

TOWN OF STUYVESANT

LOCAL LAW #4 OF 2006

**Local Law for the Regulation of
Mobile Homes, Mobile Home Parks and Recreational Vehicles
("Mobile Home Law")**

At a meeting of the Town Board of the Town of Stuyvesant held at the Town Hall in said Town, County of Columbia and State of New York, on the 14th day of September, 2006, at 7:00 P.M., there were

PRESENT:

_____ Supervisor Valerie Bertram
_____ Councilman Richard Cummings
_____ Councilman Kenneth Hummel
_____ Councilman Ron Knott
_____ Councilman Bradlee Webster
_____ All the above

ABSENT:

_____ None
_____ Supervisor Valerie Bertram
_____ Councilman Richard Cummings
_____ Councilman Kenneth Hummel
_____ Councilman Ron Knott
_____ Councilman Bradlee Webster

AND

_____ Councilman Richard Cummings
_____ Councilman Kenneth Hummel
_____ Councilman Ron Knott
_____ Councilman Bradlee Webster

offered the following and moved its adoption:

WHEREAS, the Town Board and a committee have been reviewing the Town's existing Local Law for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps in the Town of Stuyvesant adopted in 1968 as amended, for potential revision and modernization, as well as evaluating the future mobile home planning needs of the Town; and

WHEREAS, the Town Board is desirous of adopting a new Local Law for the Regulation of Mobile Homes, Mobile Home Parks, and Recreational Vehicles ("Mobile Home Law") to reflect contemporary planning needs; and

WHEREAS, the requirements of SEQRA have been met; and

WHEREAS, the Columbia County Planning Board reviewed this proposal and found that this proposed action has no significant county-wide or intercommunity impacts associated with it and accordingly the Town Board may take final action on this proposed Local Law with a simple majority vote;

WHEREAS, a public hearing on this matter was duly noticed and conducted; and

WHEREAS, due deliberation having been had thereon;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF STUYVESANT AS FOLLOWS:

**TOWN OF STUYVESANT
LOCAL LAW #4 OF 2006**

**Local Law for the Regulation of
Mobile Homes, Mobile Home Parks, and Recreational Vehicles
("Mobile Home Law")**

Section 1. APPLICABILITY AND SHORT TITLE.

This Local Law regulates mobile homes, mobile home parks, and recreational vehicles in the Town of Stuyvesant ("the Town"). It shall be known as, and may be cited as, the Mobile Home Law.

Section 2. PURPOSE.

It is the purpose of this law to protect and promote the health, safety, morals and general welfare of the community, including the protection and preservation of the property of the Town and its inhabitants, by establishing specific requirements governing the layout, occupancy, maintenance, and other matters relating to mobile homes, mobile home parks, and recreational vehicles.

Section 3. DEFINITIONS.

(1) The following terms shall have the following meanings in this Local Law:

(a) "Mobile home" means a movable or portable residential unit that was fabricated in an off site manufacturing facility, designed to be a permanent residence, constructed to be towed on its own chassis, comprised of frame and wheels, designed to be connected to utilities, and designed to be used without a permanent foundation for long term year-round occupancy, which may or may not be in compliance with the Federal Manufactured Home Construction and Safety Act of 1974, and with or without a label certifying compliance with NFPA, ANSI or a specific state standard. The term "mobile home" shall not mean, and shall not include, prefabricated, modular, or unitized dwellings, nor shall it refer to recreational vehicles, travel trailers, campers or similar units designed for short term uses. A mobile home may or may not be permanently attached to the ground, its transport features may or may not be removed from the mobile home, and regardless of where it is sited shall still be considered a mobile home.

(b) "Manufactured home" means a single family dwelling fabricated in an off site manufacturing facility for installation or assembly at a building site and bearing a label certifying that it was built in compliance with requirements of the United States Department of Housing

and Urban Development Manufactured Home Construction and Safety Standards, the Federal Manufactured Home Construction and Safety Standards Act of 1974, or other applicable federal law.

