

# Local Law Filing

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County  
City of NEW HAVEN  
Town  
Village

Local Law No. 2 of the year 19 94

A local law providing for the regulation of frame construction,  
(Insert Title)  
mobile homes and mobile home parks in the Town of  
New Haven.

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  
City of NEW HAVEN as follows:  
Town  
Village

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF NEW HAVEN

LOCAL LAW NO. 2 OF THE YEAR 1994

Article 1. Purpose:

It is the purpose of this local law to promote the safety, morals, and general welfare of the Town of New Haven, New York by the regulation of design, layout, construction and operation of frame construction, mobile homes, and mobile home parks and to secure safety from fire, flood and other dangers, and to provide adequate convenience of access.

Article 2. Application of Regulations:

1. Except as hereinafter provided, no building or structure shall be erected, moved, altered, or extended, and no land, building, structure, mobile home or part thereof shall be occupied or used unless in conformity with the regulations specified for the area in which it is located.

Article 3. Definitions:

ACCESSORY STRUCTURE - a detached building which is of secondary importance to the principal structure, and which is located on the same lot.

ALTERATIONS - structural change, rearrangement, change of location, or addition to a building, other than repairs and modifications in building equipment.

ENFORCEMENT OFFICER - an individual designated by the Town Board to represent them in particular matters pertaining to this code.

FACTORY MANUFACTURED HOME - any structure or component

thereof designed primarily for residential occupancy which is wholly or in substantial part manufactured in manufacturing facilities located away from the building site for installation, or assembly and installation, on the building site.

FAMILY - one or more persons occupying a dwelling unit and living as a single housekeeping unit.

LOT OF RECORD - a lot which is a parcel of land or which is part of a subdivision approved and recorded in the office of the County Clerk.

MOBILE HOME - a detached, single family dwelling unit with any or all of the following characteristics:

1. Manufactured as a relocatable dwelling unit intended for seasonal or year round occupancy and for installation on a site without a basement or a permanent foundation.
2. Designed to be transported, after manufacture, on its own chassis and connected to utilites after placement on a mobile home stand.
3. Designed to be installed as a complete single-wide or double-wide unit with only incidental unpacking and assembling operations.
4. Designed and manufactured as the type of unit which would require, after January 15, 1974, a seal as provided for in the State Code for Construction and Installation of Mobile Homes.

MOBILE HOME LOT - a parcel of land which is equipped with the necessary utilities and improvements for the erection thereon of a single mobile home.

MOBILE HOME PARK - a parcel of land which has been planned or improved for the placement of mobile home(s) for nontransitory use, and consisting of 2 (two) or more mobile home lots, whether or not either or both of the lots are occupied by the owner thereof. If the lot on which mobile home is located is not owned by the occupant of the mobile home located on such lot, such lot will be considered a mobile home park.

NON-CONFORMING STRUCTURE - a building or structure lawfully existing at the time of enactment or amendment of this law which does not conform to the regulations of this law.

NON-CONFORMING USE - use of land which does not comply with all regulations of this law, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment or amendment of this law.

PERMIT - a written statement or certificate issued by the enforcement officer of the Town of New Haven for the placement of a structure or mobile home.

PUBLIC NOTICE - notice of a scheduled public hearing by publication in the official newspaper of the Town of New Haven once no more than fifteen (15) days and no less than five (5) days prior to the date of such hearing, and by posting a copy of such notice on the Town Clerk's bulletin board at least five (5) days prior to such hearing.

SITE PLAN - a plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape

conformity with this ordinance.

3. Replacement: if a non-conforming structure or mobile home is destroyed by fire, wind, or otherwise, any replacement use must be conforming or permitted under Article 8, Item 2.

4. Changes: once changed to a conforming use, no structure or land shall be allowed to revert to a non-conforming use.

#### Article 7. General Regulations:

1. Minimum lot area per single family and two-family dwelling units, or single mobile home shall be one and one-half ( $1\frac{1}{2}$ ) acres (66,340 square feet).

2. Nothing shall prohibit the use of a lot of less area or less frontage than required for a lot on which a one-family dwelling is located, when such lot was held under separate ownership from the adjoining lots at the time of passage or amendment of this regulation.

3. No structure or mobile home shall be closer to a public street right-of-way line than fifty (50) feet, or closer to a property line than thirty (30) feet.

4. Water supply source must be approved by the County and/or State Department of Health.

5. Method of sewage disposal must be in compliance with the County Health Department regulations or the New York State Department of Environmental Conservation regulations.

6. All driveways shall be built to Town standards. A culvert permit is required if a culvert is to be installed.

7. Within 12 months after a construction project, building, mobile home or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and any excavation remaining shall be covered over or filled to the normal grade by the owner.

