

Be it enacted by the Village Board of Port Jeyden, Lewis County, New York as follows:

ARTICLE 1 - TITLE

This local law shall be known as "A REVISED MOBILE HOME & MOBILE HOME PARK LOCAL LAW."

ARTICLE 2 - PURPOSE

It is the purpose of this local law to promote the health, safety, morals and general welfare of the village's residents and to provide minimum standards for the location and placement of mobile homes within the village.

ARTICLE 3 - DEFINITIONS

Enforcement Officer - An individual appointed by the village board to represent them in particular matters pertaining to this local law.

Mobile Home - A movable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. "Mobile Home" shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

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 - Any parcel of land which has been planned or improved for the placement of mobile homes for non-transient use, and consisting of two or more mobile home lots.

Mobile Home Park Lot - A parcel of land in a mobile home park which is equipped with the necessary utilities and improvements for the erection thereon of a single mobile home.

Public Notice - Notice of a scheduled public hearing published in the official newspaper of the Village of Port Leyden once at least fifteen (15) days prior to the date of such hearing, and a copy of such notice shall be posted on the Village Clerk's bulletin board at least five (5) days prior to the hearing.

Travel Trailer - A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, or vacation use. Its body design shall not exceed eight (8) feet in width or, when attached to its carrier vehicle, the combination shall not exceed fifty-five (55) feet in length.

Travel Trailer Park - A parcel of land which has been planned or improved for the placement of travel trailers and/or tents for transient use, consisting of three (3) or more travel trailer sites.

Travel Trailer Site - A parcel of land within a travel trailer park which has been equipped with the necessary utilities and improvements for the temporary placement thereon of a single travel trailer or tent.

ARTICLE 4 - USE OF INDIVIDUAL MOBILE HOMES

No person, firm or corporation being the owner or occupant of any land or premises within the Village of Port Leyden shall use or permit the use such land for the parking, storage, or location of a mobile home, without obtaining a permit. Mobile homes not located in mobile home parks shall comply with provisions of this mobile home law.

No person shall occupy a travel trailer on an overnight basis except in a travel trailer park which has been approved by the Village Board, or on private land with the consent of the owner for a period not to exceed fourteen (14) consecutive days, and not to exceed twenty-eight (28) days during a calendar year, provided all health standards are met.

This shall not be interpreted to prevent parking a travel trailer unoccupied on an owner's lot for storage purposes only.

The following requirements shall apply to any mobile home, whether it is located individually or in a mobile home park:

a. Application for a Permit

- (1) Application must be in writing and be accompanied by a plot plan drawn to scale showing dimensions of the parcel of land proposed to be used as a mobile home lot, the location of the mobile home thereon, and the location of existing or proposed water supply and sewage system.
- (2) Upon receipt of application for a permit by the Village Clerk, the enforcement officer for the Village of Port Leyden shall make an examination of the site described in said application and report his/her findings to the Village Board. After receipt of such report the Village Board shall approve or disapprove the issuance of a permit applied for.

b. Permit Fee

A fee of \$25.00 shall be charged for issuing a permit with payment to be made at the time the application is filed.

c. Requirements

- (1) Lot size - Each individual mobile home lot shall contain at least 20,000 square feet. Each mobile home lot shall have a minimum frontage of 100 feet, with such mobile home located a minimum distance of 40 feet from the center line of the village street, and with such mobile home located a minimum of 20 feet from side lot lines and back lot line.
- (2) Parking - Each mobile home lot shall provide off-street parking spaces for two (2) automobiles.
- (3) Skirt - An enclosure or skirt of fire resistant material shall be erected around entire base of mobile home and shall be designed to allow ventilation in order to inhibit decay of the structure.

- (4) Smoke Detector - Each mobile home shall be equipped with at least one (1) smoke or heat detector or combination to give warning to occupants in case of fire.
- (5) Water & Sewer - Each mobile home shall have an approved water supply system and sewage disposal system.
- (6) Stand - Each mobile home shall be provided with a stand which provides an adequate foundation to insure against shifting and settling and must provide adequate anchors to insure against uplifting or overturning.

ARTICLE 5 - USE OF MOBILE HOME PARKS AND TRAVEL TRAILER PARKS

After the effective date of this law, it shall be unlawful for any person to construct, maintain, operate, or alter any mobile home park or travel trailer park within the village without obtaining a permit to construct and license to operate therefore, as herein provided. No person, firm or corporation, being the owner or occupant of any land or premises within the village shall use or permit the use of such land as a mobile home park or travel trailer park contrary to the provisions of Part 7 of the N.Y. State Sanitary Code and a violation of such Sanitary Code shall be a violation of this law.

a. Application for a Park Permit

- (1) The applicant for a mobile home park or travel trailer park permit shall be responsible for furnishing all percolation tests, plans, engineering and land surveying services and all other information required to determine compliance with the provisions of this law. Applications shall be in writing and signed by the applicant.
- (2) Each applicant shall be accompanied by a site plan at a scale of at least 1 inch equals 100 feet and shall show location of proposed lots, interior roadways and walkways, parking spaces, power and telephone lines, water and sewer systems, service buildings, park property lines and dimensions, significant natural features such as woods, water courses, rock outcrops, etc. and the names

of adjacent property owners.

