

# Town of Deerpark

## Orange County, New York

# Manufactured Home Law

Prepared by:

**Town of Deerpark Planning Board**

**Town of Deerpark Town Board**

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# Town of Deerpark Manufactured Home Law

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## MANUFACTURED HOME LAW

BE IT ENACTED by the Town Board of the Town of Deerpark, Orange County, New York, as follows:

### § 1.0 Purpose.

The purpose of this Law is to promote the general welfare of the Town of Deerpark, including the retention of its rural character, preservation of the qualities of its natural environment and the protection of its inhabitants by establishing specific requirements and regulations governing the occupancy and maintenance of manufactured home parks.

### § 2.0 Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

- 2.1 **Manufactured Home.** A transportable single-family dwelling unit intended for permanent occupancy which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed on a chassis so that it might be towed, not including a modular or sectional dwelling, recreational vehicle or travel trailer.
- 2.2 **Manufactured Home Lot.** A designated site of specific total land area which is located within a manufactured home park for the accommodation of one manufactured home and its occupants.
- 2.3 **Manufactured Home Park.** A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing ten (10) or more manufactured homes for occupancy as single-family dwellings.
- 2.4 **Manufactured Home Base.** A permanent base located on a manufactured home lot which is capable of supporting and which is used for placement of a manufactured home. Such base shall consist of concrete pad.
- 2.5 **Sewer System.** A system of collection lines and central treatment facilities that: (1) discharges treated effluent to a stream pursuant to the discharge requirements of New York State or (2) utilizes community subsurface sewage disposal systems serving twenty-five (25) or more dwelling units each, provided that any such system shall be approved by the Township Engineer.

### § 3.0 Licenses Required for Manufactured Home Parks.

- 3.1 No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Deerpark, shall use or allow the use of such land for a manufactured home park unless a license has been obtained as herein provided.
- 3.2 **Issuance of license.**
  - 3.2.1 The Town Building Inspector of the Town of Deerpark shall issue a license after approval by the Town Planning Board of the site plan review and special use application. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Building Inspector and shall be renewed annually subject to an inspection by the Building Inspector and

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subsequent approval by the Town Board as to continued compliance with the standards of this Law.

3.2.2 No license shall be issued until the Planning Board and the Building Inspector have received;

(1) A written application from the applicant on the form provided by the Town Building Inspector.

(2) The required fee as herein provided. Such fees, including fees for annual renewals, shall be set by resolution of the Town Board.

(3) There is a New York State and Orange County approved sewage disposal system designed by a Licensed Professional Engineer and meeting the standards of Section 2.5.

3.2.3 The license shall be transferred to a new owner of a manufactured home park provided all of the requirements of this Chapter are met and provided the Town is so notified. No license shall be transferred without previous filing and approval of a site plan and license application.

3.3 Supplemental license.

3.3.1 Any person holding a license for a manufactured home park who desires to modify any aspect of the manufactured home park or add additional lots to such park shall file an application for a supplemental license and, if one has not already been filed and approved, submit a site plan for review and approval by the Planning Board.

3.3.2 The application for such supplemental license must be accompanied by twelve sets of plans and specifications and shall be filed and processed as provided herein for new manufactured home parks.

3.3.3 When approved, the Town Building Inspector shall issue a supplemental license which will be effective from the date of issuance, renewed annually and continue until surrender by the licensee or revocation by the Building Inspector.

3.4 The applicant shall pay the Town such fee(s) as are established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.

§ 4.0 Application Procedure.

4.1 Each application for a manufactured home park license shall be in writing and signed by the applicant.

4.2 Twelve (12) copies of the application and plans and related information shall be filed with the Building Inspector on a form supplied by the Town. No application shall be deemed filed until all required information shall have been filed with the Town of Deerpark Planning Board. The Planning Board shall advise the applicant of any deficiencies with respect to the completeness of the application within forty-five (45) days of its receipt thereof.

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- 4.3 The Building Inspector promptly shall transmit copies of the application and plans to the Town Planning Board who shall process the application pursuant to the site plan review and special use requirements of the Town of Deerpark Zoning Law and New York State Town Law.
- 4.4 The Building Inspector, within fifteen (15) days of the filing of the Planning Board decision shall issue the license provided approval has been granted and all other requirements of this Law are met.
- 4.5 Any disapprovals shall be in writing and include the reasons therefore. The Building Inspector shall not issue a license, in any instance, where the Planning Board has not approved the Site Plan and Special Use permit.

## § 5.0 Application Data.

- 5.1 Each application shall be accompanied by twelve (12) complete sets of plans which have been prepared by a licensed land surveyor or engineer.
- 5.2 Each application shall contain the following information:
  - 5.2.1 The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation including principal shareholders (more than 5% ownership).
  - 5.2.2 The description of the land that is proposed to be used as a manufactured home park, together with a map showing its location in the Town.
  - 5.2.3 The number of lots to be provided in such manufactured home park.
  - 5.2.4 The names and addresses of the owners of the property on which the manufactured home park is to be located and a written statement signed by the owners consenting that the premises be used for a manufactured home park.
- 5.3 A location map shall be incorporated with the application that shows all land within 300 feet of the park, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities adjacent to and within the park.
- 5.4 Proposed development. The application shall be accompanied by twelve (12) copies of a development plan showing the following:
  - 5.4.1 The location and widths of all entrances, exits and streets.
  - 5.4.2 The location, size and arrangement of each lot within the park.
  - 5.4.3 The method and plan for electric lighting.
  - 5.4.4 The location and plan of all proposed structures and improvements.
  - 5.4.5 Plans for landscaping.
  - 5.4.6 Plans and locations for sewer, storm water drainage and water supply systems.

