

New York State Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave
Albany, New York 12231-0001

Local Law Filing

(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 underling to indicate a new matter.

Town of Wayland

Local Law No. __3__ of the year 2021

**A LOCAL LAW REGULATING MOBILE HOME PARKS IN THE TOWN OF
WAYLAND, STEUBEN COUNTY, NEW YORK**

Be it enacted by the Town Board of the Town of Wayland as follows:

*See attached for the complete text of the local law

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

(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. 3** of 2021 of the **Town of Wayland** was duly passed by the Town Board on **May 12, 2021** in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ (Elective Chief Executive Officer*) on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative body) on _____ 20____, and was (approved)(not approved) (~~repassed after disapproval~~) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* 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 chairperson 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 20____ 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 _____ 20____, 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 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, 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 a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

1. (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 1, above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date:

TOWN OF WAYLAND, NEW YORK
LOCAL LAW NO. __3_ OF 2021:
A LOCAL LAW REGULATING MOBILE HOME PARKS IN THE TOWN OF WAYLAND,
STEUBEN COUNTY, NEW YORK

WHEREAS, Local Law No. 4 of 1995 of the Town of Wayland contains provisions regulating mobile home parks and provisions pertaining to several other topics, and the Town Board has deemed it to be in the Town's best interests to repeal said Local Law and replace it with topic-specific Local Laws, thus providing greater clarity and administrative efficiency for Town residents; and

WHEREAS, the Town Board wishes to enact a new Local Law for the purpose of regulating mobile home parks within the Town of Wayland.

NOW THEREFORE, be it enacted by the TOWN BOARD of the Town of Wayland as follows:

SECTION 1. Authority

This Local Law is adopted pursuant to the authority granted to the Town in section 10 of New York State Municipal Home Rule Law and in section 130 (15) of New York State Town Law.

SECTION 2. Title

This Local Law shall be known as, "A Local Law Regulating Mobile Home Parks in the Town of Wayland, Steuben County, New York."

SECTION 3. Purpose

The purpose of this Local Law is to promote the health, safety, and welfare of residents of the Town of Wayland by providing for the orderly development and operation of mobile home parks within the Town.

SECTION 4. Definitions

For the purpose of this Local Law, the following terms shall have the meanings ascribed to them below:

Mobile Home: A prefabricated, transportable dwelling structure attached to a permanent chassis and designed to be used for living and/or sleeping quarters, whether on wheels, rigid supports, or a foundation.

Mobile Home Lot: The lot or space within a mobile home park assigned to, occupied by, or designated for occupancy by one mobile home, whether or not it contains a mobile home at any given time. The mobile home lot includes the yard spaces and parking area(s) associated with the mobile home.

Mobile Home Park: Any tax parcel, portion of a tax parcel, or combination of multiple tax parcels where three or more mobile homes are located and connected to typical residential utilities and where at least one mobile home is occupied for residential use.

SECTION 5. Special Permit Required for New Mobile Home Parks; Mobile Home Park Permit Required for Existing Mobile Home Parks

A. No person or entity shall use or permit the use of any land or premises within the Town of Wayland as a mobile home park without first obtaining permit coverage pursuant to this section and keeping the required permit coverage in effect for as long as the park continues to operate.

B. No person or entity may construct or establish a new mobile home park after the effective date of this Local Law without first applying for and obtaining a special permit for said mobile home park pursuant to this section and in accordance with the applicable provisions of Town of Wayland Local Law No. 1 of 1998 (containing procedural requirements for the issuance of special permits).

The application for each special permit for a new mobile home park shall be in writing and signed by the applicant. It shall contain:

1. The name and address of the applicant.
2. The name and address of each partner if the applicant is a partnership.
3. The name and address of each officer and director if the applicant is a corporation.
4. A complete description of the premises on which the mobile home park is to be located.
5. The name and address of all owners of said premises, and, if the applicant is not the property owner, the application shall include a signed authorization from the property owner(s).
6. The number of mobile homes and mobile home lots to be located in the mobile home park.
7. A copy of the most current deed or lease reflecting ownership or occupancy of the property.

The application shall also contain two sets of plans and specifications, drawn to scale, showing the layout of the park, the location, size, and arrangement of all mobile homes and mobile home lots, the location of all internal streets and nearby public streets and roadways, and the location of all utilities (including but not limited to potable water and sewer/septic infrastructure). The proposed improvements shall comply in all respects with all applicable laws and regulations, including but not limited to the New York State Public Health Law and regulations of the New York State Department of Health.

C. The application materials for a special permit for a new mobile home park shall be filed with the Town Clerk along with an application fee to be calculated as follows: \$250, plus \$50 for each proposed mobile home to be included in the mobile home park. Upon this filing and payment of this fee by the applicant, the Town Clerk shall transmit the application materials to the Code Enforcement Officer.

D. The Code Enforcement Officer shall notify the applicant of any deficiencies in the application, and the applicant shall have the opportunity to supplement or modify the application without paying an additional application fee. The Code Enforcement Officer shall, after reviewing the application materials and conferring with the applicant if needed, transmit the application materials to the Town Board with a written recommendation for approval, approval with conditions, or disapproval.

E. The application shall be reviewed in accordance with the procedural requirements for special permits as set forth in Local Law No. 1 of 1998, except that the required public hearing shall be conducted by the Town Board rather than the Planning Board, and the decision to approve, approve with conditions, or disapprove the special permit application shall be made by the Town Board rather than the Planning Board.

F. If the special permit for a new mobile home park is approved, then in all subsequent years, the new mobile home park shall be treated as an existing mobile home park and shall be subject to the mobile home park permit requirement set forth in this section.

G. The owner or operator of each existing mobile home park shall be required to renew its mobile home park permit on an annual basis by paying the required fee as set forth on a fee statement or invoice issued by the Town Clerk. The annual fee for a mobile home park permit shall be calculated as follows: \$100.00, plus \$10.00 for each mobile home in excess of 10 mobile homes within the park.

H. If, at any time during the term of a special permit (for new mobile home parks) or a mobile home park permit (for existing mobile home parks), the park is operated in violation of the permit conditions or of any provision of this Local Law, the Town Board may revoke the permit or disapprove a renewal application according to the procedure set forth below:

1. The Town Board or the Code Enforcement Officer shall serve notice of the violation, by mail or in person, on the permittee.
2. The permittee shall have 10 days from the date of service to remedy the violation and provide proof of same in the manner set forth in the notice. The date of service for notices served by mail shall be three business days after the postmark date.
3. If the violation is not remedied to the satisfaction of either the Town Board or the Code Enforcement Officer, the Town Board shall hold a duly noticed public hearing and meeting concerning possible revocation or non-renewal of the permit in question, at which the Town Board may take testimony and consider evidence from the permittee and any other individual.

4. If the Town Board determines that the violation(s) described in the served notice have not been remedied, the Town Board may revoke the permit or disapprove a renewal application for the permit.
5. Upon such revocation or the lapse of a non-renewed permit, the affected premises shall cease to be used as a mobile home park within 30 days, and all mobile homes on the premises shall be removed within that time. Any mobile homes remaining on the premises after 30 days shall be subject to the provisions of any then in-force Local Law regulating junk and/or the repair or removal of unsafe buildings and collapsed structures, and the property owner and/or operator shall be subject to the fines and penalties set forth in said Local Law(s) as applicable.

SECTION 6. Requirements for Mobile Home Parks

- A. No mobile home park shall be located with 2,500 feet of any property boundary of a property used for public school purposes.
- B. Each mobile home park shall have adequate drainage, shall be free of dense brush or woods, and shall be maintained in a clean, orderly, and safe condition.
- C. Each mobile home lot within a mobile home park shall comprise at least 7,000 square feet and shall be at least 70 feet in width. No more than one mobile home may be placed on each mobile home lot.
- D. No mobile home lot shall be located within 75 feet of the center line of any public roadway, nor within 50 feet of any dwelling that is not part of the mobile home park. No mobile home or any structure connected thereto shall be located within 25 feet of another mobile home.
- E. Each mobile home within a mobile home park shall contain at least 500 square feet of inside space and shall have a Department of Housing and Urban Development certification label.
- F. Each mobile home within a mobile home park shall have potable running water and sewer or septic service that complies in all respects with all applicable state and local laws and regulations.
- G. Each mobile home within a mobile home park shall have a weatherproof electric service connection that complies with all applicable codes and that does not create a safety hazard.
- H. No accessory structure located on a mobile home lot shall be located within 15 feet of any mobile home located on an adjacent mobile home lot.
- I. Each mobile home lot shall contain a driveway or parking area of sufficient size to accommodate the parking of at least two typical motor vehicles.

