

LOCAL LAW NO. ____ FOR THE YEAR 2023

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NEWFIELD AS FOLLOWS:

SECTION 1.0

Title, Statutory Authorization and Purposes

1.1 TITLE

This local law shall be known as the “Manufactured Home Community Ordinance for the Town of Newfield.”

1.2 STATUTORY AUTHORIZATION

This local law is adopted under the authority of Section 10 of the Municipal Home Rule Law of the State of New York. This local law shall supersede and replace Local Law No. 2 For the Year 1989 (“Mobile Home Community Regulation and Licensing Local Law of the Town of Newfield”) and any and all amendments thereto.

1.3 LEGAL AND REGULATORY OVERSIGHT

- Tompkins County Health Department
 - Permits (section 4.5)
 - Notifications (section 11.4)
- New York Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) Permit Program
- New York Department of State
 - [Building Standards and Code](#)
 - Regional Board of Review (section 12.1)
- New York Division of Housing and Community Renewal (fair and equal housing, tenant rights)
- U.S. Department of Housing and Urban Development [Standards for Manufactured Home Installation](#) (Section 8.1(B)1)

SECTION 2.0

Purpose

It is the purpose of this local law to promote the health, safety, and general welfare of the residents of the Town of Newfield, by the proper regulation and licensing of manufactured home communities to provide for a clean, safe, healthy and wholesome environment and living conditions within manufactured home communities for the residents thereof.

Mobile home parks (hereafter referred to as "mobile home communities") established before [effective date of this law] are required to submit applications for

license renewals every year; such communities will be evaluated per **Local Law No. 2 for the Year 1989 and amended in 1991.**

SECTION 3.0

Definitions

3.1 DEFINITIONS

- (A) MANUFACTURED HOME COMMUNITY shall mean any parcel of land or contiguous parcels of land under common ownership maintained by an operator for manufactured homes and buildings or other structures that may be pertinent to their use, designed and improved for the placement of three or more manufactured homes, whether or not such manufactured homes are owned by the occupants thereof, occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property
- (B) MANUFACTURED HOME COMMUNITY OPERATOR, hereto referred to as 'community owner,' shall mean the person or persons owning a manufactured home community and/or responsible for on site management, maintenance and operation of the community and such services and facilities provided and/or necessary for the use of such property.
- (C) MANUFACTURED HOME LOT shall mean a designated parcel of land in a manufactured home community, designed and rented for accommodating one manufactured home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.
 - (1) LOT DEPTH shall mean the distance, measured along the center line of the lot, between the right-of-way line of a public street or the pavement line of a private street, and the rear lot line.
 - (2) LOT WIDTH shall mean the distance between the two side lot lines when measured perpendicular to the center line of the lot.
- (D) MANUFACTURED HOME STAND shall mean a durable surface on a manufactured home lot on which the manufactured home is placed, and which is constructed in accordance with the standards provided in this local law.
- (E) MANUFACTURED HOME shall mean a detached, single family dwelling unit with any or all of the following characteristics:
 - (1) Manufactured as a relocatable dwelling unit intended for year-round occupancy and for installation on a site without a permanent foundation;
 - (2) Designed to be transported, after manufacture on its own chassis and connected to utilities after placement on a manufactured home stand;
 - (3) Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations;
 - (4) Designed and manufactured as the type of unit which would require, if built on or after June 15, 1976, a seal as provided for in the Federal HUD Code for Construction and Installation of Manufactured Home regardless of the actual date of construction.

- (F) MANUFACTURED COMMUNITY HOMEOWNER, hereto referred to as 'homeowner,' shall mean one who holds title to a manufactured home or proof of ownership through a bill of sale.
- (G) MANUFACTURED HOME COMMUNITY TENANT, hereto referred to as 'tenant,' shall mean a person or persons who rent space in a manufactured home community from a manufactured community homeowner or operator for the purpose of placing their manufactured home, or one who rents a manufactured home located in a manufactured home community from a manufactured home community owner or operator or from a manufactured homeowner.
- (H) MANUFACTURED HOME COMMUNITY OCCUPANT, hereto referred to as 'occupant,' shall mean a person or persons who are a homeowner and live in their own manufactured home in a manufactured home community.
- (I) SITE PLAN shall mean a drawing(s) submitted to the Town Clerk as part of the application for an initial permit for a newly constructed manufactured home community, or additions to an existing manufactured home community, and containing all the information required by this local law in sufficient detail to enable the required reviews.
- (J) ADEQUATELY SURFACED ROAD shall mean a hard base, dust-free surface (e.g., gravel or blacktop), and free of ponding after precipitation.

SECTION 4.0

Permits Required for Manufactured Home Communities

Any person, partnership, association, or corporation, being the owner or occupant of any land in the Town of Newfield, shall not use or allow the development and use of such land as a manufactured home community or expansion of an existing community in existence prior to the enactment of this local law without first obtaining a permit therefor as provided in this local law. Such permits shall be renewed every two (2) years.