Article 8. Conditions for the installation of mobile homes in the Town of New Haven:

1. No mobile home may be installed or used for living purposes that is over the age of 5 (five) years unless the following terms and conditions are met;

(a) all conditions of the mobile home construction safety standards of the United States Department of Housing and Urban Development and the New York State Uniform Fire Prevention and Building Code are complied with.

(b) the mobile home has a serviceable roof, no broken windows, at least two operable smoke detectors installed, all floors are free from defects and are structurally sound, and all exterior doors are serviceable and undamaged so they latch shut.

(c) all damage to the exterior (e.g. cuts, dents, holes and rust) shall be repaired or appropriate parts replaced prior to installation.

(d) skirting must be placed around the mobile home within thirty (30) days from installation and must be compatible in color and material with the mobile home.

(e) any additional structure or addition added to or in close proximity of the mobile home must be compatible in

appearance with the mobile home and must be structurally sound. A permit from the enforcement officer is required for the construction of any such additional structure before construction is commenced.

2. Prior to installation of a mobile home, a certificate of compliance with this section must be obtained from the Code Enforcement Officer. The Code Enforcement Officer shall not grant such certificate until all terms of this section have been complied with.

3. The Town Board may contract with any qualified individual for the purpose of hiring such individual to inspect the mobile home to ensure compliance with this section, and may reimburse the inspector for such services in an amount no greater than \$50.00. The applicant shall be required to pay a non-refundable inspection fee of \$50.00, said sum to be in addition to any other fees required in this regulation. The inspector shall be responsible to notify the Code Enforcement Officer of the results of such inspection in writing within fifteen (15) days of the completion of the inspection. If the Town Board contracts with an individual and the report of said individual indicates that the home is presently not in compliance with this section, the owner of the mobile home must make such repairs in order to bring the mobile home into compliance within ninety (90) days, but no compliance certificate may be granted until the Code Enforcement Officer or another inspector reinspects the mobile home and any additional structure or addition.

4. No mobile home may be transported into or within the Town of New Haven without a Certificate of Compliance or Inspection from the Town of New Haven.

5. Interim Dwelling. The Town Board may issue a temporary permit for a mobile home not located in a mobile home park when such mobile home is to be used for an interim dwelling during construction of a permanent residence or in the event a permanent residence has been damaged or destroyed or other similar hardship exists. In such cases said mobile home shall be removed within twelve (12) months from the date of issuance of the temporary permit. An extension may be granted by the Town Board.

Article 9. Mobile Home Parks:

1. No person or persons, being the owner or occupant of any land in the Town of New Haven, shall use or permit the development and use of such land as a mobile home park without first obtaining a permit therefor as provided in Article 10 of this law. Such permit shall be renewed annually.

2. Application for a Permit -

A. Written application for a permit for a mobile home park shall be filed in triplicate with the Town Clerk. No permit for a mobile home park shall be issued by the enforcement officer until the Town Board had authorized such permit in accordance with the provisions of this Article 10.

B. Applications for mobile home park permits shall include the following:

1. Names and addresses of all applicants, if an

individual or partnership, and the names and addresses of principal officers if a corporation.

2. Name and address of owner of land upon which the mobile home park is proposed to be located.

3. Location map.

4. Sketch drawing(s) of the proposed mobile home park indicating how it is to be designed so as to be in conformity with the environmental requirements of the Article 11 of this law.

5. If public water and sewage disposal systems are not to be used, written statement from the Oswego County Health Department indicating what measures will be necessary for the park to comply with Public Health Laws relative to water supply and sewage disposal facilities.

6. Sketch plans or written descriptions of all buildings, streets, parking areas, recreation and open spaces, and landscaping to be constructed or provided within the mobile home park indicating type of construction and materials to be used.

7. An indication of existing topography and drainage patterns including wet or swamp areas subject to flooding and existing natural features.

8. A copy of all contemplated park rules, regulations and covenants, a list of management and tenant responsibilities, a written statement of any entrance and exit fees, utility connection fees, or any security deposits to be charged.

9. Such further information as the Town Board may feel is necessary to describe the developer's intent and financial ability to comply with the environmental, health and safety standards of this law.

C. Procedure and issuance of permits:

After the application and all supporting material has been filed, the following procedure shall apply:

1. The Town Clerk shall submit one copy of the application to the Town Board and one copy to the Code Enforcement Officer.

2. Within forty-five (45) days from the receipt of an application for a mobile home park permit, the Town Board shall approve, disapprove, or approve with conditions the application for such permit. Failure of the Town Board to make such a decision shall constitute approval unless more supportive material is requested.

D. Renewal of Permits:

The Town Board, or their representative, shall, after inspection of premises, renew a mobile home park permit every year from date of issuance. If the mobile home park has not been constructed in accordance with approved plans and all conditions attached thereto, or if a violation of this law shall be found, or if any unapproved change shall have taken place, the permit will not be renewed until said mobile home park has been brought into compliance.