- (3) Upon receipt of application for a permit by the Village Clerk, the enforcement officer for the Village of Port Leyden shall make an examination of the site described in said application and report his/her findings to the Village Board. After receipt of such report the Village Board shall approve or disapprove the issuance of a permit applied for.
- (4) Any modification or expansion to the original park site shown on the application shall require a permit following the same procedure noted herein. Expansion or modification of a park existing prior to the effective date of this law shall also require a permit. Violation of this section may result in the revocation of any existing park permit.

b. Permit Fee

A fee of \$25.00 per mobile home shall be charged for issuing a permit with payment to be made at the time the application is filed.

c. Park Design Standards

- (1) Grading and Drainage - Lands used as a mobile home or travel trailer park shall be well drained, of ample size, and free from heavy or dense growth of brush or weeds. The land shall be properly graded to insure proper drainage during and following a rainfall and shall, at all times, be drained so as to be free from stagnant pools of water. - No lots shall be laid out in areas designated as wetlands on state wetlands maps or subject to flooding in federal flood hazard maps.
- (2) Access - Each park shall have at least 400 feet of frontage on a public road. Internal roads shall be such that access to the public road be not more frequent than 1 in 1,200 feet.
- (3) Lots - Each park shall be subdivided and marked off into lots numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.

- (4) Setback - All buildings, mobile homes or travel trailers shall be setback 75 feet from the center line of any public road. Such areas shall be seeded and adequately landscaped to provide screening from the road.
- (5) Interior Roads - All lots shall face on a roadway, not less than 20 feet wide which shall be hard surfaced and lighted in a manner to insure a proper traveling surface at all times. All lots shall be served from such interior roads. The owner or operator shall be responsible for constructing, maintaining and plowing such roads.
- (6) Utilities - Water supply, sewage disposal and other distribution systems for electricity, fuel oil, gas, etc. shall be provided in accordance with the requirements of Chapter 1, Part 7 of the New York State Sanitary Code and this local law.
- (7) Garbage - Each park shall provide equipment sufficient to prevent littering and shall provide metal depositories with tight fitting covers. They shall be placed at convenient locations, shall be emptied regularly and kept at all times in a sanitary condition.
- (8) Fire Inspection - Each park owner or manager shall cooperate with the Fire Chief of the district in which the park is located in arranging an annual inspection of the premises and conditions within the park. Recommended modifications shall be accomplished prior to annual license renewal.
- (9) Park Office - The owner or manager of a park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents, home address, make, description, year and license or identification number of the mobile home or travel trailer. These records shall be available to any law enforcement official, the village enforcement officer and the town and village assessors.

d. Mobile Home Park Requirements

- (1) Lot Size - Each mobile home park lot shall contain at least 7,500 square feet and no more than one mobile home shall be permitted to occupy one lot.
- (2) Stand - Each mobile home park lot shall be provided with a stand which provides an adequate foundation to insure against shifting and settling and must provide adequate anchors to insure against uplifting or overturning.
- (3) Yards - Each mobile home park lot shall have a minimum setback of 20 feet from interior streets and there shall be a minimum setback of 20 feet between any mobile home, including additions, and a side or rear lot line.
- (4) Parking - Each mobile home park lot shall provide off-street parking spaces for two automobiles, which shall be paved with a hard surface to eliminate mud and dust. Guest parking shall also be provided reasonably nearby in the amount of two (2) spaces for every ten (10) lots.

e. Travel Trailer Park Requirements

- (1) Lot Size - Each lot in a travel trailer park shall be a minimum of 2,500 square feet in size.
- (2) Slope - Lots shall be located on generally level ground, not to exceed an 8° slope, that is well drained, free of flood hazard and clear of dense brush. Where terrain is adequate, pull-through sites should be provided.
- (3) Mobile Homes - Mobile homes shall not be parked permanently or temporarily in any travel trailer park site.
- (4) Occupancy - Travel trailers shall not be parked for occupancy in a travel trailer park for more than 180 days in any one year, unless a winterized service building is provided. However, the travel trailer operator may designate an area of the park site to be used to store unoccupied travel trailers for longer periods than 180 days.
- (5) Recreation - A minimum of five (5) percent of the total area of the travel trailer park shall be dedicated to a recreation area and shall be reasonably equipped and

fully maintained by the park operator.