4.1 APPLICATION FOR A PERMIT

Written application for a permit to operate a manufactured home community shall be filed in triplicate with the Town Clerk of the Town of Newfield upon forms provided for such purpose along with the requisite fee. The Clerk shall submit said application to the Town Board, or its designee, for review and determination.

4.2 CONTENTS OF APPLICATION

Applications for a manufactured home community permit shall include, but not be limited to, the following:

- (A) Applicant: Names and addresses of all applicants, if an individual, partnership or association, and the name and address of principal officers and shareholders if applicant is a corporation;

- (B) Landowner: Name and address of the owner of land upon which the manufactured home community is to be located if other than the applicant;
- (C) Map: Location map;
- (D) Design and Layout: Scaled sketch drawings of the proposed newly constructed manufactured home community, or addition to an existing community, indicating its design and layout and demonstrating conformity with the requirements of Section 5.0 and 6.0 of this local law;
- (E) Water and Sewer: If public water and/or sewage systems are not to be used, approval of the proposed manufactured home community, or additions to an existing community, by the Tompkins County Health Department must be submitted with the application;
- (F) Buildings, Parking, Open Areas: Scaled sketch plans or written descriptions of all buildings, streets, parking areas, recreation and open spaces, and landscaping to be constructed or provided within the manufactured home community;
- (G) Topography and Drainage: An indication of existing topography and drainage patterns including wet or swampy areas;
- (H) Rules and Regulations: A copy of all proposed community rules, regulations and covenants; a list of management and tenant responsibilities; a written statement of any entrance and exiting fees, if any, utility connection fees, if any, and any security deposits to be charged, if any;
- (I) Additional Information: Such further information as the developer may feel is necessary to describe the intent and ability to comply with the environmental, health, and safety standards of this local law.

4.3 APPLICATION PROCEDURE

- (A) Application Submission: The application for a manufactured home community permit shall be filed in triplicate with the Town Clerk along with the required fee. The applicant may submit two copies in electronic (PDF) format via shared storage, e.g., DropBox, Google Drive, etc.
- (B) Application Review: The Code Enforcement Officer, or their designee, shall check the application for completeness. Incomplete applications shall be rejected. The Code Enforcement Officer, or their designee, shall refer the application to the Town Board, or its designee, for review of the layout and design of the proposed Community. The Town Clerk should retain one copy of the application for placing a notice in the official Town newspaper to the effect that such an application has been filed.
- (C) Performance Guarantee: Before a temporary permit is issued, Code Enforcement Officer and the Town Board, or their designees, shall obtain an estimate of the total cost of restoring the site to its original condition in the event the community is not completed. The applicant shall file with the Town Clerk a performance guarantee that will ensure the completion of said improvements. The type of performance guarantee shall be determined by the Town Board or its designee.

- (D) Permits from other Governing Authorities: It is the responsibility of the applicant to obtain all applicable permits from governing authorities other than the Town prior to approval of the town permit. The appropriate state and county officials are responsible for determining compliance with and enforcement of the applicable state and county codes.
- (E) Public Hearing: Within sixty (60) days from receipt of the application the Town Board, or its designee, shall hold a public hearing on said application which hearing shall be duly advertised on ten (10) days advance notice to the public. Any interested party may speak at the hearing.
- (F) Approval/Disapproval: Within forty-five (45) days from the date of the public hearing the Town Board or its designee shall approve or disapprove the application and set forth any special conditions as may be required, and instruct the Code Enforcement Officer, or their designee, to issue a temporary permit based upon such approval and upon issuance of the building permit required under the New York State Uniform Fire Protection and Building Code. Issuance of a temporary permit is authorization for the applicant to proceed with the final plans for the manufactured home community incorporating the conditions attached to said temporary permit.
- (G) Final Plan: Final plans for the proposed manufactured home community or additions to an existing community, or the initial portion of construction for construction occurring in stages, shall be submitted to the Town Board or its designee for review within one (1) year from the date of issuance of the temporary permit. If such submission is not made, the temporary permit shall be withdrawn unless extended by the Town Board or its designee for good cause shown.
- (H) Conditions: The Town Board, or its designee, shall determine if the conditions imposed have been met and shall be concerned with such things as the appropriateness and quality of the overall site plan in terms of the effective use of the site, suitability of proposed landscaping, usefulness of proposed recreation areas, and the general visual character of the Community. In addition, the Town Board, or its designee, shall determine that the plans comply with the requirements of Sections 5.0 and 6.0 of this local law.

4.4 ISSUANCE OF PERMIT

Within forty-five (45) days from the receipt of final plans the Town Board or its designee shall approve the final plan and instruct the Code Enforcement Officer, or their designee, to issue a permit for the manufactured home community. Final plans may, at the Town Board or its designee's discretion, be conditionally approved or disapproved. If disapproved, the temporary permit may be cancelled or extended for good cause shown at the option of the Town Board or its designee.

4.5 RENEWAL OF MANUFACTURED HOME COMMUNITY PERMIT

- (A) An application for the renewal of any manufactured home community permit, which was issued in accordance with the provisions of this local law, must be filed with the Town Clerk at least 60 days before the expiration of the permit, which will trigger an inspection by the Code Enforcement Officer, or their designee, who will be in contact with County inspectors.
- (B) The renewal application need not be accompanied by a plan of the community unless changes have been made to it.

- (C) Upon the approval of the Town Board or its designee, the Code Enforcement Officer, or their designee, shall renew the permit to be effective upon the expiration of the previous permit and to continue in force for one year.
- (D) Permit renewals shall not be transferable or assignable.
- (E) Permit renewals will be issued only if the manufactured home community has been constructed and maintained in accordance with approved plans and if all conditions attached to the initial approval have been met.
- (F) A performance guarantee of the same kind and amount as required for a new permit shall be filed each year for the purpose of restoring the site to its original condition, should the community cease to operate or the permit not be renewed.
- (G) The Town Board, or its designee, shall renew a manufactured home community permit every two (2) years from the date of issuance. If the manufactured home community has not been constructed in accordance with the approved plans and all conditions attached hereto, or if a violation of this local law shall be found, or if any unapproved change shall take place, the permit shall not be renewed until said manufactured home community has been brought into compliance. In such case, the Town Board, or its designee, shall serve an order upon the holder of the permit in accordance with the provisions of Section 10 of this local law.

4.6 PERMITS FOR MANUFACTURED HOME COMMUNITIES EXISTING PRIOR TO [DATE OF ENACTMENT]

The owner of any manufactured home community existing prior to the adoption of this local law shall apply for a manufactured home community permit within sixty (60) days from the date of adoption of this local law and such permit shall be subject to renewal after one (1) year on the initial permit and is to be renewed every two (2) years thereafter. Upon initial application, the Town Board or its designee shall issue a temporary permit valid for one (1) year and shall serve notice on the community owner of any violations of this local law which might exist or any improvements necessary to meet the requirements of this local law.

No permit for a manufactured home community existing at the time of enactment of this local law shall be renewed until violations cited by the Code Enforcement Officer, or their designee, have been corrected and a renewal has been authorized.

4.7 FEES

Each application shall be accompanied by a fee, as determined by the Town of Newfield's Fees and Penalties schedule, regardless of what disposition is made of the application. Application fees shall be payable to the Town Clerk.

4.8 ADDITIONS TO PERMITTED MANUFACTURED HOME COMMUNITIES

Any addition of new manufactured home lots, to any manufactured home community permitted herein or operating as of the effective date of this law, shall be subject to approval in the same manner as a new manufactured home community and the requirements and conditions pertaining to communities established after the effective date of this local law shall be applicable to such new lots or additions or expansions. A permit to operate a manufactured home community shall not confer upon the holder any

rights to expand the number of units, nor alter any approved plan without the approval of the Town Board, or its designee, under the procedures set forth herein.

4.9 PERMITS NON-TRANSFERABLE

No permit issued under this local law shall be transferable. It shall be deemed a transfer if any corporate permittee shall transfer more than fifty percent (50%) of its stock to parties not shareholders at the time of the issuance of the corporate permittee's permit.

SECTION 5.0

Environmental Requirements

5.1 COMPLIANCE WITH APPLICABLE LAWS

All applicants for newly constructed manufactured home communities and additions to existing communities shall comply with provisions of Article 8 of the Environmental Conservation Law (SEQRA). Applicants may be required to produce all necessary data for the assessment of environmental impact.

5.2 SITE LOCATION

- (A) School facilities: Proposed newly constructed manufactured home communities with plans for 10 or more manufactured home lots, or additions to existing communities increasing the number of lots to 10 or more, shall include a statement from the school district transportation coordinator or superintendent concerning the availability of school bus service and other impacts of the manufactured home community on the school system.
- (B) Fire protection: Proposed newly constructed manufactured home communities shall include a statement from the fire department in relation to the location of the proposed community. The fire department shall have an opportunity to address community plans for road layout and truck turnarounds.

5.3 NATURAL FEATURES

- (A) General requirements: Topography, groundwater level, surface drainage, and soil conditions shall not be such as to create hazards to the property or to the health and safety of the occupants. No developed portions of the site shall be subject to excessive settling or erosion. A sloping site should be graded to produce terraced lots for placement of the manufactured home units and, in general, units should be placed parallel rather than perpendicular to the slope.
- (B) Surface Drainage: Plans shall show all proposals for changes in existing surface drainage patterns. All communities shall be graded to prevent ponding of surface water. If any part of the site is located in a floodplain no structure of manufactured home shall be located on land designated as a 100-year floodplain area as determined by the U.S. Corps of Engineers or other official agencies unless they meet the specifications outlined by the Federal Government for development of a manufactured home community in a flood plain as shall

be in effect at the time of application and shall not otherwise be prohibited by federal or state law.

