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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Moriah
~~Town~~
~~Village~~

Local Law No. 2 of the year 19 89

~~Local Law~~ THE TOWN OF MORIAH MOBILE HOME LOCAL LAW
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Moriah as follows:
~~Town~~
~~Village~~

ARTICLE I INTRODUCTORY PROVISIONS

Section 1.1 Enactment. The Town Board of the Town of Moriah, Essex County, New York, does hereby ordain and enact this Town of Moriah Mobile Home Local Law pursuant to the authority and provisions of Town Law §130 (2) and §274-a.

Section 1.2 Title. This local law is known as the "Town of Moriah Mobile Home Local Law." The Town of Moriah is hereinafter referred to as the "Town". The Town does not include the incorporated Village of Port Henry.

Section 1.3 Intent and Purpose. As the frequency of mobile home increases, it behooves the Town to plan for the appropriate location of them in order to better serve the needs and desires of the people of Moriah. The purpose of this local law is to promote the health, safety and welfare of the overall community rules and regulations pertaining to the location of mobile homes and to the parking and storage of travel trailers and mobile homes exist herein.

Section 1.4 Repeal of prior Mobile Home Ordinance. Effective upon the effective date hereof, the ordinance known as the Town of Moriah Mobile Home Ordinance, as adopted March 28, 1988, is hereby repealed.

ARTICLE II GENERAL PROVISIONS/APPLICABILITY AND DEFINITIONS

Section 2.1 Definitions. As used in this local law, unless the context otherwise requires:

(a) **Accessory Structure.** Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or

enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alterations do not include ordinary maintenance and repairs of a building or structure or interior alterations which do not enlarge the building or structure or change its prior use or purpose.

- (d) **Certificate of Occupancy.** A written certificate indication that following examination, the mobile home and the lot or site upon which the same is to be placed, is approved as complying with all the provisions of this law.
- (e) **Driveway.** A minor private way used by vehicles and pedestrians on a lot for common access to one lot, a small group of lots or common facilities.
- (f) **Enforcement Officer.** An individual designated by the Town Board to represent them in matters pertaining to this local law.
- (g) **Existing.** Lawfully in existence at the time the local law became effective.
- (h) **Foundation.** A permanent structure which is located under the main body of a residence which supports and prevents said structure from shifting, settling or heaving.
- (i) **Lot.** A parcel of land occupies or capable of being occupied by one principal building and/or use and the accessory buildings or uses to such building or use.
- (j) **Lot line.** Any line dividing one lot from another.
- (k) **Mean High Water Mark.** The average annual high water level.
- (l) **Mobile Home.** A self-contained unit which is designed to be transported on its own wheels or those of another vehicle to its site after fabrication with a minimum of on-site construction or assembling and which is capable or intended to be occupied as a year-round or seasonal living quarters by an individual or family unit, containing sleeping accommodations, an approved toilet facility, a tub and/or shower, kitchen facilities and plumbing and electrical connections, for attachment to outside systems. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.
- (m) **Mobile Home Park.** A parcel of land under single ownership which is designed and improved for the placement of two or more mobile homes upon units thereof.
- (n) **Percolation.** The movement of water downward through the pores of a soil or other porous medium following infiltration through the soil surface.
- (o) **Permit.** Written authorization issued by the enforcement officer for the establishment of any land use or structure.
- (p) **Planning Board.** The plainning board of the Town.
- (q) **Public sewer and water.** A sewer and water system that serves an intire development but has its treatment facilities removed from individual housing units, ususally in the form of a municipality operated utility system.

requires location on the ground, or attachment to something having location on the ground.

- (v) **Temporary Permit.** A permit, termination 181 days after issuance, for the parking and occupying of a mobile home on the same lot during the time of house construction.
- (w) **Travel Trailer.** A recreational vehicle or a temporary dwelling unit for an individual or family group, having permanent wheels and axles, designed for highway transportation without a special or oversized permit.
- (x) **Wetlands.** Any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh, and is designated as such by the State of New York.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

Section 2.2 Applicability of this local law.

- (a) It shall be unlawful for any person to maintain and occupy a new mobile home or substantially alter, relocate or add to an existing mobile home within the Town unless said person or persons first obtains a permit.
- (b) Any mobile home lawfully in existence on the effective date of this local law may be continued, provided however, that if such mobile home is relocated on the site, or if a replacement or new mobile home is proposed to be located on the site, then all of the applicable provisions of this local law shall apply.
- (c) The placing of two (2) or more mobile homes on a site or parcel of land constitutes a mobile home park, and requires a permit under the Town of Moriah Mobile Home Park Law, if such exists. In the event that a Town of Moriah mobile home park law has not been enacted, all provisions of this law shall apply to each mobile home in the mobile home park. In addition, the maximum number of mobile homes allowable in the mobile home park shall be determined by dividing the acreage of land required for an individual mobile home into the acreage available for development on the site or parcel of land in question. The acreage available for development is the total site or parcel of land less any land associated with existing development on the land.

Section 2.3 Exemptions from this Local Law...

- (a) None of the provisions of this local law shall be applicable to the business of mobile home sales.
- (b) None of the provisions of this local law shall be applicable to the storage of one unoccupied mobile home on premises occupied as principal residence by the owner of such mobile home, provided, however, that such unoccupied mobile home shall not be parked between the street line and the front building line of such premises, and such mobile home shall be stored for a period to exceed 180 days. NOT
- (c) None of the provisions of this local law shall be applicable to a 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

of 45 days, such permit shall be ^{IN}valid. Before this permit can be issued, the owner must show by certification by the State, local Health Department, or by a N.Y.S. licensed testing laboratory that the water supply is potable. The septic system must meet the applicable standards set out in the New York State Department of health Wastewater Treatment Handbook: Individual Housing Systems.

