be provided with a skirt within 60 days of placement at its site in order to screen space between the mobile home and the ground.
- B. The skirt shall be of permanent material providing a finished exterior appearance.

### ARTICLE V. MOBILE HOME PLACEMENT STANDARDS

The following standards shall apply with respect to the location, relocation, or occupation of each mobile home within the Town of New Bremen, unless specifically exempted by other provision of this law.

### Section 510. Placement Standards

The placement of the mobile home, accessory structures, septic and well systems shall conform with the following:

- A. Minimum setbacks shall be:
  - 1. For mobile home:
    - 50' front setback
    - 25' side setback
    - 10' rear setback
  - 2. For septic systems: must comply with Department of Health standards
  - 3. For accessory structures:
    - 50' front setback
    - 10' rear and side setback
- C. A mobile home shall have a 50' separation distance from another dwelling, mobile home, and any building which does not constitute an accessory structure for the mobile home being placed upon the property, except in a mobile home park where the separation distance shall be 25'.
- D. Mobile Home Pad
  - 1. The mobile home shall be provided with a pad which will give a firm base and adequate support for the mobile home, except where a basement is proposed.
  - 2. Such pad shall have a dimension approximating the width and length of the mobile home and any expansions thereto:
  - 3. The pad area shall be graded to ensure adequate drainage.
- E. Non-Residential Uses

Mobile homes shall not be used for non-residential purposes except upon approval of a temporary permit.

## ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

### Section 610. Application

The applicant for a mobile home permit or temporary permit shall obtain application forms from the Town Clerk. Application shall be made using forms established by Town Board Resolution.

### Section 620. Site Plan Contents

The applicant shall provide a plot plan indicating: All property lines and dimensions; all existing or proposed structures; all existing roads, easements, or proposed driveways; all existing or proposed wells and sanitary facilities; all bodies of water, streams, or wetlands.

### Section 630. Issuance of Permit

Within thirty (30) days of receipt of a completed application by the Town Clerk, the Enforcement Officer shall approve or deny the application for a mobile home permit or temporary permit. Approval or denial shall be based upon conformance with the applicable requirements of this law. The applicant shall be notified, in writing, of the Enforcement Officer's decision.

### Section 640. Permit Expiration

A permit shall expire 6 months from the date of issuance. A permit is renewable for 6 months, upon payment of a renewal fee as established by Town Board Resolution.

### Section 650. Temporary Permit Expiration

Temporary permits shall expire 6 months from the date of issuance. A temporary permit may be renewed by the Town Board for up to 6 months.

## ARTICLE VII. NONCONFORMITIES

### Section 710. Pre-existing Mobile Homes

- A. A permit shall not be required for the continued location, use or occupation of a mobile home situated within the Town on the effective date of this law (a "pre-existing mobile home"). And the mobile home itself, as well as pre-existing accessory structures and well and septic systems, shall be exempt from the standards set forth in Articles IV and V of this law so long as the mobile home remains at that particular site.
- B. A permit shall be required, however, to replace or enlarge a pre-existing mobile home, or accessory structures larger than 100 sq. ft., or to add accessory structures larger than 100 sq.ft. In all situations whether or not a permit is required:
  1. The replacement, enlargement or addition shall meet all of the standards set forth in Article IV of this law;
  2. The replacement, enlargement or addition shall not result in any further or greater encroachment of the placement standards set forth in Article V then existed at the effective date of this law;



3. In order to replace a pre-existing mobile home or accessory structure more than one year after its removal or destruction, there must be compliance with all of the standards set forth in Articles IV and V of this law.
- c. A permit shall be required in order to relocate a pre-existing mobile home upon the same site or to a different site within the town after the effective date of this law. No permit shall be issued in such instances unless the standards set forth in Section 420 and in Article V of this law are satisfied.

## ARTICLE VIII. MISCELLANEOUS PROVISIONS

### Section 810. Enforcement Officer

The Town Board shall appoint an Enforcement Officer to carry out the duties assigned by this local law. The Enforcement Officer shall be responsible for the overall inspection of site improvements including coordination with other officials and agencies, as appropriate.

### Section 820. Amendments

The Town Board, after public notice and hearing, may amend this law pursuant to the applicable requirements of the State of New York.

### Section 830. Permit Revocation

The Town Board shall revoke any permit issued hereunder on account of a violation of the applicable requirements contained in this law. Before taking such action, the Board shall afford the permit holder written notice and the opportunity within 30 days thereafter either to make written demand for a hearing before the Board on the issues or to remedy the violations. Should timely demand be made for a hearing, the Town Board shall fix a date and time therefore and notify the permit holder at least 20 days in advance.

### Section 840. Appeals

Any person aggrieved by any decision of the Town Board or any officer, department, board or bureau of the Town, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Town Clerk.

### Section 850. Enforcement

1. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$250.00 or by imprisonment or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this law.
2. In addition to the penalties provided above, 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 to restrain by injunction the violation of this law.

#### Section 860. Severability

The provisions of this local law are severable. If any article, section, paragraph or provision of this law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

#### Section 870. Variances

The Town Board may, in a proper case and after public hearing, grant a variance from one or more requirements of this law. Requests for variance shall be presented by written application upon forms prescribed by the Town Board and will take action within 30 days of such requests, the Board shall, among other pertinent considerations, take account of: the nature and severity of the hardship which would result from strict application of this law; and, the circumstances underlying the requested deviation and take action within 30 days.

#### Section 880. Property Rights

Nothing contained in this law shall be interpreted to authorize or permit the use or development of real property without the prior consent of its owner.

#### Section 890. Fees

Fee requirements shall be established by Town Board resolution. The fee shall be paid in cash, certified check, or money order payable to the town.

#### Section 895. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.