- (C) Soils: Soils should be of sufficient bearing and stability properties to provide adequate support for manufactured home installations. Topsoil should be of sufficient depth to sustain lawns, trees, and other vegetation.
- (D) Natural Features: Plans shall show existing tree masses or trees over six (6) inches in diameter at breast height, hedgerows, and other notable existing natural features such as streams or rock formations. Such natural features shall be retained as much as possible in the site plan and densities shall be reduced, if necessary, to permit such retention.

5.4 LOT LAYOUT AND UNIT PLACEMENT (APPLICABLE TO ALL LOTS INSTALLED AFTER EFFECTIVE DATE OF LOCAL LAW NO. 2 1989)

(A) Overall Considerations

- (1) Required Separation: Manufactured home units may be positioned in a variety of ways within a community provided that a separation of at least thirty (30) feet is maintained between units. A drawing showing the proposed layout of manufactured home units shall be prepared.
- (2) Setback: No manufactured home shall be located less than twenty-five (25) feet from the pavement edge of a private community street or fifteen (15) feet from the right-of-way of any public street within a manufactured home community. A minimum of fifty (50) feet shall be maintained between a manufactured home unit and any property line abutting a public road or highway.
- (B) Density: The density of development in a manufactured home community shall not exceed 4.0 units per gross acre.
- (C) Minimum Lot Size: Manufactured home lots shall be a minimum of 6,000 square feet in area and shall have a minimum width of 55 feet. In special cases, where unusual community design provides for wider streets or a greater amount of usable recreation or public open square than required by this local law, or when other special conditions exist, the Town Board may approve a modification of lot size. In no case, however, shall the gross density, as specified in (B) above, be extended nor shall the lot areas be reduced below 5,000 square feet nor the lot width be reduced below 50 feet.
- (D) Home to Lot Ratio: Only one manufactured home shall be permitted to occupy any one manufactured home lot.

5.5 VEHICULAR CIRCULATION AND STORAGE (Applicable to all communities developed after the effective date of Local Law No. 2 1989)

- (A) Community Road Layout: Turnarounds shall be provided and sufficient to handle all emergency and trash removal vehicles. A drawing of the proposed community road layout, including connections to be made to adjacent existing roads or highways, shall be included in all proposed newly constructed manufactured home community plans. Straight, uniform, gridiron road patterns should be avoided unless they can be relieved by manufactured home clustering, landscaping, and an interesting open space system.

- (B) Community Road Construction: Roads within a manufactured home community shall be adequately paved and maintained at all times and shall be of sufficient width for applicable traffic and emergency vehicles within the manufactured home community as outlined in New York state standards. Driveways for lots shall be delineated and marked, drained and maintained silt free.
- (C) Access roads connecting the manufactured home community interior roads to public roads shall meet the Town of Newfield's road standards approved by the Town Highway Superintendent.
- (D) Off-Street Parking: A minimum of two (2) off-street parking spaces shall be provided for each manufactured home site. Such spaces may be located on the individual lot or grouped to serve two (2) or more manufactured home sites. Parking areas shall be adequately drained and maintained silt free.
- (E) Storage Space for Auxiliary Vehicles: Adequate storage space shall be provided for any travel trailers, camper, boat, snowmobile, or similar auxiliary vehicle or conveyance parked or stored on any manufactured home lot. Off-street parking space required by Section 5.5(C) of this local law shall be used by passenger vehicles only and a supplemental parking area shall be provided in each community for the storage or temporary parking of all auxiliary vehicles. Applicable only to lots installed after the effective date of Local Law No. 2 for the Year 1989.
- (F) Walkways: Each manufactured home stand shall be provided with a walkway leading from the stand to the street or to a driveway or a parking area connecting to the street. Such walkway shall be adequately maintained.

5.6 COMMUNITY ENTRANCE

- (A) Entrance Roads: Each manufactured home community shall provide for two (2) independent connections with existing public streets, such connections to be designed so that traffic can be maintained even though one access may be temporarily closed. A divided entrance road twenty-five (25) feet in length providing at least ten (10) feet between entrance and exit lanes that are at least twenty (20) feet wide shall satisfy the requirements of this section.
- (B) Sufficient Road Width: At points where traffic enters and leaves the community, road widths shall be sufficient permit free and safe movement to or from the public street.
- (C) Entrance Signs: Any sign located within a manufactured home community shall comply with existing regulations and shall be located so as not to obstruct the visibility of motorists entering or leaving the community.
- (D) Manufactured Home Lot Adjacent to Community Entrance: No manufactured home lot shall, after the effective date of the local law, be located less than fifty (50) feet from the intersection of a community entrance road and a public highway and no private manufactured home driveway shall make a direct connection with an existing public highway.

5.7 MANUFACTURED HOME SALES AREA

- (A) Display and Sale: The display and sale of manufactured homes shall not be permitted within any manufactured home community unless they were in operation prior to the effective date of this local law. A reasonable number of "model" manufactured homes, relative to the size of the community in general, may be set up temporarily within the community for

display purposes, provided such operator shall also have a separate permanent display and sales area with separate parking facilities for customers located outside the community.

- (B) Sales Area: In any area where manufactured home sales are permitted such sales area shall be adequately paved and maintained with a hard base and shall be a dust-free surface and should contain a minimum of six (6) off-street parking spaces for customers. No display unit shall be located less than fifteen (15) feet from a public right-of-way.

5.8 COMMUNITY FACILITIES AND ACTIVITIES

- (A) Plan Details: If community facilities and activities such as meeting rooms, recreation buildings, laundry rooms, and swimming pools are to be included in the manufactured home community, the plan shall include details of these facilities and the owner's statement of intent to provide adequate supervision and management of such facilities and activities.
- (B) Landscaping: All community facilities and activities shall be landscaped with trees, shrubs and grass and shall provide adequate paved off-street parking space.
- (C) Location of Facilities: Community facilities and activities shall be located and designed in a manner that will be a visual asset to the manufactured home community, and constructed of material that will be compatible with the residential character of the community.

5.9 OPEN TREATMENT AND COMMUNITY AMENITY

- (A) Open Space and Developed Recreation Areas: In all manufactured home communities a variety of open spaces shall be provided to be usable by, and easily accessible to, all community residents. Such open space shall be provided on the basis of 500 square feet for each manufactured home unit with a total minimum requirement of 12,000 square feet. Part of all of such open space shall be in the form of developed recreation areas located in such a way, and of adequate size and shape, as to be usable for active recreation purposes. (This provision shall not apply to manufactured home communities operating prior to the effective date of Local Law No. 2 for the Year 1989.) All open spaces shall be stabilized by grass or other forms of ground cover which will prevent dust and muddy areas.
- (B) Buffer Zones: Manufactured home communities located adjacent to residential, industrial or commercial development, or a heavily traveled highway, shall be buffered from such development or highway by a hedge or similar landscape screen which will rapidly reach a height of at least six (6) feet. A combination of landscaping and decorative fencing may be substituted provided the height requirement is met and considerable landscaping is used. (This provision shall not apply to parties operating prior to the date of Local Law No. 2 for the Year 1989.)
- (C) Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of any manufactured home community shall be surfaced with crushed stone or other permeable materials or protected with grass or plant material capable of preventing erosion and of eliminating objectionable dust.

- (D) Trees: At least one tree shall be planted on each manufactured home lot if no such tree already exists. Planted trees shall be a caliper of at least two (2) inches. (This provision shall not apply to parties operating prior to the date of Local Law No. 2 for the Year 1989.)
- (E) Walkways: Each manufactured home stand shall be provided with a walkway leading from the stand to the street or to a driveway or parking area connecting to the street. Such walkway shall be adequately maintained.
- (F) Fencing: If fencing of individual lots within the manufactured home community is to be provided by the homeowner, standards shall be provided by the community operator so that consistency can be maintained.
- (G) Community Lighting: All manufactured home communities shall be furnished with adequate lights to provide sufficient illumination for the safe movement of vehicles and pedestrians at night over streets, driveways and walkways. Energy efficient fixtures are to be used for walkways and driveways with lumen values of no more than 300 lumens should be installed to avoid light from traveling above the horizontal.
- (H) Electric service to LED streetlights shall be installed underground and decorative lighting fixtures shall be used where possible. Lights shall be light efficient fixtures, fully shielded in such a way as to avoid light from traveling above the horizontal.

5.10 MANUFACTURED HOME STAND

- (A) Stand Requirements: Each manufactured home lot shall be provided a manufactured home stand which will give a firm base and adequate support. Such stand shall have a dimension equal to the width and length of the home and any expansions or extensions thereto. The manufactured home stand shall be made in accordance with the applicable provisions of the New York State Uniform Fire and Building Code as enforced by the Town of Newfield and the manufactured housing installation instructions when new homes are installed.
- (B) Installation: Installation of manufactured homes on the manufactured home stand shall be made in accordance with the applicable provisions of the New York State Uniform Fire and Building Code as enforced by the Town of Newfield.
- (C) Grading: The stand shall be suitably graded to permit surface drainage of water as outlined in engineer drawings of the site.

5.11 MANUFACTURED HOME UNITS

- (A) Unit Installation and Skirting: At the time of installation of the manufactured home, the tires and wheels, and the hitch, if possible, shall be removed and the unit shall be secured, blocked, leveled, and connected to the required utility systems and support services. The manufactured home shall be completely skirted within ninety (90) days of occupancy. Materials used for skirting shall provide a finished exterior appearance and shall be similarly in character to the material used in the manufactured home that would be permitted under the New York State Fire Prevention and Building Code for proper skirting of a manufactured home.