(c) “Doublewide mobile home” means a mobile home unit that is a single story manufactured home with two or more sections separately towable that are designed to be joined into one integral unit at the site.

(d) “Expandable mobile home” means a mobile home with one or more sections that fold, collapse, or telescope into the principal unit when being transported and which may be expanded at the site to provide additional living area.

(e) “Modular home” means a prefabricated dwelling, manufactured and designed off site to provide for long term residential use, which arrives at the site where it is to be erected from more than one section as a site built structure upon a permanent foundation, and which meets all applicable codes and regulations for standard dwelling construction.

(f) “Mobile home lot” means a designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants as well as permissible related uses.

(g) “Mobile home park” means any parcel, or two or more contiguous parcels of land, which has or have been designated and improved for the placement of two or more mobile homes which are used for dwellings and for occupancy for more than ninety (90) consecutive days, excluding permissible farm mobile home uses in accordance with this Local Law.

(h) “Mobile home park license” means a written license issued by the Town Clerk of the Town of Stuyvesant allowing a person or legal entity to operate and maintain a mobile home park in accordance with this Local Law.

(i) “Farm mobile home” means a mobile home which is used to house farm workers and their families by persons or legal entities who engage in farming activities. .

(j) “Recreational vehicle” means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters for recreation, camping or travel use, is either self propelled or mounted or drawn by another vehicle, is transient, is not intended to be occupied as a primary residence, and may or may not be operable independently of permanent connections to water, sewer, and electrical systems.

(k) “Temporary construction mobile home” means a mobile home located outside a mobile home park for which the Town of Stuyvesant Planning Board has authorized the issuance of a temporary license, for a period not to exceed two (2) years, to the owner of land within the Town who intends to construct on such land a house for his own occupancy and who may place or park a mobile home on such land for his own occupancy during the construction of such house.

Section 4. LICENSING REQUIREMENTS; SUPPLEMENTAL LICENSES; FEES.

(1) No person or legal entity, being the owner, lessee or occupant of any land within the Town, shall use, or allow the use of, such land for a mobile home park unless a license has been obtained in accordance with this Local Law. Licenses are issued by the Town Clerk of the Town of Stuyvesant (“Town Clerk”) and expire on December 31 of the year in which the license was issued.

(2) The Town Clerk shall issue a license only when the Town Clerk has received:

(a) written approval by the Town of Stuyvesant Planning Board (“Planning Board”);

- (b) written approval by the Columbia County Department of Health (“Department of Health”); and
 - (c) written approval by any other governmental body deemed necessary by the Planning Board or a Town official.
- (3) A license or license renewal shall not be issued until:
- (a) the mobile home park or park site has first been inspected by the Building Inspector of the Town of Stuyvesant (“Building Inspector”) for verification that the mobile home park or park site complies with all applicable requirements;
 - (b) all outstanding fees due and owing to the Town by the owner of the mobile home park have been paid; and
 - (c) all property taxes for the mobile home park or park site have been paid.
- (4) Every person or legal entity holding such license shall give notice in writing to the Town Clerk and the Department of Health within ten (10) days after having sold, transferred, given away, or otherwise disposed of a 10% or more interest in, or control of, any mobile home park. Such notice shall include the name and address of the person or legal entity acquiring such ownership or control of such mobile home park.
- (5) Supplemental license. Any person or legal entity holding a license for a mobile home park who wishes to add additional lots to such mobile home park shall file an application for a supplemental license. The application for such supplemental license must be accompanied by three complete sets of plans and specifications and such application shall be filed and handled in the same manner as the procedure established in this Local Law for the licensing and establishment of a mobile home park. If approved by the Planning Board, and the requirements of this Local Law are met, the Town Clerk shall issue a supplemental license which shall be issued annually and shall expire on December 31 of the year in which the supplemental license was issued.
- (6) All engineering and legal fees incurred by the Planning Board’s review of any application will be the responsibility of the applicant and shall be payable to the Town.
- (7) The application fee and initial engineering and legal fees due to the Town by the applicant shall be in amounts established by the Town Board of the Town of Stuyvesant (“Town Board”) by resolution in a separate fee schedule as may be amended from time to time and shall be paid by the applicant at the time of the submission of the application. If the initial engineering and/or legal fees are insufficient to cover the engineering and/or legal fees incurred, the applicant must replenish such fees before the review process continues. Any initial or replenished engineering and legal fees paid by the applicant that are unused will be refunded to the applicant.
- (8) The Planning Board Chairman shall not stamp any applicant’s plat or map of any kind until all of the applicant’s application, engineering and legal fees have been paid.