Section 2.4 Issuance of Permit.

- (a) The Town appointed enforcement officer, or other designated person shall issue a permit to be effective from the day of issuance to and including December 31 of the same year. Permits valid on the date of this law's adoption shall be valid until December 31 of the same year. A permit will not be issued until the enforcement officer has received:
 - (1) a complete written application from the applicant, including a sketch plan of the lot with all required components, listed below in Section 3.1 (d).
 - (2) the required fee as herein provided;
 - (3) signed approval of both the code enforcement officer or other designated person and the chairperson of the planning board, or his/her designee.
- (b) It must be found that the applicant complies with all the rules and regulations of this local law prior to issuance of a mobile home permit.

ARTICLE III GENERAL PROCEDURES

Section 3.1 Application Data. Each application for a permit shall be in writing and signed by the applicant. Each application shall require that the following information be furnished:

- (a) 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;
- (b) authorization of landowner if applicant is not the owner of the property in questions;
- (c) the location and description of the land, including the tax map section, block and lot number upon which mobile home is proposed to be located (this information can be obtained at the Town Hall).
- (d) plans drawn reasonably to scale indicating the following:
 - (1) map showing the area and perimeter dimensions of said parcel of land;
 - (2) location and size of all existing and proposed on-site structures;
 - (3) proposed location of driveway;
 - (4) location and size of all existing and/or proposed on-site utilities (water lines and facilities)

materials of such facilities;

- (g) results of a soil percolation test performed on the site of the proposed mobile home, the test to be conducted in accordance with guidelines outlined in New York State Department of Health's Wastewater Treatment Handbook: Individual Household Systems.
- (h) any other information the planning board feels is relevant to the rendering of a decision.

Section 3.2 Application Procedure.

- (a) Applications shall be obtained from the local enforcement officer or other designated person, filled out completely, including applicant's signature, and returned to the local enforcement officer or other designated person.
- (b) The enforcement officer or other designated person certifies, in writing, that he/she has received an application on the specific date.
- (c) Copies of the application shall be made for the applicant and for the enforcement officer. The original shall be kept on file with the Town Clerk.
- (d) The enforcement officer or other designated person shall check the application for completeness. If he/she believes the application is complete, he/she shall then check the application for compliance with the requirements of Sections 5.1-5.3 and Sections 5.6-5.8 of this local law, any any other applicable regulations affecting such a development. If the enforcement officer or other designated person finds the application incomplete or he/she finds that the application does not comply with the rules and regulations of any portion of this local law, the application shall be returned to the applicant. If the enforcement officer or other designated person finds the application complete and in compliance with the rules and regulations under his/her jurisdiction, the application shall be forwarded to the planning board with his/her written findings.
- (e) The planning board shall deem the application complete or incomplete. If the board finds the application to be complete, it shall then check the application for compliance with Sections 5.4 and 5.5 of this local law, and any other applicable regulations affecting such development. If the board finds the application incomplete or it finds that more information is required, the application shall be returned to the applicant with written findings.
- (f) Within thirty-five (35) days of receipt of a complete application the board shall approve, approve with modifications, or disapprove the application. The enforcement officer or other designated person shall notify the applicant in writing of the decision, with supportive reasons.
- (g) If the application is approved, the enforcement officer or other designated person shall issue a permit.
- (h) If the application is disapproved, the decision of the board may

Section 3.3 Assignment. The permit granted under this Section of the local law shall not be transferrable or assignable.

Section 3.4 Renewal.

- (a) A permit may be continued in effect for succeeding years providing that all applicable provisions of the law continue to be complied with.
- (b) If a Certificate of Occupancy has not been issued, the holder of any permit shall, between the 1st and 31st of December of each year apply for a renewal thereof for the following year by filing with the enforcement officer or other designated person an application showing that there has been no change of ownership, operation or maintenance since the last permit. Upon receipt of the application, the enforcement officer and planning board shall forthwith investigate the facts and shall, in writing approve or disapprove the application in accordance with the procedure previously specified.
- (c) If the application is approved, the enforcement officer shall issue a renewal permit upon receipt of the proper fee to be effective from and after the first day of January to the 31st day of December of the same year.

Section 3.5 Fees. The Town Clerk shall receive a fee of \$50.00 for each permit, a fee of \$35.00 for each temporary permit. The same fee shall be charged for each permit renewal issued by the enforcement officer/planning board.

ARTICLE IV TRAVEL TRAILERS

Section 4.1 Travel Trailers.

- (a) It shall be ^{UN}lawful to maintain and occupy a travel trailer ^{AS A PERMANENT} within the Town.
RESIDENCE, NOT TO EXCEED
- (b) Storage of a travel trailer shall occur in the least conspicuous place possible as viewed from a public highway regularly trafficked by the public, preferably in the rear or side yard behind the front face of the principal building and preferably no closer than six(6) feet to any lot line. A travel trailer so parked shall not block access by emergency vehicles.
- (c) A visitor to a family may park a travel trailer on the lot of the family being visited, provided it is located in accordance with the requirements of paragraph (b) of this section. (Such use of the subject premises shall not exceed 30 consecutive days or 45 days in total during any one calendar year,) and shall not be provided pursuant to payment or donation of any fee or equivalent goods or services.

ARTICLE V REGULATIONS AFFECTING INDIVIDUAL MOBILE HOMES

NOTE: Agencies in addition to the Town of Moriah may require permits prior to the placement of a mobile home on a given parcel of land. Contact any agency that may have jurisdiction over such matters.

All mobile homes shall conform to the following: