

**TOWN OF
MINERVA**

TOWN HALL
5 MORSE MEMORIAL HIGHWAY
MINERVA, NY 12851

**MOBILE
HOME
LAW**

**ADOPTED
APRIL 18, 2004**

ZONING COMMISSION

SECTION 1-1: AUTHORITY

This law is adopted pursuant to the authority granted the **Town of Minerva** in Article(s) 2 and 3 of Municipal Home Rule Law and Section 4-412 of Article 4 of the Town Law.

SECTION 1-2: TITLE

This Law shall be known as the “**TOWN OF MINERVA MOBILE HOME LAW**”

SECTION 1-3: PURPOSE

It is the purpose of the Law to promote the health, safety and general welfare of the inhabitant of the Town of Minerva through the efficient regulation of mobile homes.

SECTION 1-4: RESERVED

SECTION 2: DEFINITIONS

ENFORCEMENT OFFICER: The Town Enforcement Officer or any other person appointed by the Town Board to issue permits, enforce this law and to represent them in matters pertaining to this law.

LOT: Land occupied or which may be occupied by and its accessory uses, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot, and having minimum frontage on a road.

LOT AREA: Total area within the property lines excluding any part thereof lying within the boundaries of a public road or proposed public road.

LOT DEPTH: The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

LOT FRONTAGE: The distance measured across the width of the lot of the required building front line.

LOT LINE: Any boundary of a lot. Any lot lines which are not a rear line nor a front line shall be deemed a sideline.

LOT OF RECORD: Any lot or premises which has been duly defined or recorded in the Essex County Clerk's Office.

MOBILE HOME: A dwelling built to (HUD) Manufactured Home Construction and Safety Standards designed for one family, which has the following distinguishing characteristics:

- (a) Manufactured as a moveable or portable dwelling for year-round occupancy and for installation on a masonry or concrete foundation or a mobile home stand, or piers, with or without a basement or cellar;
- (b) Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation or piers;
- (c) May contain parts that can be folded, collapsed or telescoped when being towed and expanded later to provide additional living space;
- (d) May be constructed in 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.

ROAD: An existing public, federal, state, county or town right-of-way, whether paved or not, which is used for the movement of people and goods and to provide access to adjacent property.

NONCONFORMING USE: A building, structure or use of land lawfully existing at time of enactment of this ordinance or any amendments thereto, which does not conform to the regulations of this law subsequent to said enactment or amendment.

NONCONFORMING LOT: A lot of record existing on the date of enactment of this ordinance or any amendments thereto which does not comply with the minimum frontage or area requirements.

PERSON: Any Individual, firm, partnership, association, corporation, company, or organization of any kind.

ROAD LINE: Right-of-way line of a road as dedicated by a deed of record. Where the width of the road is not established, the road line shall be considered to be twenty (25) feet from the centerline of the road pavement.

SKIRTING (MANUFACTURED): A new durable vinyl or aluminum product sold commercially and designed and intended as an enclosure for the space between the sectional mobile home and sectional mobile home stand.

SKIRTING WALL: Material of a weatherproof nature that is used to enclose the space between the sectional mobile home and sectional mobile home stand. Skirting wall shall be masonry, or pressure treated lumber or other material that would be permitted by the New York State Residential Code for enclosing a crawl space of a single family home with no cellar.

SECTION 3-1: R E S E R V E D

SECTION 3-2: NUMBER OF STRUCTURES

Not more than one (1) residence shall be permitted on a single lot.

SECTION 3-3: GENERAL REQUIREMENTS

- A. All mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department Of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976) and any amendments and revisions thereto. The permit applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.
- B. A mobile home must have a roof of 3 ½ pitch without leaks or other defects, two (2) operable smoke detectors, one (1) of which must be electric, floors free from defects and which are structurally sound, doors which are serviceable and undamaged so they latch shut, windows free of broken glass or screens and which are not patched.
- C. A mobile home shall have no damage to the exterior. All cuts, dents, holes and rust shall be repaired or replaced prior to being brought into the Town of Minerva. Said mobile home shall be anchored in conformance with Residential Code of New York State.
- D. All mobile homes shall be placed on a permanent foundation extending below the frost line, or upon a reinforced concrete slab at least five (5) inches thick which extends the full length and width of the mobile home which is placed upon it.
- E. **Skirting:**
 - 1. Mobile homes shall be enclosed with manufactured skirting or a skirting wall within 90 days.
 - 2. No Certificate of occupancy shall be issued until the Building Code Office verified that such manufactured skirting or skirting wall has been properly installed.
 - 3. No changes shall be made to the manufactured skirting or skirting

wall of a sectional mobile home which will make the manufactured skirting or skirting wall in violation of this code or any other applicable code law, rule, regulation, ordinance or local law.

- F. Any additional structure or addition added to or in close proximity of the mobile home should be compatible in appearance and must be structurally sound. A separate permit shall be obtained if said structure or addition is greater than one hundred and forty (140) square feet in floor area.
- G. A certificate of compliance with regard to **A, B, C, E** and **F** set forth above in this section shall be submitted with the application. Such certificate may be obtained from the Enforcement officer.
- H. All mobile homes shall be provided with exterior walls of traditional site-built appearance made of clapboards, shingles, and shakes; masonry, wood board-and-batten; or “Texture 1-11” exterior plywood.
- I. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed upon a roof a mobile home.
- J. No mobile home may be used for any purpose other than a single family residence. A mobile home may not be used as a storage building, except as provided in the “Exceptions.”

