

(Use this form to file a local law with the Secretary of State.)

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~~

Town

~~Village~~

of Carrollton

Local Law No. 1 of the year 1997

A local law regulating and restricting the use of mobile homes and house trailers.
(Insert Title)

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

~~County~~~~City~~

Town

~~Village~~

of Carrollton as follows:

TOWN OF CARROLLTON, CATTARAUGUS COUNTY, NEW YORK

LOCAL LAW #1 OF 1997

ARTICLE 1 - GENERAL PROVISIONS

Part 1: Section 1-1.1 Enacting Clause; Purpose: Pursuant to the authority conferred by the Municipal Home Rule Law of the State of New York and for each of the purposes specified therein, the Town Board of the Town of Carrollton, County of Cattaraugus and the State of New York does hereby enact the following Local Law regulating and restricting the use of mobile homes, house trailers, campers and similar portable and transportable structures and units in the Town of Carrollton.

Section 1-1.2 Purpose: This Local Law is intended to promote the public health, safety, comfort, and welfare of the residents of the Town of Carrollton.

Part 2: Authority; Short Title; How Cited: This Local Law shall be known as the Mobile Home Local Law of the Town of Carrollton and may be cited as MHL. A section of this Law may be cited by Article, and Section Number, to wit: MHL 1-1.1, which refers to Article 1, Section 1, without being preceded by the word Article, Part or Section.

Section 1-2.2 - References: Unless otherwise stated, all references in this Local Law to Article, Part or Section number refer to the Article, Part, or Section number referred to in the Articles, Parts, or Section numbers of this Local Law, and all references in any Section of this chapter to a lettered or numbered paragraph or subparagraph refer to the paragraph or subparagraph so lettered or numbered in such Section.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

Section 1-2.3: In this Local Law, unless the context otherwise requires:

A. Words in the singular number include the plural, and in the plural include the singular.

B. Words of the masculine gender include the feminine and neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

C. The word "writing" includes typewriting or printed matter.

Section 1-2.4 - Severability: If any provision of this Local Law or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Local Law which can be given effect without regard to the invalid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 1-2.5 - Application: Unless otherwise stated therein, the provisions of this Local Law apply to mobile homes and house trailers in the Town of Carrollton on its effective date or located in the Town of Carrollton after the effective date.

Section 1-2.6 - Purpose: This Local Law is intended to promote the public health, safety, comfort and general welfare of the residents of the Town of Carrollton.

Part 3: Definitions: For the purpose of this Local Law, certain terms are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural and the plural the singular. The word "used" shall be interpreted to include the term "designated or intended to be used". The term "shall" is always mandatory.

Section 1-3.1 - License: Written authority issued by the Town of Carrollton and approved by the Cattaraugus County Department of Health allowing a person to operate and maintain a mobile home park under the provisions of this Local Law and regulations issued hereunder.

Section 1-3.2 - Mobile Home: A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same facilities for water supply, waste disposal and electrical conveniences as immobile housing. Prefabricated housing arriving at the site in multiple sections for fabrication are not deemed mobile homes.

Section 1-3.3 - Mobile Home Park: A plot or parcel of ground which is rented or leased and furnished to provide the space, facilities and access for or occupied by, four (4) or more mobile homes.

Section 1-3.4 - Permit: Written permission issued by the Code Enforcement Officer permitting the construction, locating, alteration and extension of a mobile home park or individual mobile home or house trailer, under the provision of this Local Law and regulations issued hereunder.

Section 1-3.5 - Lot Description: A parcel of land with uninterrupted dimensions as required for mobile home use.

ARTICLE II - MOBILE HOME PARK PLAN

Part 1: The mobile home park shall conform to the following requirements:

Section 2-1.1: The plan for the Mobile Home Park, drawn and prepared by an architect or Civil Engineer licensed by the State of New York and certified by same, and shall be kept on file with the Town of Carrollton Board.

Section 2-1.2: Shall be located on a well drained site, properly graded to insure rapid drainage.

Section 2-1.3: All mobile homes shall abut upon a drive or interior road with a right-of-way of not less than 30 feet in width and a road surface of not less than 20 feet in width which shall have unobstructed access to a public street or highway.

Section 2-1.4: Mobile home spaces shall be provided consisting of a minimum of 6,500 square feet for each space and which shall be at least 65 feet wide and clearly defined.

Section 2-1.5: An adequate and tested supply of pure water for drinking and domestic purposes shall be provided as recommended and approved by the Cattaraugus County Department of Health and/or New York State Department of Environmental Conservation.