Section 5. LICENSE APPLICATION PROCEDURE.

- (1) Each application for a mobile home park license shall be in writing on such forms as may be prescribed by the Town Clerk and signed by the applicant.
- (2) The application and related information shall be filed with the Town Clerk in triplicate.
- (3) The Town Clerk shall provide one copy of the application to the Building Inspector and shall provide one copy of the application to the Planning Board. The Town Clerk shall place a notice in the official Town newspaper which states that such an application has been filed.
- (4) The Building Inspector shall review the application for compliance with minimum requirements as established by the Town, the Department of Health, and any other applicable

governmental body. The Building Inspector shall transmit his or her findings to the Planning Board with a recommendation.

(5) Upon receipt of the findings and recommendation from the Building Inspector, the Planning Board shall review the general arrangement of the mobile home park. This shall include a review of all applicable requirements contained in this Local Law including, but not limited to, the location and width of streets; the location, size and arrangements of lots; the location of other structures within the mobile home park; the location of entrances and exits; and the location, type and extent of landscaping and screening materials.

(6) The requirements of the State Environmental Quality Review Act (SEQRA) shall be satisfied throughout the application review process.

Section 6. LICENSE APPLICATION REQUIREMENTS.

(1) Each application for a mobile home park license shall be accompanied by three complete sets of plans prepared by a surveyor or an engineer. The applicant shall satisfy the site plan review requirements of Section 9 of the Town's Zoning Law. The applicant shall provide the following on the plans:

- (a) the name and address of the applicant, if a person, or if a legal entity, the name and address of each involved owner, party, partner, officer, director, shareholder, employee, etc.;
- (b) the location and description of the land that is proposed to be used as a mobile home park;
- (c) the number of lots to be provided in such mobile home park;
- (d) property boundaries of the mobile home park parcel;
- (e) contours at two-foot intervals;
- (f) location of watercourses, marshes, wetlands and areas subject to flooding.
- (g) wooded areas;
- (h) a location map which shows all land within three hundred (300) feet of the proposed mobile home park and all structures on the land which abuts the proposed mobile home park;
- (i) the location, names and widths of all adjacent streets;
- (j) the location of all water lines and utilities within and adjacent to the proposed site;
- (k) the existing zoning of the property;
- (l) the location and widths of all proposed entrances, exits, streets and walkways;
- (m) the location, size and arrangement of each lot within the mobile home park;
- (n) the method and plan for electric lighting;
- (o) the location and plan for all proposed structures and improvements;
- (p) any proposed grading and plans for landscaping;
- (q) the method and plan for proposed stormwater drainage;
- (r) the method and plan of water supply and sewage disposal;
- (s) any public improvements proposed by the Town in or adjoining the proposed mobile home park; and
- (t) any additional information as may be required by the Planning Board.

Section 7. GENERAL REQUIREMENTS.

(1) The mobile home park shall be located in an area where grades and soil conditions are suitable for use as mobile home sites.

