

LOCAL LAW FILING

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

XXXXXX

XXXXXX

of ANDOVER

Town

XXXXXX

Local Law No. 2 of the year 1994

A local law REGULATING MOBILE HOMES WITHIN THE TOWN OF
ANDOVER

Be it enacted by the TOWN BOARD of the

XXXXXX

XXXXXX

of ANDOVER as follows:

Town

XXXXXX

The Town of Andover, Allegany County, State of New York, hereby enacts this local law for the regulation of the placement of mobile home within the Town of Andover.

ARTICLE 1

SECTION 1: ENACTING CLAUSE

Pursuant to the authority conferred by the Municipal Home Rule, statute of Local Governments of the State of New York, the Town Board of the Town of Andover hereby adopts and enacts as follows:

SECTION 2: SHORT TITLE

This local law shall be known as "The Mobile Home Local Law of the Town of Andover".

SECTION 3: PURPOSE

This local law is intended to promote public health, safety, comfort and general welfare of the residents of the Town of Andover.

Single Family Dwelling - As defined in New York State Uniform Fire Prevention and Building Codes.

Structure - Mobile home with any and all additions or accessories including but not limited to porches, patios, steps, rooms, breeze-ways, garages, etc.

ARTICLE 2

SECTION 1: The following site regulations and minimum dimensions shall apply to any mobile home placed outside of a "Mobile Home Park" within the Township of Andover.

1. Front Property Line Minimums. "Structure" must have a minimum distance from front property line of seventy-five feet (75') in such cases as property line is center of street or road or in cases where any public sidewalk exist a minimum distance of a thirty feet (30') from center of said public sidewalk is required between said center of sidewalk and "Structure". Providing, however, structure in all cases be set back a minimum of Thirty-Feet (30') from bounds of any public right of way.
2. Rear Property Line Minimums. "Structure" must have a minimum distance from rear property line of fifteen feet (15').
3. Side Property Line Minimums. "Structure" must have a minimum distance on both side property lines of fifteen feet (15') unless however parcel is on a corner location in which case the side property line parallels a side street or road in which the minimum requirements of Section 1 Paragraph Number 1 "Front Property Line Minimums" would apply.
4. Each site or lot must have adequate space to provide two (2) off street/road parking spaces for two (2) vehicles.
5. Only one dwelling unit per lot.
6. The minimum size lot or placement of a mobile home outside of the Village of Andover and within the Town of Andover shall be one (1) acre.
7. Structure shall have one of the following foundations:
 - A. A steel reinforced concrete Slab.
 - B. A poured or concrete block wall with proper footing.
 - C. Pillars of concrete blocks supporting the frame on all corners and in such a manner between the corners to prevent the "Structure" from extreme heaving, sagging, or twisting as a result of changes in weather conditions.
8. The lot shall be graded in a way to prevent water from standing under or around "Structure" and landscaped in a manner in which to prevent unnecessary erosion.

SECTION 2: The following standards shall apply to all mobile homes hereafter erected, constructed or caused to be within the Town of Andover and the "Mobile Home Parks" within said Town.

A. NEW MOBILE HOMES

1. Any permit of any new mobile home being placed on the Town of Andover shall include the information provided by the manufacture of said mobile home either in certificate form or from identification plate information placed on or in the mobile home by the manufacture. This information shall include the manufactured date, manufactures name, model name, model number, serial number and H.U.D. specifications.
2. Any new mobile home without a proper identification plate will be treated as a single family dwelling.

B. PREVIOUSLY OWNED MOBILE HOMES

1. Minimum floor space shall be calculated using the inside measurements of length times width of said mobile home with total area to be no less than six-hundred and seventy-two (672) square feet.
2. Any permit for any mobile home being placed within the Town of Andover manufactured after June 15, 1976 shall contain manufacturer's name, manufactured date, model number, serial number, and H.U.D. specifications as provided in the form of a certificate or as appears on an identification plate on or in said mobile home.
3. Any mobile home determined by a Building Inspector of the Town of Andover having been manufactured prior to June 15, 1976, or without a positive identification certificate or a specification plate, or in the Building Inspector's judgment has had extensive interior modifications as to the additions of or removal of partitions, walls, room(s), etc. will be treated as and inspected as a single family dwelling.
4. The mobile home must meet all applicable New York State fire and building codes.

