

**TOWN OF FLORENCE
MOBILE HOME PARK LAW**

Adopted by the Town of Florence Town Board

October 8, 2001

Local Law No. 8 of 2001

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ARTICLE A. INTRODUCTION

Section 1. Authority

This law is adopted pursuant to the authority granted the Town in Articles 2 and 3 of the Municipal Home Rule Law and Section 130 (21) and Section 136 (11) of Article 9 of the Town Law.

Section 2. Title

This local law shall be known as the "Town of Florence Mobile Home Park Law."

Section 3. Purpose

It is the purpose of this local law to promote the health, safety and general welfare of the inhabitants of the Town of Florence through the efficient regulation of mobile home parks, and to provide minimum standards for their design, location, density, and use.

ARTICLE B. DEFINITIONS

Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

Enforcement Officer: Any person appointed by the Town Board to enforce the provisions of this law.

License: Written permission to operate a business for a specified period of time which is renewable upon certification that such business has been operated in compliance with this law.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries of a public highway or proposed public highway.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the road line.

Lot Line: Property lines bounding a lot.

Mobile Home: Manufactured housing which is transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not be construed to include factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

Mobile Home Park: Land on which are located, or which is maintained for use by two or more mobile homes.

Mobile Home Site: An area of land in a mobile home park intended for the exclusive occupancy of one single-family mobile home.

Person: Any individual, corporation, governmental authority, trust, estate, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers, and over-night trailers.

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

ARTICLE C. MOBILE HOME PARK LICENSE

Section 1. Mobile Home Park License

1. No person shall operate a mobile home park unless a license to operate has first been issued pursuant to this law. Such license shall be applied for coincident with an application for a special use permit pursuant to the Town of Florence Zoning Law, and shall be granted coincident to the final approval of a special use permit.
2. All licenses shall be issued for a period of one year, after which time renewal shall be required. All licenses shall expire on August 1st annually. The license shall be displayed conspicuously at all times at the site of mobile home park.
3. Prior to license renewal, all parks shall be inspected by the enforcement officer. Such license shall not be renewed until certified by the enforcement officer as operating in compliance with this law.
4. The enforcement officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to license issuance or renewal.

Section 2. License Revocation or Failure to Renew

1. The town board may revoke such license upon reasonable cause should the applicant fail to comply with any provision of this law. Before the license may be revoked, a public hearing shall be held by the town board. Notice of the hearing shall be made in a newspaper in general circulation in the town at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least ten days prior to the hearing. At the hearing the town board shall hear the license holder and all other persons wishing to be heard on the revocation of the license. Should the town board decide to revoke a license, the reasons for such revocation shall be stated in the town board minutes. The license holder shall be immediately notified of the revocation by certified mail.
2. Should any mobile home park license be revoked or fail to be renewed, the operator shall cease and desist from operating a mobile home park and shall remove all mobile homes and appurtenant structures from the premises within 90 days of the revocation.

Section 3. Application Requirements and Review Procedure

Applications for mobile home park licenses shall be as required for site plan review under that Town of Florence Zoning Law, and applications shall be reviewed as required under the special use review provisions of the Town of Florence Zoning Law.

Section 4. Fees

Mobile home park fees shall be determined by Town Board resolution and shall be paid for each application for a mobile home park license. No license shall be issued until full payment has been received by the town clerk.

ARTICLE D. MOBILE HOME PARK DESIGN STANDARDS

Section 1. General

1. Mobile home parks shall be located only in areas designated as "Mobile Home Park Overlay" on the Town of Florence Zoning Law zoning map.

2. Parks shall have generally level to gently rolling topography over an area of sufficient size to allow development without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.
3. Parks shall be free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
4. Parks shall contain ten mobile home sites, minimum.
5. All mobile homes within parks shall comply with the provisions of Section 535 of the zoning law.

Section 2. Mobile Home Sites

1. Parks shall be divided (exclusive of internal roads, open space or common areas) and marked off into sites numbered consecutively, the number being conspicuously posted on each site with such number to correspond to the site shown on the site plan submitted. Each site shall be defined by permanent markers set at the corners thereof.
2. Sites shall be a minimum of 20,000 square feet.
3. Site shall have a minimum width of 100 feet and a minimum depth of 200 feet.
4. All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures shall satisfy the following setback requirements:
 - a. minimum of 125 feet from any public road center line;
 - b. minimum of 30 feet from any internal road;
 - c. minimum of 12 feet from all site lines.
5. No site, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 20 feet of external boundaries of the park.