- (2) The mobile home park shall be located on a well-drained site which is properly graded to ensure rapid drainage.
- (3) The mobile home park shall be at least ten (10) acres in size and have at least three hundred (300) feet of frontage on a public road.
- (4) Each mobile home park shall be divided into mobile home lots with permanent monumentation. The total number of mobile home lots in a mobile home park shall not exceed four (4) per acre of buildable land. Buildable land is the net land area exclusive of the following: areas of state and federal wetlands, water courses/water bodies, areas containing slopes of 30% or greater, internal roadways, buffer strips, water/wastewater/drainage areas, and flood hazard areas. Lots for singlewide mobile homes must be a minimum of eight thousand (8,000) square feet with a minimum lot depth of sixty (60) feet. Lots for doublewide mobile homes must be a minimum of ten thousand (10,000) square feet with a minimum lot depth of seventy five (75) feet. When individual septic systems are proposed the lot size shall be a minimum of twenty thousand (20,000) square feet.
- (5) A mobile home, including decks, additions and other accessory structures, shall not cover more than thirty (30) percent of the lot on which it is sited.
- (6) No mobile home shall be parked, sited or otherwise located closer than:
 - (a) forty (40) feet from an adjacent mobile home in any direction;
 - (b) fifty (50) feet from an adjacent property line;
 - (c) one hundred fifty (150) feet from the right-of-way line of public street or highway; and
 - (d) twenty (20) feet from the nearest edge of any roadway location within the mobile home park.
- (7) No deck, patio, carport, or similar addition, whether enclosed or not, shall be placed closer than ten (10) feet to any mobile home lot line.
- (8) All mobile homes shall be situated so that the longest dimension of the mobile home shall face the street.
- (9) No mobile home shall be parked or otherwise located elsewhere other than on a mobile home stand. Each mobile home lot shall have only one mobile home stand which shall provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures and the retention of the mobile home on the lot in a stable condition.
 - (a) The stand must be of a sufficient size to fit the dimensions of anticipated mobile homes and their appurtenant structures or appendages.
 - (b) The stand shall be constructed of appropriate nonporous materials and shall be durable and adequate for the support of the maximum anticipated loads.
 - (c) The stand shall be suitably graded to permit rapid surface drainage.
 - (d) All mobile homes shall be properly anchored with tie downs as required by the New York State Uniform Fire Prevention and Building Code.
- (10) Each mobile home site shall have a site number of a minimum of two and one half (2.5) inches high permanent lettering in plain view of the street accessing the site.
- (11) One unattached accessory building or structure not exceeding one hundred twenty (120) square feet in footprint per mobile home lot is permitted. No portion of the accessory building shall be located closer to a street than the mobile home itself.

Section 8. ACCESSIBILITY.

- (1) Each mobile home park shall be accessible from an existing public highway or street.

- (2) If a mobile home park has more than 10 mobile homes at least two (2) points of access to a public way shall be provided.
- (3) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the mobile home park and to minimize interference with the free movement of traffic on a public highway or street.
- (4) All entrances and exits shall be at right angles to the existing public highway or street.
- (5) All entrances and exits shall have adequate sight distance, shall be free of any material which would impede the visibility of the driver on a public highway or street, and shall be maintained accordingly.
- (6) At least one entrance and exit shall be designed and maintained to provide sufficient width to facilitate the turning movements of vehicles with mobile homes attached.
- (7) Each mobile home park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities within the mobile home park.
- (8) Streets shall be improved to meet the requirements of the Town's roadway specifications and must satisfy the requirements of the Town Engineer.
- (9) The street system shall be so designed to permit safe and convenient vehicle circulation within the mobile home park.
- (10) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
- (11) Streets shall have a minimum of twenty four (24) feet width of right of way.
- (12) Streets shall be paved to a minimum width of twelve (12) feet for one way traffic only or to a minimum width of twenty four (24) feet if for two-way traffic movement.
- (13) All dead end roads shall terminate in a "cul-de-sac" with a minimum turning radius of fifty (50) feet exclusive of parking.

Section 9. PARKING.