SECTION 3: MOBILE HOME INSPECTION PROCESS

A. STEP ONE INITIAL INSPECTION AND ISSUANCE OF PERMIT.

1. No mobile home shall be located within the Town of Andover nor shall it undergo any remodeling, expansion or renovation, until an application for a mobile home permit has been filed in the Town Clerk's Office and such permit shall have been evaluated and site inspected by the designated Andover Town Building Inspector. Such applications shall be filled out in duplicate on a form supplied by the Town Clerk's Office and shall be accompanied by two (2) copies of a plan, drawn to scale, showing the dimensions of the parcel of land proposed to be used as the site, the location of the existing water supply (public or private), and the location of the existing or proposed connection for sewage disposal (public or private). The cost of the permits shall be \$25.00, provided no special inspections are required by the Building Inspector. The basic fee covers the three standard inspections required by this section. In the event that any additional visits to the site are required by the Building Inspector, the applicant shall pay an additional fee of \$10.00 per visit. These fees are all subject to future adjustments as ordered by the Town Board.

SECTION 4: DEFINITIONS

A. Word usage. Except when specifically defined herein, all words in this local law shall carry the customary meaning, and the plural shall include the singular.

B. Terms Defined. As used in this local law, the following terms shall have the meanings indicated:

Accessory - Any additional outside component, connected to, or not connected to a mobile home or structure, including but not limited to pads, patios, porches, pools, garages, storage sheds or decks.

Board - Shall refer to the Town Board.

Front Boundary Line - A line of reference as described in property descriptions of a Deed or Sales Contract, ordinarily with reference to sheets, roads or routes.

House Trailer - See "Mobile Home"

Mobile Home - A form of structure constructed on a frame of steel or other materials including wheels for transporting from one location to another, in which this structure may be used for residential, business or other commercial purposes including; but not limited to, a living or sleeping purpose; in which said structure be connected or intended to be connected to public or private utilities thereby providing availability for the comforts of heat, lighting, or water and sewer; providing however such structure not fall under the definition of "Recreational" as further defined hereafter.

Mobile Home Park - Any parcel of land on which are located two (2) or more "Mobile Home Spaces".

Mobile Home Space - Any lot or parcel of land located within a "Mobile Home Park" in the Town of Andover that includes provisions for the hookup or connections to public or private utilities such as to provide for any comforts of heat, lighting, water or sewer.

Real Property Line - A line of reference as described in a Deed or Sales Contract that normally, but not necessarily, parallels the "Front Boundary Line".

Recreational - Any "self contained structure" that may be towed or driven and is not permanently connected to any public or private utilities.

Self Contained Structure - Recreational structure with provisions built in at the time of manufacturing of said structure whereby alternate supplies of heating fuel, electricity, water and sewer are contained or stored within said structure.

Side Boundary Lines - Lines of reference as described in property descriptions of a Deed or Sales Contract, ordinarily, but not necessarily, perpendicular to, and connecting Front and Rear Property Lines.

2. Upon receipt of an application for a permit to locate or remodel a mobile home, the Town Clerk's Office shall transmit the same to the Town Building Inspector, who shall make an inspection of the site described in said application and shall approve and issue the permit if it is determined that the application and proposed action is in full compliance with this local law. If the Building Inspector determines that the application is not in full compliance with this law, the application shall be forwarded to the Town Board, which shall consider and have authority to grant variances as provided in this law.

3. One copy of said application, when approved by the Building Inspector or by the Town Supervisor on behalf of the Town Board, shall constitute a permit. Such permit, together with one copy of the plot plan, shall be given to the applicant; the second copy of both the application and the plot plan shall be retained by the Town Clerk. The issuance of such initial permit shall entitle the applicant to locate or remodel as requested, but shall not constitute a certificate of occupancy, which shall still be required before the mobile home may be used for dwelling purposes.

B. STEP TWO CERTIFICATE OFF OCCUPANCY INSPECTION

1. Upon completion of the work for which the initial permit was obtained, the applicant shall notify the Building Inspector that the structure is ready for inspection, whereupon the Building Inspector shall promptly make such inspection and, if satisfied that the regulations pertaining to this project have been complied with, shall issue a certificate of occupancy granting permission to use the structure.