Article 10. Environmental requirements for mobile home parks:

A. Site location -

Mobile home parks shall not be located in an area subject to objectionable environmental conditions such as smoke, odor, noise, poor drainage, or adverse site conditions such as poor soils which would be considered detrimental to conventional single family residences.

B. Natural features -

1. Soils - Soils should have sufficient load bearing capacity and stability to provide adequate support for mobile home installations. Soil should be of sufficient quality to sustain lawns, trees, and other vegetation.

2. Surface drainage - Mobile home park plans shall show all proposals for changes in existing surface drainage patterns. All parks shall be graded to prevent ponding of surface water. If any part of the site is located in a flood plain, no structure or mobile home shall be located on any land designated by the New York State Department of Environmental Conservation as a wetland or 100-year flood plain area as determined by the U.S. Corps of Engineers or other official agencies.

C. Lot Layout and unit placement -

1. Minimum lot size - Mobile home lots shall be a minimum of  $\frac{1}{2}$  acre in area and shall have a minimum width of 100 feet. Units are to be placed in the center (width) of lot. If a mobile home park contains less than 4 (four) mobile homes there shall be no less than a total acreage of  $1\frac{1}{2}$  (one and one-half) acres, and each lot shall contain no less than  $\frac{1}{2}$  (one-half) acre and a

minimum width of no less than 100 (one hundred) feet. If a mobile home park contains 4 (four) or more mobile homes, each lot shall contain no less than  $\frac{1}{2}$  (one-half) acre and a minimum width of no less than 100 (one hundred) feet.

2. Setback - No mobile home or part thereof, addition, or accessory structure shall be located less than thirty (30) feet from any park street. A minimum of fifty (50) feet shall be maintained between a mobile home unit and any property line or abutting public road or highway.

3. Park road construction - All private roads within a mobile home park shall be at least twenty-two (22) feet wide and constructed of a six inch base of crushed stone with a running surface of two inches of bank run gravel. Road construction shall be verified by the Town Highway Superintendent.

4. Additions and Extensions - No additions shall be made to a mobile home except a canopy and/or porch open on three sides, an addition made by a mobile home manufacturer, or an addition built in conformance with the State Building Construction Code for one family dwellings.

5. Mobile home stand - Each mobile home shall be placed on a stand of concrete or compacted gravel, or on piers or a foundation, so that a firm base and adequate support will be provided for the full width and length of the mobile home and any extensions thereto. The stand area shall be graded to assure adequate drainage but the grade variance from one end of the stand to the other shall not exceed six inches.

6. Tie-down - Each mobile home stand shall be provided with tie-down anchors according to state code.

7. Walkways - Each mobile home site shall be provided with a hard surface walkway at least two feet wide from the stand to the road or to a driveway or parking area connecting to the road.

8. Parking - two off street parking spaces shall be provided for each mobile home site and shall be constructed of at least four inches of crushed stone or similar hard surface material.

#### Article 11. Responsibilities of Park Owner:

The person, group or corporation to whom a permit for a mobile home park is issued shall be responsible for operation of the park in compliance with this regulation and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities, and equipment in good repair and in a clean and sanitary condition. The park 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 occupant of the park or public official.

#### Article 12. Complaints of Violations:

Whenever a violation of this regulation occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Code Enforcement Officer who shall properly record such complaint and immediately investigate.

1. Inspection and notice of violation - the Code Enforcement Officer is authorized to inspect and examine, or cause to be inspected and examined, any building structure, mobile home, place, premises, or use in the Town with regard to the provisions of this regulation and to issue a written order for the proper remedying or compliance, within a reasonable period of time, of any condition found to be in violation thereof, subject to provisions of this regulation.

2. Legal action by Code Enforcement Officer - if an unlawful condition or use is found not to have been properly remedied or made to comply with the provisions of this regulation by the expiration of a reasonable time period, the Code Enforcement Officer is empowered to immediately institute any appropriate action, charge or proceedings in the proper legal court, for the prevention, cessation or discontinuance of any condition, use, occupancy or act in, on, of, or around any building, structure, or tract of land - and for the prosecution of any owner, occupant, or offender.

3. Revocation - construction of any site development for which a permit has been granted under this local law must be commenced within one (1) year from the issuance date. If no construction has been initiated within that period, the permit shall be revoked. If it is determined by the enforcement officer that site developmemnt has not proceeded in accordance with the site plan as shown on the approved application, the issued permit may be revoked until such time that the work is corrected to the

satisfaction of the enforcement officer.