SECTION 7. Recordkeeping Requirements

- A. The owner or operator of a mobile home park shall keep the following permanent written records:

1. The name and address of each occupant of each mobile home, and each person's move-in and move-out date, as applicable.
2. The date of arrival and removal of each mobile home.
3. The name and address of the owner of each mobile home.
4. The make and color of each mobile home.
5. The registration year and number of each mobile home, including the state of registration.
6. Any deviation(s) within the park from the application materials associated with any special permit or mobile home park permit issued for the park.

B. The records required to be kept pursuant to this Local Law shall be made available for inspection by the Code Enforcement Officer upon request during business hours.

SECTION 8. Inspections

Any police officer or Town of Wayland Code Enforcement Officer shall have the right, at all reasonable times, to enter any mobile home park to inspect the premises (not including the interior of occupied mobile homes, except upon consent of the owner or occupant or as otherwise allowed by law) and the required records associated with the park. Such an inspection may occur when a mobile home is removed, installed, or replaced within the park, and at any other reasonable time.

SECTION 9. Applicability to Existing Mobile Home Parks

As of the date of filing of this Local Law with the New York State Secretary of State after adoption by the Town Board, all existing mobile home parks shall comply with all provisions of this Local Law, provided that (i) no existing mobile home park shall be required to relocate existing, in-place mobile homes to comply with the setback, distancing, or space requirements contained herein, and (ii) existing mobile home park permits shall remain in effect until the required renewal as set forth in this Local Law.

SECTION 10. Waivers

Where the Town Board finds that, due to special circumstances of a particular case, a waiver of one or more requirements of this Local Law is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Town Board finds, and records in its minutes, that:

1. Granting the waiver would be in keeping with the intent and spirit of this Local Law, and is in the best interests of the community;
2. There are special circumstances involved in the particular case;

3. Denying the waiver would result in undue hardship to the applicant, provided that such hardship has not been self-imposed; and
4. The waiver is the minimum necessary to accomplish the purpose; the Town Board may establish waiver time limits on a case-by-case basis.

SECTION 11. Severability

If any clause, sentence, paragraph, or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or section thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 12. Penalties

A. Any person who violates any provision of this Local Law shall be guilty of a violation and subject to a fine of not less than \$50.00 nor more than \$500.00 for a first violation, and, for each subsequent violation within a five (5) year period, a fine of not less of \$50.00 nor more than \$1,000.00 or imprisonment for not more than 15 days, or both fine and imprisonment. Each week of continued violation shall constitute a separate violation.

B. In addition to the above provided penalty, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to:

1. Compel compliance with or restrain by injunction the violation of any article of this Local Law; and
2. Collect from the violator(s) any reasonable attorney's fees and other costs incurred by the Town to enforce this Local Law against said violator(s) and to address the corresponding violations through civil and/or criminal proceedings.

C. Any violation of this Local Law occurring on a premises shall be deemed a violation of (i) all owners of the premises, and also of (ii) all persons actually occupying the premises and/or legally entitled to possession thereof, except in circumstances where said persons are tenants who do not have control over, nor the legal right to control or to cure, the subject matter of the violation due to their status as tenants.

SECTION 13. Repealer

Section 4 ("Mobile Home Parks") of Town of Wayland Local Law No. 4 of 1995 is hereby repealed in its entirety, which repeal shall not affect other sections of Local Law No. 4 of 1995.

SECTION 14. Effective Date

This law shall be effective upon filing with the New York State Secretary of State.