- (B) Additions: Additions to a manufactured home unit shall be supported on a stand constructed in accordance with construction standards for the manufactured home stand. Skirting shall be required around the base of all such expansions or extensions. All additions shall be built of such materials and designed in a fashion that the original manufactured home and the addition shall appear to have been manufactured or constructed together as a single unit. All additions must comply with New York State Building Code standards for proper construction.
- (C) Entrance Steps and Ramps: Entrance steps and ramps shall be installed by the homeowner at all doors leading to the inside of the manufactured home and meet New York State Building Code standards.
- (D) Patios/Decks: Each manufactured home site constructed after the effective date of Local Law No. 2 for the Year 1989 shall be provided with a patio or deck or combination of both with a minimum width of ten (10) feet and a total area of at least 200 square feet. Such patio or deck shall be constructed in accordance with adequate and usable materials and shall be properly maintained and shall be located so that good access to the front door of the manufactured home will be maintained.
- (E) Accessory Buildings: No outdoor storage of personal property by manufactured home tenants other than as provided in Section 5.5(D) shall be permitted unless the manufactured home community operator shall provide or shall require each occupant to provide an accessory storage building. Such building shall not exceed the height of the primary home, 300 square feet in size, shall be a standard prefabricated product, and shall be installed on a poured concrete slab or other adequate foundation paid for by the homeowner. The location of the accessory building shall be determined by the community operator either at the time the community is developed or as sites are occupied. Accessory buildings shall be maintained by the homeowner. Additional permits may be required by the Town of Newfield.

SECTION 6.0

Support Services and Utility Delivery Systems

6.1 WATER AND SEWER

(A) WATER

- (1) Water: Manufactured home communities hooked up to municipal water shall at all times be operated in accordance with the applicable rules and regulations of the Newfield water district.
- (2) Private Water: Manufactured home communities using private water shall at all times be operated in accordance with applicable laws, rules and regulations of the State of New York and Tompkins County Health Department.

(B) SEWER

- (1) Public Sewer: Manufactured home communities hooked up to public sewer shall at all times be operated in accordance with the applicable rules and regulations of the Newfield sewer district.
- (2) Private Sewer: Manufactured home communities using private sewage facilities shall at all times be operated in accordance with applicable laws, rules and regulations of the State of New York and Tompkins County Health Department.

6.2 SOLID WASTE DISPOSAL

- (A) General: The storage, collection and disposal of solid waste in the manufactured home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- (B) Group Storage Areas: If group solid waste and/or compost storage areas are provided for community occupants and tenants in newly constructed communities, they shall be enclosed or otherwise screened from public view and shall be rodent and animal proof and located not more than 100 feet from any manufactured home site they are to serve. Containers shall be provided in sufficient numbers to properly store all solid waste and/or compost produced.
- (C) Individual Storage Areas: Any solid waste and/or compost containers stored on individual manufactured home sites shall be screened from public view and shall be rodent and animal proof.
- (D) Burning Prohibited: Disposal of solid waste by burning is expressly prohibited.

6.3 ELECTRIC POWER, INTERNET, TELEPHONE AND TELEVISION SERVICE

- (A) Electric: The manufactured home community electrical distribution shall be installed underground and shall comply with the national electric code and with requirements of the utility company serving the area and the Public Service Commission.
- (B) Internet: Internet service provided by a cable system or an Internet service provider shall be installed underground whenever possible.
- (C) Telephone: The distribution system for telephone service shall be underground in accordance with the standards established by the New York Telephone Company.
- (D) Television: Television service which is provided by a cable system shall be installed underground. When cable service is not available in newly constructed communities, a common antenna shall be provided with direct burial cable to each manufactured home site.

6.4 FUEL SYSTEMS

When possible, all manufactured home communities should provide access to clean energy through heat pumps and solar. All manufactured home communities shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with the applicable federal, state and local laws, codes and regulations governing such systems.

6.5 FIRE PROTECTION

- (A) Safe Maintenance: Manufactured home communities shall be kept free of litter, rubbish and all other flammable materials.
- (B) Fuel Storage Map: The community operator shall furnish the Newfield Fire Company, Tompkins County Sheriff's Department, and New York State Police with a map and plan of the manufactured home community which shall designate the location of all fuel storage areas, if any.

SECTION 7.0

Mail Service

7.1 MAILBOX PLACEMENT

- (A) Location: Mailbox location shall provide safe and easy access for the pickup and delivery of mail.
- (B) Cluster Delivery: Grouped mailboxes for cluster delivery shall be located in a way that will not require stopping on a public right-of-way for pickup.
- (C) Landscaping: When mailboxes are grouped together for some form of cluster delivery such groupings shall be landscaped.

SECTION 8.0

Community Operations and Maintenance

8.1 Restrictions on Occupancy

- (A) Length of Placement: In any manufactured home community, no space shall be rented for the placement and use of a manufactured home for residential purposes except for periods in excess of 180 days.
- (B) Manufactured Home Qualifications for Placement:
 - (1) No manufactured home manufactured after June 15, 1976 shall be admitted to any community after the effective date of this local law unless it bears the seal issued by the State of New York and required by the State Code for Construction and Installation of Manufactured Homes or has met applicable Federal HUD standards for its manufacture.
 - (2) No manufactured home manufactured prior to June 15, 1976 shall be admitted to any community after the effective date of this local law unless it shall have been built to satisfactory standards and is still in serviceable condition. All such manufactured homes shall be inspected by the Code Enforcement Officer prior to their installation in any manufactured home community.
 - (3) Notwithstanding subsections (B) (1) and (B) (2) herein, no manufactured home, regardless of its date of manufacture, shall, after the effective date of this local law, be admitted to any community if such manufactured home has deteriorated or been damaged to the extent whereby it shall no longer be adequate for reasonable human habitation or shall have a deteriorated or damaged external appearance.