- (1) At least three (3) improved off street parking spaces shall be provided on each mobile home lot. Each space shall be a minimum width of nine (9) feet and a minimum length of twenty two (22) feet.
- (2) Additional off street parking spaces shall be provided at strategic and convenient locations for guests and delivery or service vehicles. There shall be one (1) such parking spot per every four (4) mobile home lots. Such spaces shall be in bays which provide for ingress and egress.
- (3) No person or legal entity shall park or store any commercial vehicle having a gross vehicle weight rating (GVWR) in excess of eighteen thousand (18,000) pounds within any mobile home park.
- (4) All parking spaces shall be constructed of an appropriate durable material, such as gravel, stone or asphalt, that is adequate for the support of any load reasonably expected to be placed thereon.

Section 10. UTILITIES AND SERVICE FACILITIES.

- (1) The following utilities and service facilities shall be provided in each mobile home park in accordance with the requirements of the Department of Health, other applicable governmental bodies, and utility companies:
 - (a) an accessible, adequate, safe and potable supply of water shall be provided in each mobile home park and shall be approved by the Department of Health;

- (b) every home site shall be provided with a separate water service shut off valve;
- (c) every mobile home site must maintain a minimum of twenty (20) pounds of water pressure;
- (d) individual water riser pipes shall be a minimum of three quarters (.75) of an inch diameter and located within the confined area of the mobile home stand at a point where the water connection will be approximately in a vertical position insuring the shortest water connection and decreasing the susceptibility to water pipe freezing;
- (e) adequate and safe sewage disposal facilities shall be provided in all mobile home parks, and collection systems and sewage treatment shall be in compliance with the requirements of the Department of Health and New York State Department of Environmental Conservation ("DEC");
- (f) each mobile home lot shall be provided with at least a four (4) inch diameter sewer riser pipe and
 - (i) the riser shall be of a material that is approved by the National Sanitation Foundation (NSF);
 - (ii) the installation of the riser pipe shall be of such design that surface water shall not drain into it; and
 - (iii) when the riser pipe is not in use a cap will be provided;
- (g) all telephone, electricity or cable wiring shall be placed underground;
- (h) each mobile home site shall be provided with a two-hundred (200) amp electric service and shall have weatherproof connections which are a type approved by the New York State Board of Fire Underwriters;
- (i) all mobile homes must be provided with skirting from the bottom of the mobile home floor to the ground and such skirting must be suitable for outdoor exposure and contact with the ground;
- (j) each mobile home park shall provide a cistern or water supply for sufficient fire protection to be determined by the appropriate fire company; and
- (k) all entrances to a mobile home, and the entrance to an attached deck or similar extension shall be considered an entrance to mobile home, shall be provided with permanent steps of precast concrete, properly laid and cemented brick, metal, treated lumber, or similar material approved for use by the New York State Uniform Fire Prevention and Building Code.

Section 11. REFUSE REQUIREMENTS.

- (1) The storage, collection and disposal of solid waste in the mobile home park shall be designed, constructed and maintained so as to avoid health hazards, nuisances or pollution.
- (2) The mobile home park owner shall provide for the proper storage, collection and disposal of solid waste.
- (3) Each mobile home shall store all solid waste in a manner that will not create a health hazard, nuisance or pollution and by using containers which are protected from insects and rodents as well as disturbance by dogs and other animals.
- (4) Adequate movable refuse receptacles with tight fitting covers shall be provided at each mobile home. These receptacles shall be kept in a sanitary condition and emptied at least once per week by a DEC licensee, a licensed hauler, or the licensee's agent.
- (5) Central refuse receptacles may be required at the discretion of the Planning Board.

Section 12. OPEN SPACE.

- (1) Each mobile home park shall provide common open space of at least ten (10) percent of the gross land area of the mobile home park to be used by the occupants of such mobile home park for recreation.
- (2) Such open space shall be suitable for recreational use and shall be maintained by the owner of the mobile home park in a neat, usable and appropriate condition for the residents of the mobile home park.
- (3) A minimum of fifty (50) percent of the gross land area of the mobile home park must be set aside in a contiguous parcel as perpetual open space.
- (4) The open space may be used for one or more of the following:
 - (a) agricultural uses, including the pasturing of farm animals, provided that no permanent structures other than animal shelters are constructed;
 - (b) forestry;
 - (c) passive recreation; or
 - (d) recreational uses such as wooded parks, hiking trails, or other uses having low impact on the environment.