Section 2-1.6: Two parking spaces must be provided for each mobile home. A carport may be erected on approval of the Code Enforcement Officer, but not attached to the mobile home.

Section 2-1.7: Limit of one accessory building per lot, not to exceed 100 square feet, and properly anchored. The building must be a minimum of 10 feet from the mobile home.

Section 2-1.8: The mobile home park owner shall provide a mobile home stand to provide adequate support for the placement and tiedown of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. The mobile home park owner shall also require each mobile home owner to enclose the bottom portion of the mobile home with a fire retardant, manufactured material, properly ventilated, within 30 days after arrival in the park.

Section 2-1.9: The grounds of a mobile home park shall be maintained in a clean manner free of litter and refuse. Each individual will be responsible for his mobile home space. Any mobile home damaged and unfit for human habitation must be repaired or moved within thirty (30) days of Notice from the Code Enforcement Officer.

Section 2-1.10: An annual inspection shall be conducted by the Code Enforcement Officer to be certain all aspects of the Mobile Home Local Law are still in compliance. Special inspections shall be permitted when deemed necessary by the Code Enforcement Officer. The Code Enforcement Officer shall keep records of all Mobile Home Permits and Utility Permits.

ARTICLE III - MOBILE HOMES ON INDIVIDUAL LOTS

Section 3-1.1: The mobile home shall contain a minimum floor area of 550 square feet.

Section 3-1.2: The mobile home shall be set back at least twenty (20) feet distance from the nearest right-of-way line of any public street or highway.

Section 3-1.3: The mobile home shall be placed on a mobile home stand to provide adequate support for the placement and tiedown of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Metal skirting or other approved material screening the space between the mobile home floor and the ground is required to enclose the frame of the mobile home. This must be done within 30 days of the mobile home being placed on the site.

ARTICLE IV - MOBILE HOME PERMITS AND LICENSE

Section 4-1.1: General: No mobile home or mobile home park shall be erected, added to or structurally altered until a permit or license has been issued by the Code En-

forcement Officer. No Mobile Home Park can operate unless fully licensed under the provision of this Local Law. All existing mobile homes, at the time of the enactment of this Local Law, have one year to comply with the health requirements of the Local Law.

Section 4-1.2: Application for a License or Permit: The application for a mobile home park license or permit shall be filed with the Code Enforcement Officer. The permit to construct or take the action requested in the application shall be issued by the Code Enforcement Officer after receipt of all the documentation required by this local law. The application shall be in writing, signed by the applicant and shall include the following:

Section 4-1.2-1: Name and address of applicant.

Section 4-1.2-2: Location and legal description of the Mobile Home Park or mobile home including number of lots, size of lots, right-of-way, utilities, topography and any other information deemed necessary by the Code Enforcement Officer to show conformity with the requirements of Article II of this Local Law.

Section 4-1.2-3: Such further information as may be requested by the Code Enforcement Officer, Town Board or County Health Department.

Section 4-1.2-4: The Code Enforcement Officer shall keep adequate supply of Cattaraugus County Health Department regulations to be given to permit applicants.

Section 4-1.2-5: The Code Enforcement Officer shall review and inspect all Mobile Home Parks every year.

Section 4-1.3: Public Record: One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer together with such permit to the applicant. The second copy, along with a copy of each application, shall become a public record after a permit is issued or denied.

Section 4-1.4: Water Supply and Sewage Disposal: All water supply and sewage disposal installations shall conform with the New York State Sanitary Code and County Health Code. No lot or park plan shall be approved by the Code Enforcement Officer unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the Code Enforcement Officer before issuing a Mobile Home Permit, including possible run-offs to said properties.

Section 4-1.5: Issuance of Permits and Licenses: It shall be the duty of the Code Enforcement Officer to issue a

Mobile Home Permit, Temporary Use Permit, and Mobile Home Park License, provided he is satisfied that all requirements of this Local Law are complied with and all other reviews and actions, if any, called for in this Local Law have been secured. All Mobile Home Permits shall be issued in duplicate. One copy shall be kept by the Code Enforcement Officer for public record.

Section 4-1.6: Denial of Permits and Licenses: When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of the Local Law, he shall refuse to issue a Mobile Home Permit or a Mobile Home Park License, and the applicant may appeal to the Town Board for a reversal of the Code Enforcement Officer's decision.