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- 5.4.7 Utilities.
- 5.4.8 Off-street parking facilities.
- 5.4.9 Fencing and screening.
- 5.4.10 Signs and other structures.
- 5.4.11 Names of owners of adjoining properties.
- 5.4.12 Recreational facilities.
- 5.4.13 Location and type of trash receptacles.
- 5.4.14 All other applicable information required by the Town Zoning Law.

## § 6.0 Requirements for Manufactured Home Parks.

### 6.1 Site

- 6.1.1 The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
- 6.1.2 The park shall be at least seventy-five (75) acres in size and have at least one-hundred (100) feet frontage on a public road. Additional park land must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new road may be approved as part of the plan.
- 6.1.3 All new manufactured home parks shall include a minimum of ten (10) improved manufactured home sites at the date of first occupancy.

### 6.2 Manufactured Home Lots

- 6.2.1 Each manufactured home lot shall have a total area of not less than 10,000 square feet.
- 6.2.2 No more than (1) manufactured home shall be placed on any manufactured home lot.
- 6.2.3 The lot numbers shall be legibly noted for each lot on the plans submitted

### 6.3 Manufactured Home Placement

All manufactured homes shall be parked or otherwise be located:

- 6.3.1 At least forty (40) feet from an adjacent manufactured home.
- 6.3.2 At least fifty (50) feet from an adjacent manufactured home park property line.
- 6.3.3 At least seventy-five (75) feet from right of way line of any existing public street or highway.

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- 6.3.4 At least forty (40) feet from the nearest edge of any roadway located within the park.
- 6.4 Manufactured Home Stand. Each manufactured home lot shall have a manufactured home stand (concrete pad) that will provide for the practical placement on a base on the lot of both the manufactured home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition.
- 6.5 Accessibility and Lighting
- 6.5.1 Each manufactured home park shall be accessible from an existing public highway or street.
- 6.5.2 Any manufactured home park shall provide, two (2) points of entry/exit at least one-hundred (100) feet apart.
- (1) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
  - (2) No individual manufactured home shall have direct access to a State, County or Town road without first entering a street or driveway in the manufactured home park leading to an exit.
  - (3) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
  - (4) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached and shall be at least fifty (50) feet in width for at least fifty (50) feet into the property.
- 6.5.3 Each manufactured home park shall have roads to provide for the convenient access to all manufactured home lots and other facilities within the park.
- (1) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, all-weather surfaces.
  - (2) All roads shall have minimum cartway pavement width of eighteen (18) feet:
  - (3) Road features, including shoulders and sidewalks, shall otherwise be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specifications for Suburban Streets.
  - (4) No parking shall be allowed on the street.
- 6.5.4 All means of egress, drives and public places shall be adequately lighted.
- 6.5.5 One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater in area than 50 square feet and shall not extend more than eight (8) feet above ground level. Such sign shall be located at least 20 feet from

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any property line or street right-of-way line.

## 6.6 Parking

Two (2) off-street parking spaces shall be provided on each manufactured home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet

## 6.7 Utilities and Service Facilities

The following utilities and services shall be provided in each manufactured home park in accordance with the regulations and requirements of the New York State Department of Health:

6.7.1 An adequate supply of pure water meeting New York State Department of Health standards for drinking and domestic purposes shall be supplied by pipes to manufactured home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements in Part 17 of the Sanitary Code shall be provided.

6.7.2 Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the washing machines, shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a public or private sewer system as defined in Section 2.5. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.

6.7.3 Garbage removal shall be provided on an individual lot pickup basis.

6.7.4 Manufactured homes that do not contain toilets, lavatory and tubs or showers shall not be permitted in any manufactured home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.

6.7.5 Each manufactured home lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

## 6.8 Recreation and Open Space

6.8.1 Each manufactured home park shall provide common open space for the use of the occupants of the park. Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least thirty-five (35) percent of the gross land area of the park including all lots and unplatted areas.

6.8.2 Any manufactured home park shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas which can be used for active recreational activities such as ballfields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than

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three (3) acres in size. Each manufactured home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each manufactured home to the recreation and other open space areas created. These recreational improvements shall be included on the landscaping plans presented as part of the application package.

### 6.9 Landscaping

6.9.1 Ground cover shall be provided on those areas not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.

6.9.2 Screening acceptable to the Planning Board and Building Inspector shall provide for adequate shade and a suitable setting for the manufactured homes and other facilities. It shall include landscaping materials meeting the requirements of the Town of Deerpark Zoning Law. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials approved by the Planning Board and Building Inspector. Such screening shall be designed to create and maintain a high quality neighborhood character for existing residents as well as new manufactured home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of manufactured home residents and of all manufactured homes and accessory structures from view by adjoining. The Planning Board shall also require and approve a landscaping plan for the interior of the manufactured home park to buffer individual manufactured homes, provide shade and green areas and ensure a wholesome living environment.