Section 13. LANDSCAPING.

- (1) Every mobile home park shall have lawn or other vegetative ground cover on all areas not used for the placement of mobile homes and other buildings, walkways, roads, and parking areas.
- (2) Other planting shall be provided along those areas within the mobile home park which front upon existing public highways and streets.

Section 14. RECORDKEEPING.

- (1) The owner of each mobile home park shall keep a written record of all persons occupying such mobile home park. This record shall be updated and made available to the Town Clerk every year on December 31.
- (2) This written record shall be signed by the owner, shall be on such forms as may be prescribed by the Town Clerk, and shall include:
 - (a) the name and address of the occupant of each mobile home;
 - (b) the name and address of the owner of each mobile home which is not occupied by such owner;
 - (c) the date of arrival at the mobile home park of each mobile home;
 - (d) the make or factory name, year of manufacture, color, numbers of rooms or compartments, and overall dimensions of each mobile home;
 - (e) the location of each mobile home within the mobile home park; and
 - (f) the number of adults and children in each mobile home.

Section 15. EXISTING MOBILE HOMES AND MOBILE HOME PARKS.

- (1) A mobile home or mobile home park that exists as of the effective date of this Local Law may lawfully exist after the effective date of this Local Law only if it is:
 - (a) lawfully in existence as of the effective date of this Local Law;
 - (b) licensed by the Town as of the effective date of this Local Law; or
 - (c) the owner of such mobile home or mobile home park files a plat plan within six (6) months of the effective date of this Local Law and demonstrates compliance with all applicable requirements, including, but not limited to, this Local Law's predecessor (the Town of

Stuyvesant Local Law for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps, enacted in 1968 and as amended) and the requirements of the Department of Health, but excluding this Local Law.

(2) Mobile homes presently located in a nonconforming mobile home park may be replaced on existing lots within such mobile home park provided the new mobile home does not increase any existing non-conformity. Any additions, extensions, or supplements to a mobile home park that was in existence prior to the effective date of this Local Law must be made pursuant to the requirements of this Local Law.

Section 16. REVOCATION OF LICENSE.

(1) If the Building Inspector reports to the Town Board that a mobile home or mobile home park for which a license has been issued is not being maintained in a clean and sanitary condition or is not in compliance with all applicable requirements, notwithstanding the requirements of Section 20 of this Local Law the Town Board may by resolution authorize the personal service, upon the holder of the license, of a written order which will require the holder of the license to correct the conditions specified in such order within fifteen (15) days after the service of such order.

(2) If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within fifteen (15) days after the personal service of such order, after notice to the license holder and an opportunity for the license holder to be heard, the Town Board may by resolution revoke such license and the holder of the license shall thereupon terminate the operation of such mobile home park. However, if the owner or operator of such mobile home park shall thereafter correct such conditions and bring the mobile home park into compliance with this Local Law and all applicable requirements, such owner may apply for the issuance of a new license for such mobile home park.

(3) Revocation of license for mobile homes outside of mobile home parks. If the Building Inspector reports to the Town Board that a mobile home is not being maintained in accordance with the requirements of this Local Law or any other applicable law, notwithstanding the requirements of Section 20 of this Local Law the Town Board may by resolution authorize the personal service, upon the holder of the license and/or the owner of the property upon which the mobile home is located, of a written order directing that the condition or conditions therein specified be remedied within fifteen (15) days after the date of service of the order. If such condition(s) are not corrected within fifteen (15) days, and after notice to the license holder and an opportunity for the license holder to be heard, the Town Board may by resolution revoke such license. Upon revocation of the license, the water supply and sewage disposal system shall be disconnected from the mobile home and the mobile home shall be removed from the property.