4. Appeals - any applicant whose application for a structure, mobile home, or mobile home park has been denied or revoked by the enforcement officer in accordance with this local law may, within ten (10) days of the date of denial or revocation, request a hearing by the Town Board on the matter by giving written notice to the Town Clerk. The hearing shall be held within twenty (20) days of receipt of this notice. At this hearing the applicant may submit testimony of witnesses and evidence, and may be represented by counsel.

5. Violation and penalty - Any person who violates any provision of this local law shall be liable for the payment of a penalty not to exceed \$250.00 and the court costs of such proceedings, and in addition to such penalty, a violation of this local law is hereby declared to be a violation punishable by a fine not exceeding \$50.00 or imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment. Each week's continued violation after notice has been given shall constitute a separate and additional violation.

Article 13. Conflict:

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

Article 14. Variance:

The Town Board shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection.

A. The Town Board shall not grant a variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case. In making its determination, the Town Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed 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: (1) 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 area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) 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 area variance.

B. The Town Board, in the granting of area 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.

C. In any case, the granting of the variance will be in harmony with the intent and purpose of this local law, will not constitute, in effect, an amendment of any regulations or boundaries, and will not be injurious to the neighborhood.

Article 15. Procedure for Interpretation or Variance:

The Town Board shall act in strict accordance with the procedure specified by the New York State Town Law and by this law. All applications made shall be in writing on forms prescribed by the board. Every application shall refer to the specific provision of the law involved, and shall set forth the interpretation claimed, or the details of the variance that is applied for or the grounds on which it is claimed that the variance should be granted, as the case may be. Each application for an area variance shall be accompanied by a proposed site plan at an appropriate scale showing the size and placement of the lot, surrounding land use, and location of proposed buildings, driveways and parking areas prepared by a licensed land surveyor.

Every decision of the Town Board made pursuant to this law shall be by resolution, which shall contain a full statement of the Town Board's findings of fact in the case, and shall be recorded in their minutes.

The Town Board shall notify the enforcement officer of each interpretation or variance granted under the provisions of this local law.

**CHECKLIST FOR DETERMINATION OF COMPLIANCE  
WITH CONDITIONS FOR INSTALLATION OF MOBILE HOME  
PURSUANT TO LOCAL LAW NO. 2 - 1994, TOWN OF NEW HAVEN**

- 1) Name and address of applicant:
- 2) Location of Property:  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_
- 3) Classification of property:
- 4) Year, type and model mobile home:
- 5) Have all conditions of mobile home construction and safety standards of H.U.D. and N.Y.S. Uniform Fire Prevention and Building Code been complied with \_\_\_\_\_
- 6) Does mobile home have:
  - a) serviceable roof; \_\_\_\_\_
  - b) at least two operable smoke detectors \_\_\_\_\_
  - c) floors structurally sound and free from defect \_\_\_\_\_
  - d) doors serviceable and undamaged so they latch shut \_\_\_\_\_
  - e) has all damage to exterior been repaired or replaced \_\_\_\_\_
  - f) are all additional structures or additions in close proximity, compatible in appearance, and structurally sound \_\_\_\_\_
- 7) Has non-refundable fee of \$50.00 been paid \_\_\_\_\_
- 8) Is the mobile home to be located in an area that permits mobile homes as permitted use, or if not, has a special permit or variance previously been granted \_\_\_\_\_

Dated:

\_\_\_\_\_  
MOBILE HOME INSPECTOR

**COMPLIANCE AGREEMENT:**

I, the aforementioned applicant, do agree to the conditions for installation of a mobile home pursuant to Local Law No. 1 - 1994, Town of New Haven and do further agree to maintain the home in such a manner that it remains in compliance with said regulation. I acknowledge that I have received a copy of this checklist, that it has been explained to me and that I understand the requirements imposed.

Dated:

\_\_\_\_\_  
APPLICANT

(FOR OFFICE USE ONLY)

Note that if answer to any of the above questions is no, the compliance certificate must be denied.

Reviewed; Date:

\_\_\_\_\_  
Code Enforcement Officer

features, and locations of proposed utility lines.

TOWN BOARD - the Town of Board of the Town of New Haven, Oswego County, New York.

Article 4. Certificate of Occupancy:

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy has been issued by the enforcement officer in accordance with provision of this local law. The enforcement officer will respond to the owner in writing within 7 (seven) calendar days after the building has been inspected.

Article 5. Fees:

Fees may be charged for permits issued, and for processing of applications, as established by the Town Board.

Article 6. Non-conforming Use and Non-conforming Structure:

If a non-conforming use, structure or mobile home is destroyed by fire, wind, man-made or natural disaster, any replacement use shall be conforming.

1. Extensions: a non-conforming use or structure shall not be extended, but the extension of a lawful use to any portion of a non-conforming structure which existed prior to the enactment of this local law shall not be deemed the extension of such non-conforming use.

2. Abandonment: whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in