6.9.3 Skirting acceptable to the Planning Board and Building Inspector shall be installed along the perimeter of each manufactured home, extending from the manufactured home stand to the floor of the manufactured home unit and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual manufactured home sites and ensure effective separation of manufactured homes from each other for purposes of privacy as well as aesthetics.

6.10 The owner or operator of each manufactured home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each manufactured home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the manufactured home or the person bringing the same into the court. Such register shall be open for inspection to the Town Building Inspector or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.

### 6.11 Fire District Approval and Firefighting Requirements

6.11.1 No application for a manufactured home park license shall be approved unless and until the appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district firefighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire



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protection. The applicant shall document to the fire district and the Planning Board, that there is a fire hydrant(s), with sufficient capacity to meet the firefighting needs associated with the development, located on the site and convenient for easy access. Water storage facilities may be provided as an alternative to hydrants if the same are secured from access by small children.

6.11.2 If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning Board and Building Inspector, to require a condition of special use and site plan approval as well as licensing hereunder, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the manufactured home park.

## 6.12 Accessory Structures and Additions

Accessory structures shall require a building permit from the Town of Deerpark and meet State building code requirements.

## 7.0 Enforcement.

The Building Inspector shall enforce all of the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any manufactured home park or other premises used for the parking and placing of manufactured homes.

7.1 If the Building Inspector finds that a manufactured home park for which a license has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Law, he may serve, personally or by certified mail to the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order. The Building Inspector shall, for purposes of determining compliance with this Law, be authorized to make periodic inspections of all manufactured home parks and shall be provided entry to accomplish that task. The Town Board shall specify the frequency of such inspections and set fees to cover costs involved.

7.2 If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Building Inspector may suspend such license and the holder of the license shall thereupon terminate the operation of such manufactured home park provided residents have been afforded adequate opportunities consistent with State and/or Federal law to relocate.

7.3 However, if the owner or operator of such manufactured home park shall thereafter correct such conditions and bring the manufactured home park into compliance with this Law, such owner may then apply for the issuance of a new license for such park and if the application is approved and a license granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.

7.4 Any license which is not used for the purpose intended within two (2) years of the date of issuance as evidenced by placement of the home(s) on the designated site, shall automatically expire.

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7.5 No license for a manufactured home park, or any portion of a manufactured home park, shall be issued unless and until all improvements as required herein, including landscaping and screening, have been physically installed, inspected and approved by the Building Inspector, excepting that roads shall be approved by the Town Highway Superintendent in consultation with the Town Engineer as may be required. In those instances where a manufactured home subdivision is to be created and individual lots are to be conveyed for purposes of placing a manufactured home, all required improvements will be installed or financially secured pursuant to Section 277 of the Town Law and all other requirements of the Town of Deerpark's Subdivision Law shall be met. Such subdivisions shall be subject to the development standards provided herein and in the Town Zoning and Subdivision Laws. Should the latter development standards and the standards herein conflict the more restrictive standard shall apply.

## 8.0 Penalties.

8.1 Any person, partnership, association or corporation who violates any provision of this Law shall be guilty of an offense against this Law and subject to a fine of not less than one-hundred dollars (\$100) or more than five hundred dollars (\$500). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.

8.2 In addition to the above provided penalties, the Building Inspector may maintain a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain, by injunction, the violation of this Law.

## 9.0 Exceptions.

None of the provisions of this Law shall be applicable to the following:

9.1 The business of manufactured home sales, except that where units are used as living quarters, they shall conform with the provisions of this Law

9.2 A modular house, other than a doublewide manufactured home, that is prefabricated in sections, transported to the building site, then fastened together and anchored to a permanent and totally enclosed masonry foundation, provided such house meets all other requirements for single-family dwellings in the applicable zoning district..

## 10.0 Validity and Non-waiver.

10.1 If any section, paragraph, subdivision or provision of this Law shall be found invalid, such validity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Law shall remain valid and effective.

10.2 The issuance of any permit or license pursuant to the provision of this Law shall not be deemed to waive compliance; by the holder thereof, by the property owner or by any occupant; of any court or manufactured home park statute of the State of New York Law or health regulation of the State of New York or the County of Orange or the Town of Deerpark or of any provision of this Law.

## § 11.0 Waivers.

11.1 The Town of Deerpark Zoning Board of Appeals may, for good cause shown, authorize waivers from the strict interpretation of the provisions of this Law affecting

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manufactured home parks.

## 11.2 Procedure for waivers

11.2.1 The owner of an manufactured home park may apply for a waiver by filing an application with the Town of Deerpark Zoning Board of Appeals together with an application for a license setting forth the reasons for the waiver.

11.2.2 Fees for waiver applications shall be established by resolution of the Town Board.

## § 12.0 Separability.

Should any section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.