(4) The Town Board by resolution may authorize the Building Inspector to commence an action in the name of the Town in a court of competent jurisdiction to enforce any revocation issued pursuant to this Section.

Section 17. MOBILE HOMES LOCATED OUTSIDE OF MOBILE HOME PARKS.

(1) No mobile home shall be located or placed within the Town outside a licensed mobile home park except in accordance with this section.

(2) Temporary construction mobile home. The Planning Board may authorize the issuance of a temporary license, for a period not to exceed two (2) years, to the owner of land within the Town who intends to construct on such land a house for his own occupancy. The owner of the

land may place or park a mobile home on such land for his own occupancy during the construction of such house. Said mobile home shall be removed from the property upon the expiration of the license or the issuance of a certificate of occupancy for the house, whichever comes first. If material progress of construction stops for any consecutive one hundred eighty (180) day period the license will be revoked. The application for such a license must be submitted to the Planning Board for site plan review in accordance with Section 9 of the Town's Zoning Law. The requirements of (4) and (5) below must also be satisfied.

(3) Farm mobile home. The Planning Board may authorize the issuance of a license to the owner of a farm to have a farm mobile home to be occupied only by full time or seasonal farm workers and their families who work on the farm itself or on other lands owned or leased or farmed by the owner or lessee of the farm. Said license shall be valid for a period of two (2) years but may be renewed on payment of the applicable fee. The application must be submitted to the Planning Board for site plan review in accordance with Section 9 of the Town's Zoning Law. The requirements of (4), (5) and (6) below must also be satisfied.

(4) An application for a temporary construction mobile home or a farm mobile home shall contain the following:

(a) a plan drawn to scale of not smaller than one (1) inch equals twenty (20) feet and such plan must show the boundaries of the land, the location of the proposed mobile home on the land, the location and plan for the proposed water supply and sewage disposal systems, and the location of adjacent properties and structures;

(b) a photocopy of the deed to the land which indicates that the applicant is the owner of such land or a copy of a lease showing he is a lessee of the property; and

(c) proof from the Department of Health that the water supply and sewage systems are in compliance with applicable requirements.

(5) Additional requirements for a temporary construction mobile home or a farm mobile home.

(a) Each mobile home shall be sited upon a mobile home stand which shall be erected and set in compliance with the New York State Uniform Fire Prevention and Building Code.

(b) The mobile home must comply with all applicable requirements including but not limited to New York State Uniform Fire Prevention and Building Code.

(c) The area where the mobile home is sited shall be free from drainage problems.

(d) Driveway access shall be reviewed and approved by the fire chief or designee from the fire district responsible for service to determine that all fire fighting equipment of the district has adequate ingress and egress to the mobile home.

(e) A building permit must be obtained from the Building Inspector.

(6) Farm mobile home requirements. In addition to the foregoing, farm mobile homes must satisfy the following requirements:

(a) each farm mobile home shall be located a minimum of forty (40) feet from the farmhouse or any other farm building;

(b) only full time or seasonal farm workers and their families working directly for the owner or lessees of the farm on which the farm mobile home is housed or on other lands owned or leased or farmed by the owner or lessee of the farm are considered farm workers;

(c) in order to verify proof of farm employment, the farmer will have to provide copies of W-4 tax forms or equivalent forms of proof annually;

(d) if the farm mobile home is not rented to, or being used to house, a farm worker for twenty four (24) continuous months, the mobile home must be removed; and

(e) if the farmer sells the property, the new owner will have to provide proof of the need for the existing farm mobile home to house farm workers in accordance with this Local Law.

(7) Any lawfully existing mobile home, other than a mobile home located in an approved mobile home park, on the effective date of this Local Law may continue to exist subject to the following:

(a) the mobile home shall not be enlarged, extended or altered unless it can meet setbacks and other applicable requirements of the Town of Stuyvesant Zoning Law; and

(b) if the owner of the land desires to substitute a mobile home of superior construction or improve the facilities for the existing mobile home, such owner shall satisfy the requirements of Section 9 of the Town Zoning Law applicable to site plan review.