8.2 RESPONSIBILITIES OF MANUFACTURED HOME COMMUNITY OPERATOR

- (A) Compliance and Supervision by Community Operator: The person to whom a permit for a manufactured home community is issued shall operate the community in compliance with this local law and shall provide adequate supervision to maintain the community, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.
 - (1) The community operator has four hours to respond to emergencies. Emergencies are defined as:
 - (a) Potable water is not delivered to the manufactured home lot.
 - (b) The manufactured home becomes disconnected from the sewer.
 - (c) Respond is defined as the manufactured home community operator or their designee visiting the manufactured home lot to investigate the problem and begin planning and implementing the solution.
 - (2) If the community operator, or their designee, fails to respond to the site within four hours, the Code Enforcement Officer shall issue an appearance ticket. Three or more issue appearance tickets issued within six months could lead to the permit to operate being revoked.
- (B) Compliance by Occupants and Tenants: The community operator shall notify occupants and tenants of all applicable provisions of this local law and inform them of their responsibilities and any regulations issued thereunder.
- (C) Placement of Manufactured Homes: The community operator shall place or supervise the placement of each manufactured home on its manufactured home stand by a certified or licensed installer and ensures its stability by securing and installing all utility connections as outlined in the New York State Building Code.
- (D) Register of Occupants: The community operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each manufactured home. Such a register shall be made available by the community owner on a 24-hour emergency basis to police and fire department officials, and available during normal business hours to authorized persons inspecting the community and officials of the Town of Newfield.

8.3 RESPONSIBILITIES OF COMMUNITY OCCUPANTS AND TENANTS, ENFORCEMENT BY COMMUNITY OPERATOR

- (A) General: Occupants and tenants shall be responsible for the compliance of any of the provisions of this local law within their control and ability.
- (B) Maintenance of Manufactured Home: The homeowner shall be responsible for the maintenance of their manufactured home, and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.
- (C) Maintenance of Lot: It shall be the responsibility of each manufactured home occupant and tenant to keep their site free of litter, rubbish, unused vehicles and equipment or parts thereof.
- (D) Compliance by Community Owner: The community owner shall at all times be responsible for the compliance with the provisions of this local law, regardless of whether an occupant or tenant is also responsible. It shall be a responsibility under this local law for the community operator to require and enforce compliance, to the extent permitted by law, of the requirements herein as it shall apply to their occupants and tenants.

- (E) Community Owner's Right to File Complaint: A community owner shall have the right to file a complaint against any occupant or tenant for an applicable violation of this local law if, after reasonable effort, such community owner shall be unable to obtain compliance by such tenant. The filing of such complaint, however, shall not in and of itself relieve such Community owner from his/her obligations as permittee under this local law.

SECTION 9.0

Inspection

9.1 ENFORCEMENT

This local law shall be enforced by the Town Board of the Town of Newfield through the Code Enforcement Officer. Said officer and their inspectors shall be authorized and have the right in the performance of duties to enter any manufactured home community and make such inspections as are necessary to determine satisfactory compliance with this local law and regulation issued hereunder. Such entrance and inspection shall in routine cases be accomplished at reasonable times, prior notice to the community operator, and in cases involving violations or in emergencies whenever necessary. Owners, agents or operators of a manufactured home community shall be responsible for providing access to all parts of the premises within their control to the Code Enforcement Officer or to their inspectors, acting in accordance with the provisions of this section.

9.2 INSPECTION

It shall be the duty of the Code Enforcement Officer to make regular inspections of all permitted premises as they deem necessary and shall inspect each permitted premises no less than once every year and within sixty (60) days prior to the date of renewal of any manufactured home community permit and to investigate all complaints made under this local law.

SECTION 10.0

Criminal Penalties and Enforcements

10.1 CODE ENFORCEMENT OFFICER

The Town of Newfield shall have the authority to appoint a Code Enforcement Officer authorized and empowered to act on behalf of the Town of Newfield to enforce the provisions of this law, including the right of entry onto any permitted premises or premises which are unpermitted, but reasonably deemed to be in violation of the law. The Code Enforcement Officer shall have the authority to issue appearance tickets returnable to the Town Justice Court with respect to any violation herein without specific direction of the Town Board.

10.2 PENALTIES

- (A) Violations: Any person, including a community operator, occupant or tenant, who commits or permits the commission of any act or acts in violation of any of the provisions of this local law shall be subject to a fine determined by the Town of Newfield's Fees and Penalties

schedule or imprisonment of not more than fifteen (15) days, or both such fine and imprisonment, and/or suspension of the permit for a period of at least five (5) days, for each such violation. Each day such violation shall continue, or be permitted to exist, shall constitute a separate violation as shall be permitted by law.