Section 3. Mobile Home Park Entrances

1. Entrances shall be located directly opposite or at least 200 feet from the nearest intersection of public roads, if any, and at least 150 feet from any other entrances to the park, if any.
2. Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles.
3. Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.

Section 4. Mobile Home Park Access Roads

1. Access roads connecting public roads with internal roads shall be required, and at least two independent access roads shall be required to serve any park having 20 or more mobile homes.
2. Access roads shall intersect public roads at right angles and at compatible grades and shall meet town road standards.

Section 5. Mobile Home Park Internal Roads

1. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile homes attached.

2. All sites shall face on and be serviced by internal roads.
3. All internal roads shall be designed, graded and leveled so as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.
4. Cul-de-sacs with a minimum turning radius of 70 feet shall be provided in lieu of closed end roads.
5. All internal roads shall have a minimum width of 16 feet, and shall be constructed of tar and stone or other more durable material.

Section 6. Mobile Home Park Design Standards

1. Easily accessible and usable open spaces shall be provided in all parks. All parks shall have an active recreation area of at least 300 feet by 300 feet. Each ten mobile home sites above the first ten shall have an additional increment of active or passive recreational open space equal to the size of 2 sites, based on the average site size of the park.
2. Water supply and sewage disposal systems shall be designed and constructed in compliance with all County and New York State Health Department and Environmental Conservation Department requirements.
3. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
4. The entire park shall be screened from the view of adjacent properties and roadways by the planting of evergreens of a species having a minimum mature height of 15 feet and able to block the view of the park from two feet above the ground upward. Trees shall be a minimum of 4 feet in height at planting.

ARTICLE E. MOBILE HOME PARK OPERATIONS

1. The operator shall maintain an office in the immediate vicinity of the mobile home park.
2. The operator shall operate the mobile home park in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the mobile home park, its common grounds, roads, facilities and equipment in good repair and in a neat and sanitary condition.
3. A list of operator and occupant responsibilities shall be posted in the mobile home park office or made available upon request.
4. All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times. It shall be the responsibility of the operator to ensure that garbage and rubbish shall be collected and properly disposed of outside of the park. All areas of the park shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.
5. The operator shall place or supervise the placement of each mobile home on its mobile home pad which includes ensuring its stability by securing all tie-downs and installing all utility connections.
6. Occupants shall be responsible for the maintenance of personal mobile homes and any appurtenances thereto, and shall keep all personal yard space in a neat and sanitary condition.
7. Recreational camping vehicles shall not be used for residential purposes, whether permanently or temporarily, in any mobile home park.
8. The operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each mobile home. Such register shall be available to any authorized person inspecting the mobile home park.

ARTICLE F. APPEALS

1. The applicant may appeal to the zoning board of appeals as established under the Town of Florence Zoning Law for a variance from the provisions of this law.
2. In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
 - b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
 - c) whether the requested variance is substantial;
 - d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
 - e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.
3. The board of appeals, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. All fees for appeals shall be as established by town board resolution.

ARTICLE G. VIOLATIONS

Section 1. Penalties

Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall upon conviction be subject to a fine of not more than _____ dollars or to imprisonment for not more than 15 days or to both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

Section 2. Civil Proceedings

Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than _____ dollars, to be recovered by the Town in a civil action and each week's continued violation shall be for this purpose a separate and distinct violation.

Section 3. Authority of the Town

The Town Board of the Town of Florence and/or its enforcement officer are hereby authorized in the name and on behalf of the Town of Florence to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this law.

ARTICLE H. MISCELLANEOUS PROVISIONS

Section 1. Conflicts

A conflict between the requirements of this law and the requirements of any other ordinance, local law, rule or regulation, statute, or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirement or higher standard.

Section 2. Severability

The provisions of this law are severable and the invalidity of a particular provision shall not invalidate any other provision.

Section 3. Effective Date

This law shall be effective upon filing with the Secretary of State.