Exceptions: None of the provisions of the Law shall be applicable to any mobile home located on the site of a construction project, survey project or other similar work project and used solely as a field office or work or tool house in connection with such project, provided such mobile is removed from said site within thirty (30) days after completion of such project and provided permission of the Enforcement Officer is obtained before said mobile home is brought into the Town of Minerva.

SECTION 4-1: SEWAGE AND WASTE DISPOSAL

The installation or replacement of all on-site sewage and waste disposal systems and system components shall comply with the application specifications and standards set forth in the most recent editions of **Waste Treatment Handbook – Individual Household Systems**, published by the New York State Department of Health, or any replacement volume thereof, and with any other state or local law.

SECTION 5-1: RESERVED

SECTION 6-1: PERMIT REQUIRED

- A. No person shall locate, relocate, replace or expand a mobile home within the Town of Minerva unless a permit has been issued for such mobile home by the Enforcement Officer or Town Clerk pursuant to this law.
- B. No person owning, having any right to, or any interest in any real property within the Town of Minerva shall license, rent, lease, or otherwise permit the use of any such real property of any part thereof, for the location of a mobile home unless a permit has first been issued for such mobile home pursuant to this law.

SECTION 6-2: APPLICATION

The applicant for a mobile home permit shall obtain application form(s) from the Town of Minerva or Enforcement Officer. The completed form(s), along with the appropriate fees, shall be returned to the Town Clerk. The Town Clerk shall submit the application materials to the Enforcement officer.

SECTION 6-3: RESERVED

SECTION 6-4: APPLICATION FEE

Application fees shall be established by the Town of Minerva Board by resolution

SECTION 6-5: 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.

SECTION 6-6: CERTIFICATE OF OCCUPANCY

- A. The Enforcement Officer shall inspect the mobile home to ensure compliance with the provisions of this law when installation is complete. Applicant shall bear the responsibility to schedule such inspection(s) as necessary.
- B. No mobile home for which a permit has been issued shall be used or occupied until a certificate of occupancy has been issued by the Enforcement Officer.

SECTION 7-1: NONCONFORMING MOBILE HOMES

Mobile homes which were established prior to the *effective date* of this law, shall be considered nonconforming mobile homes and may continue and may be maintained and repaired as long as such activity does not increase the nonconformity.

SECTION 8-1: APPEALS

Appeals from any action, decision or ruling of the Enforcement Officer must be made to the Town Board within thirty (30) days of the action, decision or ruling from the relief is sought and shall be in writing specifically stating the relief sought and the basis for such appeal.

SECTION 8-2: APPEALS FEES

Appeals fees may be established by Town Board resolution.

SECTION 8-3: HEARING

The Town Board shall hear the appeal within thirty (30) days of receipt of the written request at a public hearing scheduled therefore.

SECTION 8-4: DECISION

Within thirty (30) days of the hearing, the Town Board shall affirm, modify or deny the action, decision or ruling of the Enforcement Officer or correct any omission by him, or approve, approve with conditions or disapprove the application. The decision of the Town Board shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Town Board. As part of any decision, the Town Board shall direct the Enforcement officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this law.

SECTION 9-1: VARIANCES

Any application for a variance from the strict application of the standards specified in Section(s) 3-3 shall be made in writing to the Town Board specifying the nature of the variance.

SECTION 9-2: CRITERIA FOR VARIANCE

A variance from the strict application of the standards of Section(s) 3-3 shall not be granted unless the Town Board has found the following:

- A.** The applicant has demonstrated a practical difficulty or unnecessary hardship in the compliance with this law.
- B.** The variance would be in keeping with the intent and spirit of this law and is in the best interest of the community.
- C.** There are special circumstances involved in the particular case.

- D. Denying the variance would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.
- E. The variance is the minimum necessary to accomplish the purpose.

SECTION 9-3 HEARING

The Town Board shall hear the request for variance within thirty (30) days of the receipt of the written request at a Public Hearing scheduled therefor.

SECTION 9-4: DECISION

Within thirty (30) days of the hearing the Town Board shall issue a written decision granting, denying or granting subject to condition(s). The decision shall contain findings of fact which shall support the Board's decision. Appeal from said decision should be made pursuant to Article 78 of the C.P.L.R.

SECTION 10-1: COMPLAINTS OF VIOLATIONS

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Enforcement Officer who shall properly record such complaint, immediately investigate and report findings to the Town Board.

SECTION 11-1: ENFORCEMENT

If any violation of this Law is found not to have been properly remedied or made to comply with the provisions of this Law by the expiration of a reasonable time period, the 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 mobile home, and for the prosecution of any owner, occupant or offender.

SECTION 11-2: PENALTIES

Any person who shall violate any of the provision of the Law shall be guilty of an offense and subject to a fine not exceeding one hundred (\$100.00) dollars. Each week of continued violation shall constitute a separate offence.

SECTION 12-1: EFFECTIVE DATE

This Law shall be effective upon filing with the Secretary of State of New York.