- (B) Additional Proceedings: In addition to the penalties herein provided for, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this local law.
- (C) Correction by Town: Notwithstanding any other penalty herein, the Town of Newfield on written notice thirty (30) days after a conviction under this local law may enter upon the premises of the violation and take such steps necessary to correct any violation if the Town of Newfield shall determine such steps are in the public interest and in the interest of the inhabitants of the manufactured home community and charge the violator for the reasonable costs thereof. Such unpaid charges shall be deemed town charges and shall be levied as in a manner of a special assessment on the tax levy against such property at the first levy following the billing for such charges by the Town of Newfield. Such unpaid assessment shall be a lien against the real property of the violator.

SECTION 11.0

Revocation of Permit

11.1 INITIAL ORDER

Upon determination by the Town Board a violation of any provisions of this local law has occurred, they shall, in addition or in lieu of any other penalty set forth in Section 10.2, serve upon the holder of the permit for such manufactured home community an order, in writing and by certified mail, return receipt, directing that the conditions therein specified be corrected within ninety (90) days after the date of delivery of such order. The order shall also contain an outline of remedial action which, if taken, will affect compliance.

11.2 NOTICES

If, after the expiration of such ninety (90) day period, such violations are not corrected, the Town Board shall serve a notice in writing upon such manufactured home community operator and/or homeowner, requiring the holder of the community permit to appear before the Town Board of the Town of Newfield at a time to be specified in such notice, to show cause why the manufactured home Community permit should not be revoked. Such hearing before the Town Board shall occur not more than forty-five (45) days after the date of service of said notice by the Town Board.

11.3 HEARING

Within ten (10) days after the hearing at which the testimony and witnesses of the Town Board and the manufactured home community permit holder and homeowner shall be heard, the Town Board shall make a determination in writing sustaining, modifying, or withdrawing the order issued by said Town Board as directed by Section 11. 1 of this local law. Failure to abide by any Town Board determination to sustain or modify the initial order of said Town Board, and to take corrective action

accordingly, shall be cause for the revocation of the manufactured home Community permit affected by such order and determination.

11.4 NOTICE TO HEALTH DEPARTMENT AND TENANTS

The Town Clerk shall promptly notify the Tompkins County Health Department and all tenants of the subject manufactured home community of any revocation of a permit.

SECTION 12.0

Variances

12.1 VARIANCE PERMITTED FOR HARDSHIP

Where there are practical difficulties, unusual circumstances, or design innovations involved, the Town Board may grant variances from any of the provisions and regulations of this local law except those related to the Tompkins County Health Department, New York Department of Environmental Conservation, and New York building code requirements. There shall be no right to a variance, the issuance of which shall be solely within the discretion of the Town Board or New York Department of State Regional Board of Review.

12.2 APPLICATION

Application for a variance shall be in writing from the person applying for the manufactured home community permit required in accordance with Section 4.0 of the local law. In considering a request for a variance, the Town Board shall be guided by the circumstances of the situation and the intent of the applicant, and shall act as to protect the best interests of the community.

SECTION 13.0

Appeals

13.1 APPEAL FROM DECISION OF CODE ENFORCEMENT OFFICER

Any person aggrieved by any decision of the Code Enforcement Officer may appeal to the Town Board, except with respect to any case of violations pending before the Town Justice Court. The Town Board shall act in accordance with the provisions of Section 10.0 of this local law.

13.2 APPEAL FROM DETERMINATION BY TOWN BOARD

Any determination made by the Town Board under this local law, except in the case of violations heard in the Town Justice Court, may be reviewed by the Supreme Court under Article 78 of the Civil Practice Law and Rules.

SECTION 14.0

Saving Clause and Effective Date

14.1 SAVING CLAUSE

If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

14.2 EFFECTIVE DATE

This law shall take effect upon its filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

DRAFT

Legal Questions and Considerations

1. In general, how much of this is already covered by state or county law and not necessary to include (or alternatively, simplify the language to state “as required by state and county laws”)?
2. Section 1.3 - Review references to legal and regulatory oversight. Revise accordingly with reference to specific codes or laws. New York state law about separation - section 5.4 (A)(1)?
3. Section 3(J) - Should there be any reference to updates to site plan requirements or other laws with same requirements for road (for other new developments of groups of homes – consistency in legal requirements for any groups of homes)
4. Section 4.5(F) - Part of this driven by concern about flooding - what happens if on private supply or septic field for park is impacted? Make this statement clearer/more explicit.
5. Section 5.5(B) – Which NY state standards (reference)?
6. Section 5.11(C): Look state code about temporary ramps and whether to include language applicable to those.
7. Section 6.5(B): Check whether there any laws or regulations we need to comply with. Is there any reason we need to share this information, or can we delete this section? Already DEC (and maybe health department), OSHA law.
8. Section 8: Any state or county laws we should reference?
9. Should we include requirement for community owners to carry basic liability insurance through their existing policy? If so, which section should this be in?