Section 18. RECREATIONAL VEHICLES.

(1) A recreational vehicle shall not be permanently affixed to utilities such as water, sewer or electric.

(2) A recreational vehicle shall not be occupied as living quarters more than thirty (30) days in any calendar year.

Section 19. REGULATIONS.

The Town Board is authorized to adopt, by resolution, rules and regulations for this Local Law.

Section 20. ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

(1) The Building Inspector shall be authorized to enforce the provisions of this Local Law by the issuance of appearance ticket to alleged violators of this Local Law and the filing of an accusatory instrument in the Town of Stuyvesant Justice Court.

(2) Any person or legal entity who violates any provision of this Local Law shall be guilty of a violation and subject to a fine not exceeding three hundred fifty dollars (\$350.00) or to imprisonment for a period of not more than fifteen (15) days, or both. When a violation of any provision of this Local Law is continuous, each week or portion thereof shall constitute a separate and distinct violation.

(3) In addition to the foregoing, the Town Board by resolution may authorize the Building Inspector to commence an action in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision(s) of this Local Law.

Section 21. MODIFICATION AND WAIVER PROVISION.

(1) After review of the particular facts of each case, and in its sole discretion, the Planning Board may waive or modify any part or parts of this Local Law upon the request of the applicant or on its own motion.

(2) Where the Planning Board finds that, due to the circumstances of a particular application, the provision of one or more required improvements is not required in the interest of public health, safety and general welfare, or is otherwise inappropriate, or the imposition of one or more requirement(s) is not required in the interest of public health, safety and general welfare, or is otherwise inappropriate, it may modify or waive such requirement(s).

(3) In granting such modifications or waivers, the Planning Board may require such conditions that will, in its judgment, substantially secure the objective of the standard or requirement so modified or waived.

Section 22. SEVERABILITY.

If any provision of this Local Law or the application thereof to any person, legal entity or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Local Law which can be given effect without the invalid provision or applications, and to this end the provisions of this Local Law are declared to be severable.

Section 23. SUPERSESSON AND EFFECTIVE DATE.

This Local Law shall supersede all prior inconsistent and related Local Laws, ordinances and resolutions of the Town, and the *Town of Stuyvesant Local Law for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps*, enacted in 1968 and as amended, is hereby repealed. Pursuant to New York State Municipal Home Rule Law Section 10(1)(ii)(d)(3), Section 20(2) of this Local Law hereby supersedes the provisions of New York State Town Law Sections 135 and 268(1) with respect to penalties: the maximum period of potential incarceration for a violation of this Local Law is reduced from 6 months in Town Law Section 268(1) to 15 days in this Local Law, and the classification of the offense is reduced from a misdemeanor in Town Law Sections 135(1),(2) and 268(1) to a violation in this Local Law. This Local Law shall be effective immediately.

Seconded by

_____ Supervisor Valerie Bertram
_____ Councilman Richard Cummings
_____ Councilman Kenneth Hummel
_____ Councilman Ron Knott
_____ Councilman Bradlee Webster

and duly put to a vote

with the following ayes:

_____ Supervisor Valerie Bertram
_____ Councilman Richard Cummings
_____ Councilman Kenneth Hummel
_____ Councilman Ron Knott
_____ Councilman Bradlee Webster

with the following naves:

____ Supervisor Valerie Bertram
____ Councilman Richard Cummings
____ Councilman Kenneth Hummel
____ Councilman Ron Knott
____ Councilman Bradlee Webster

and accordingly the aforesaid Local Law proposal was

____ adopted
____ not adopted

The undersigned, the Clerk of the Town of Stuyvesant, hereby certifies that the foregoing is a true and accurate copy of a Local Law duly adopted by the Town at a meeting thereof duly held on the 14th day of September, 2006, and is in full force and effect.

WITNESS my hand and the seal of said Town this _____ day of _____
2006.

Lori Ennis, Town Clerk

[SEAL]