- (6) Service Building - Any park containing twenty (20) or more lots shall provide a building(s) containing at least one automatic washer and dryer, a public telephone, and unless admission to the park is restricted to units equipped with these facilities, one toilet, lavatory and shower for each sex for each twenty (20) lots. All service buildings shall be of substantial construction and shall be maintained in a clean, sanitary and sightly condition.

f. Inspection of Parks

The park permit applicant shall notify the village clerk when the park is ready for final inspection. The enforcement officer shall promptly make arrangements with the applicant to make a final inspection. If satisfied that the park project complies with the regulations contained herein and that the project has been completed as specified on the approved site plan, the enforcement officer shall issue a certificate of completion granting final permission to use the park.

g. Park License

- (1) Issuance of License - Upon completion of final inspection, issuance of a certificate of completion and payment of the fee required herein, license to operate the mobile home park or travel trailer park shall be issued by the Village Clerk, authorizing the operation of the park for the period of one (1) year from the date thereof. The Village Board may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this law. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with law. The license certificate shall be conspicuously posted in the office of or on the premises of the park at all times.

(2) License Renewal - The park license shall be renewed annually on the anniversary of the original date of approval. It shall be the park owner's responsibility to initiate the renewal procedure by completing the renewal application form and submitting it to the Village Clerk thirty (30) days prior to expiration of the current license. After investigating the park for health and safety irregularities or design modifications, the enforcement officer shall approve or disapprove the application in writing.

(3) License Fee - The license fee or the license renewal fee, in the amount of one hundred (100) dollars, shall be submitted with the completed renewal application is disapproved. An applicant whose renewal application has been disapproved shall be granted a thirty (30) day grace period in which to correct any deficiencies noted by the enforcement officer. The original or renewal license fee shall include the original inspection and up to two (2) reinspections.

ARTICLE 6 - ENFORCEMENT AND APPEALS

- a. The Village Board shall appoint an enforcement officer who shall have the authority to issue permits only in strict compliance with this law, and shall have no authority to vary the requirements.
- b. The enforcement officer shall be empowered to enter the premises to make such inspections as necessary to assure compliance with this law. It shall be the mutual responsibility of the permit applicant and the enforcement officer to arrange inspections prior to permit issuance.

ARTICLE 7 - VIOLATIONS

- a. Any person who violates any provisions 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 two hundred fifty (250) dollars or to imprisonment.

for not more than fifteen (15) days or to both fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

- b. Compliance with this law may also be compelled and violations restrained by order or injunction of a court of competent jurisdiction.
- c. The Village Board or the enforcement officer are hereby authorized to prosecute necessary proceedings to enforce compliance herewith.

ARTICLE 8 - INTERPRETATION

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

Powers and Duties

The Village Board shall have all the powers and duties prescribed by law and by this Zoning Ordinance, which are more particularly specified as follows:

Variances:

- a. To vary or adapt the strict application of any of the requirements of this ordinance in the case of irregular, narrow, shallow or steep lots or other exceptional physical conditions of lots or buildings whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.
- b. No variance in the strict application of any provision of this ordinance shall be granted by the Village Board unless it finds:

(1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are such that the strict applications of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.

(2) That for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Village Board is the minimum variance that will accomplish this purpose.

(3) That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Procedure

1. The Village Board shall act in strict accordance with the procedures specified by law and by this ordinance. All appeals and applications made to the Village Board shall be in writing, on forms prescribed by the Board.
2. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be. The Village Board shall fix a reasonable time for the public hearing required for every appeal or application and shall give public notice thereof by the publication in the official paper of a notice of such public hearing at least fifteen (15) days prior to the date thereof, and shall, at least ten (10) days before such public hearing, mail notice thereof to the parties involved.
3. At least ten (10) days before the date of the public hearing required by law on an application or appeal to the Village Board, the Secretary of the said Board shall transmit to the

Planning Board of the Village of Fort Leyden a copy of said application or appeal, together with a copy of the notice of the aforesaid public hearing, and shall request that the Planning Board submit to the Village Board its advisory opinion on said application or appeal; and the Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing.

- h. Every decision of the Village Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk by case number under one of the following headings: Special Use Permits, Interpretations, Variances, together with all documents pertaining thereto.

Fees

The Board of Trustees shall establish appropriate fees for the issuance of zoning permits, certificates of occupancy, special use permits or variances.

Penalties for Offenses

For any and every violation of the provisions of this ordinance, the owner or owners, general agent or contractor of a building or premises, where such violation has been committed or shall exist, and the owners, general agent or contractor, lessee or tenant of any part of a building or premises in which such violation has been committed or shall exist, and the general agent, architect, builder, contractor or other person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist, shall, for each and every violation and for each and every day that such violation continues, be subject to a fine not to exceed \$250.00 per day, and in addition thereto any violation of the provisions of this ordinance or any part thereof shall be and hereby is declared to be disorderly conduct, and any person violating this ordinance or any part thereof shall be and hereby is declared to be a disorderly person. Nothing in this ordinance shall be construed as depriving the village of the right to apply for an injunction to

prevent the violation of this ordinance or of employing any other available remedy.

ARTICLE 9 - EFFECTIVE DATE

The effective date of this local law shall be August 27, 1980.