Section 4-1.7: Expiration of a Mobile Home Permit: A Mobile Home Permit shall expire after one (1) year if the applicant fails to implement his application as filed with the Code Enforcement Officer.

Section 4-1.8: Expiration of a Mobile Home Park License: A mobile home park license shall expire after one year, but is subject to renewal provided all conditions of this Local Law remain satisfied.

Section 4-1.9: Revocation of Permits and Licenses: If it shall appear, at any time, to the Code Enforcement Officer that the application is in any material respect false or misleading, or that the work is being done upon the premises differing materially from that called for in the application filed with him, he may issue a stop-work order and review the Mobile Home Permit or the Mobile Home Park License by notifying the owner, pending revocation, in writing.

Section 4-1.10: Temporary Use Permit: A temporary permit can be issued for a mobile home on site while rebuilding a house or business. Such permit shall be granted for one year. A one year extension may be available on approval of the Town Board. The permit and extension permit fee is to be the same as current mobile home fee. The mobile home is to be set up the same as in Section 3-1.3 of this Local Law. Under no condition may a permit applicant allow storage or habitation use by other than the owner of the mobile home.

ARTICLE V - CERTIFICATE OF OCCUPANCY

Part 1: Section 5.1-1: General: No mobile home shall be occupied until a Certificate of Occupancy is issued by the

Code Enforcement Officer stating that the mobile home complies with the provision of this Local Law.

Section 5.1-2: Application for Certificate of Occupancy: All Certificates of Occupancy shall be applied for coincident with the application for a Mobile Home Permit. Said Certificate shall be issued within ten (10) days after completion of all requirements. Upon completion of the requirements the Code Enforcement Officer should be notified.

Section 5.1-3: Record: The Code Enforcement Officer shall maintain a record of all Certificates and shall be made a matter of public record.

ARTICLE VI - ENFORCEMENT

Part 1: Section 6-1.1: Complaints: Any person alleging a violation of this Local Law may file a complaint, in writing, signed by the complainant, with the Code Enforcement Officer, who shall record such complaint and properly investigate said complaint and file a copy of his findings with the Town Board.

Section 6-1.2: Procedure:

Section 6-1.2-1: In the event that the investigation by the Code Enforcement Officer shall disclose a violation of this Local Law, he shall issue a written notice thereof requiring compliance with this Local Law within thirty days of the personal service of such notice upon the alleged violator.

Section 6-1.2-2: Upon failure of the alleged violator to comply with the notice of violation within thirty days, the Code Enforcement Officer shall prepare and file an appropriate accusatory instrument with the Town Justice for prosecution and/or disposition as provided by law.

Section 6-1.3: Penalties: Violation of any provision of this Local Law shall constitute a violation and be punishable as provided in the Penal Law of the State of New York. In addition, conviction hereunder shall be punishable by a fine not exceeding \$250.00 for the first offense. Each week that the violation shall continue shall constitute a separate offense.

ARTICLE VII - LICENSE AND PERMIT FEES

Part 1: Section 7-1.1: All license and permit fees

will be posted at the Town Municipal Building, Town Clerk's Office, and with the Code Enforcement Officer.

Section 7-1.2: The annual license fee for each Mobile Home Park shall be \$100.00 plus \$10.00 for each mobile home in the park during the assessment year. Permit Fee for each mobile home entering a mobile home park will be \$40.00.

Section 7-1.3: The fee for transfer of a Mobile Home Park License shall be \$50.00.

Section 7-1.4: The permit fee for an individual mobile home on an individual lot shall be \$40.00. This shall include installation inspections.

ARTICLE VIII - EFFECTIVE DATE

Part 1: Section 8-1.1: This local law shall be effective upon its filing with the Secretary of State, and the date of filing may be inserted as follows:

Effective Date: 16th day of April, 19 97.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1997 of the ~~(County)~~(City)(Town)(Village) of Carrollton was duly passed by the Town Board on April 9th 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county, elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

(Seal)

Sandra J. McAndrew Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: April 10, 1997

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF CATTARAUGUS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

David R. Lombardi
Signature

Town Attorney
Title

County
City of Canton
Town
Village

Date: April 11, 1997



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

April 18, 1997

TOWN OF CARROLLTON
PO BOX 146
LIMESTONE, NY 14753-0146

RE: Town of Carrollton, Local Law 1, 1997, filed 04/16/97

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Janice G. Durfee". The signature is written in a cursive style with a large, looped "J" and a long, sweeping "f".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml