

MOBILE HOME PARK AND CAMPGROUND LAW

TOWN OF MONTAGUE
Lewis County, New York

Draft for Discussion Only

September 1995

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 Montague Mobile Home Park and Campground 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 Montague through the efficient regulation of mobile home parks and campgrounds, 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. The definitions of all terms are as defined in the Town of Montague Land Use Law, except as defined below.

Campsite: Any area of land within a campground intended for the exclusive occupancy of a single camping unit.

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.

Land Use Law: The Town of Montague Land Use Law.

Article C. Mobile Home Park and Campground License

Section 1. Mobile Home Park and Campground License

- A. No person shall operate a mobile home park or campground within the Town of Montague 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, and shall be granted coincident to the final approval of a special use permit.
- B. All licenses shall be issued for a period of one year, after which time renewal shall be required. All licenses shall expire on July 1, annually. The license shall be displayed conspicuously at all times at the site of mobile home park or campground.
- C. Prior to license renewal, all parks and campgrounds 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.

- D. 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. Refusal to allow the enforcement officer to enter the premises for the purpose of inspection shall be cause for the denial of an unapproved license, or if a license has been issued, for the revocation of such license by the Town Board.

Section 2. License Revocation or Failure to Renew

- A. 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 the official newspaper at least five days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least five 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.
- B. Should any mobile home park or campground license be revoked or fail to be renewed, the operator shall cease and desist from operating a mobile home park or campground and shall remove all mobile homes, residential camping vehicles, tents, etc., and appurtenant structures from the premises, within 90 days of the revocation.

Article D. Mobile Home Park Standards

Section 1. Mobile Home Park Location, Conditions and Size

- A. Mobile home parks shall be located where orderly development can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering. Mobile home parks shall not be located in Forest Districts as designated in the Land Use law.
- B. Mobile home 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.
- C. Mobile home 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.
- D. Mobile home parks shall contain 10 mobile home sites, minimum.

Section 2. Mobile Home Sites

- A. Mobile home 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.

- B. Sites shall be a minimum of 7,500 square feet.
- C. Site shall have a minimum width of 60 feet and a minimum depth of 125 feet.
- D. All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures shall satisfy the following setback requirements:
 - 1. Minimum of 150 feet from the road line of county or town roads.
 - 2. Minimum of 40 feet from any internal road.
 - 3. Minimum of 8 feet from all site lines.
- E. No site, internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 50 feet of external boundaries of the mobile home park.

Section 3. Mobile Home Park Entrances

- A. 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 mobile home park, if any.
- B. Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles.
- C. 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

- A. Access roads connecting public roads with internal roads shall be required, and at least two independent access roads shall be required to serve any mobile home park having 20 or more mobile homes.
- B. Access roads shall intersect public roads at right angles and at compatible grades and shall meet the Town of Montague Road Standards.

Section 5. Mobile Home Park Internal Roads

- A. 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.
- B. All sites shall face on and be serviced by internal roads.
- C. 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.
- D. Cul-de-sacs with a minimum turning radius of 35 feet shall be provided in lieu of closed end roads.
- E. All internal roads shall have a minimum 20 foot right-of-way, 16 feet of which shall be of gravel with dust inhibiting material, or of other more durable construction.

Section 6. Mobile Home Park Design Standards

- A. Easily accessible and usable open spaces shall be provided in all mobile home parks. Such open space shall have a total area equal to at least 15% of the gross land area of the mobile home park and shall be fully maintained by the mobile home park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
- C. Water supply and sewage disposal systems shall be designed and constructed in compliance with all New York State Health Department and Environmental Conservation Department requirements.
- D. Storage facilities shall be provided which shall provide 125 cubic feet of secure storage space for each mobile home. Such facilities may be located either on each site or be a permanent structure within the park which is easily accessible to the park residents at all times.
- E. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances, codes, and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- F. The entire park shall be screened from the view of adjacent properties and roadways by the planting of shrubbery. Such shrubbery shall be of a species suitable to the Town Board and shall mature to at least an eight foot height.
- G. Internal roads, storage areas, and service buildings shall be adequately lighted.
- H. All site setback areas shall be seeded.
- I. All parking areas shall be located off of the internal road system.

Article E. Campground Standards

Section 1. Campground Standards

- A. All campgrounds shall contain 20 campsites, minimum.
- B. There shall be adequate access to public roads with each campsite being serviced by interior roadways.
- C. Easily accessible and useable recreational spaces shall be provided in all campgrounds. Such recreational space shall have a total areas equal to at least 5% of the gross land area of the campground and shall be fully maintained by the campground operator.
- D. Campground sites shall be divided and marked off into campsites which are a minimum of 2,000 square feet in area for overnight use, and 4,000 square feet in area for longer-term vacationing use. Campsite numbers shall be conspicuously posted on each campsite.
- E. All buildings and campsites shall have a setback of 150 feet from public road lines, with setback areas being seeded and adequately landscaped.
- F. Water supply and sewage disposal systems shall be designed and constructed in compliance with New York State Health Department and Environmental Conservation Department requirements.

- G. All campgrounds shall provide one toilet and one shower for each sex for each 20 campsites, and at least one public telephone shall be provided in each campground.
- H. A registration office shall be located between the entrance to the campground and any structure, service facility or campsite for control of ingress and egress.
- I. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles.
- J. All internal roads shall be designed, graded and leveled with a durable surface of either blacktop, gravel, or concrete so as to allow the safe passage of emergency and other vehicles at a speed of 15 miles per hour.

Article F. Operations

Section 1. General Operations

The following shall apply to both mobile home parks and campgrounds:

1. The operator shall maintain an office in the immediate vicinity of the mobile home park or campground.
2. The operator shall operate the mobile home park or campground in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the mobile home park or campground, 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 or campground 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 or campground. All areas of the park or campground shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

Section 2. Mobile Home Park Operations

The following shall apply to mobile home parks:

1. 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.
2. 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.
3. Recreational camping vehicles shall not be used for residential purposes, whether permanently or temporarily, in any mobile home park.
4. 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.

Section 3. Campground Operations

The following shall apply to campgrounds:

1. Recreational camping vehicles shall not be parked for occupancy in a campground for more than 180 days in any one year. However, the campground operator may designate an area of the campground to be used to store unoccupied recreational camping vehicles for longer periods than 180 days.
2. The operator shall maintain a register containing the names of all occupants, their home addresses, the make and license number of their motor vehicle, and a description of the tent or recreational camping vehicle occupied. Such register shall be available to any authorized person inspecting the campground.
3. Mobile homes shall not be parked in any campground.
4. The operator shall operate the campground in compliance with the standards set forth in this law and 10 NYCRR Subpart 7-1 and shall provide adequate supervision to maintain the campsites, roads, facilities and equipment in good repair and in a neat and sanitary condition.
5. The operator shall maintain an office in the campground and shall maintain a register containing a record of all occupants. Such register shall be available to the enforcement officer and shall contain:
 - a. the names and permanent addresses of all campsite occupants;
 - b. the make, model and license number of any recreational camping vehicle and tow vehicle; and
 - c. the dates of arrival and departure of a unit and its occupants.

Article G. Miscellaneous Provisions

Section 1. Violations and Penalties

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the enforcement officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the enforcement officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the enforcement officer shall take action to compel compliance.
2. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.
3. 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 and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period

not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

4. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 2. Appeals

Appeals of this law shall be conducted by such board, through such procedures, and subject to such standards and conditions as are established for the Town of Montague Land Use Law.

Section 3. 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 4. Severability

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

Section 5. Effective Date

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



TOWN OF MONTAGUE

RD #2, BOX 199C
SALMON RIVER ROAD
LOWVILLE, NEW YORK 13367
315-376-7810

~~James R. McIntosh~~
SUPERVISOR

Cheryl M. SCerbo
TOWN CLERK

RESOLUTION 1996-24

Adoption by the Town Board of Local Law # 2-1996 Town of Montague Mobile Home Park and Campground Law

On a motion from Councilwoman Cheryl Dwyer, seconded by Supervisor James McIntosh, the following Resolution was adopted;

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Montague for a Public Hearing to be held by said Town Board on October 8th, 1996 at 7:00 P.M. at the Town Barn Annex, Salmon River Road, to hear all interested parties on a proposed Local Law entitled "Town of Montague Mobile Home Park and Campground Law", and

WHEREAS, Notice of said Public Hearing was duly published in the Journal and Republican, the official newspaper of the Town of Montague on October 2nd, 1996,

WHEREAS, said Public Hearing was duly held on October 8th, 1996 at 7:00 P.M. at Town of Montague, Town Barn Annex and all parties in attendance were permitted an opportunity to speak on behalf or in opposition to said proposed Local Law or any part thereof and,

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to State Environmental Conservation Quality Review Act of the Environmental Law, it has been determined by the Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment, therefore filing a Negative Declaration,

WHEREAS, the Town Board of the Town of Montague, after due deliberation, finds it in the best interest of the Town of Montague to adopt said Local Law # 2-1996.

Now, therefore, **BE IT RESOLVED**, that the Town Board of the Town of Montague hereby adopts said Local Law # 2-1996 entitled, Town of Montague Mobile Home Park and Campground Law. A copy of which is attached hereto and made a part hereof, and the Town Clerk be and she is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Montague, and



TOWN OF MONTAGUE

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315-376-7810

James R. McIntosh

SUPERVISOR

Cheryl M. Scerbo

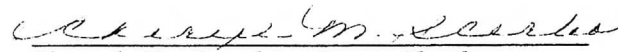
TOWN CLERK

Resolution 1996-24

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give due notice of the adoption of said Local Law to the Secretary of State.

Vote: Supervisor James McIntosh - Aye
Councilman Dave Andalora - Aye
Councilman Jan Bogdanowicz - Aye
Councilwoman Cheryl Dwyer - Aye


Cheryl M. Scerbo
Cheryl M. Scerbo, Town Clerk

Dated this 8th day of October 1996
in the Town of Montague, Lewis County
New York.