2. The standard and regulations which the applicant must meet and the Building Inspector must consider for issuance of a certificate of occupancy, in addition to those required by the New York State Building Code, are as follows:

- A. smoke alarms shall be installed and operating properly.
- B. Proper compliance with the sanitary code of the County of Allegany and Sewer Use Ordinance or Local Law of the Town of Andover.
- C. inspection to establish that there are no leaks of water or sewage in the vicinity of any electrical apparatus.
- D. every mobile home must be set upon a foundation as described in ARTICLE 2, SECTION 1, PARAGRAPH 7.

3. Any mobile home which fails to meet the minimum standards set forth in the proceeding section shall be denied a certificate of occupancy, and the Town Board shall notify the applicant in writing, and any occupants of the mobile home, that any use or occupancy of the structure shall constitute a violation of this law.

C. STEP THREE FINAL INSPECTION AND APPROVAL

1. A final inspection shall be performed by the Building Inspector on or about the ninetieth (90th) day after issuance of the certificate of occupancy. The purpose of the final inspection is to confirm that all standards for permanent placement and use of the structure have been complied with.

2. The following standards and criteria must be complied with, if applicable, before issuance of the final approval:

- (a) Every unit must have properly installed and properly ventilated skirting material consisting of corrugated aluminum or fiber glass or comparable material installed, on sound framing so as to enclose the area between the floor of the mobile home and the ground.
- (b) The mobile home tongue shall be removed (if not permanently attached) and stored out of sight or covered with material required for skirting of the mobile home.

SECTION 4: RENTALS, LEASES OR NON-OWNER OCCUPANCY

Any mobile home or structure that is rented, leased or occupied by anyone other than the owner as recorded on a Deed, or Permit causing placement of said mobile home or structure within the Town of Andover, is required to be inspected for the following required physical, structural and health considerations, on any occasion initially or thereafter, that may be the result of a second party occupying said mobile home or structure. These requirements apply to any and all mobile homes or structures of such, placed on lots, plots, sites, acreage or within Mobile Home Parks and must be issued a new Certificate of Occupancy with every change of tenant or occupant. The cost of such inspection shall be paid by the owner regardless of assignments or subleases, in the amount of Twenty Five Dollars (\$25.00) or as adjusted by the Town Board.

- A. Kitchen consisting of sink in good working order including connections to a pressurized water system with hot and cold water and a proper drainage system.
- B. Cabinets and/or shelves door storage of dry goods, canned food, pots, pans and utensils.
- C. Provisions for the placement, proper hookup and ventilation of a primary cooking device such as an electric or gas range.
- D. Provisions for the placement and proper hookup for a refrigerator.
- E. A lavatory in a separate room with a door consisting of toilet, sink and bath tub or shower in good working order, connected to a pressurized water source with hot and cold water and drainage system properly connected to an approved sewer system.
- F. Health considerations including rodent and insect infestation and general cleanliness as applied the safety and health of occupants.
- G. General inspection of the condition of areas in that apply to State and Local Fire and Building Codes.
- H. Smoke alarm(s) installation and proper operation.

SECTION 5: ACCESSORIES

Any accessory as defined in Article 1; Section 4, termed "Accessory", shall be constructed only with the approval of the Building Inspector and shall conform to all boundary line requirements set forth herein. Mandatory Accessory Units, as described in Article 2, Section 3, Sub-Section C, Paragraph 2, Sub-Paragraph C, shall be included in original plot plan.

SECTION 6: NON-APPLICABILITY OF PROVISIONS

The provisions of this local law shall not apply to:

- A. A bona fide dealer who is engaged in the business of buying and selling mobile homes.
- B. An unoccupied mobile home place in the Town of Andover for a reasonable period of time, for improvement, storage or sale, provided that said mobile home has no connection to any private or public utility and formal approval for said temporary placement has been granted by the Town Board.
- C. Any structure or mobile home that falls under the definition of "Recreational" as defined in ARTICLE 1, SECTION 4.

SECTION 7: VARIANCE

- A. Variances may be applied for in certain circumstances in regards to irregular lots, plots or sites in that a mobile home or structure may not be placed as a result of boundary line requirements defined in Article 2, Section 1, Paragraph 1,2,3,4,5 and 6. This Section requires that when a site, lot, plot or acreage is within the Town of Andover, and may be visible to property owners of boundary lines in common (including across streets, road and corners); hereafter referred to as "Neighbors", that these Neighbors must all sign a waiver agreeing to this variance. The Building Inspector must attest to the signature(s) of each waiver, personally or verbally, and than these waivers must be presented to the Town Board for action and filed with the original mobile home permit application. In the event any Neighbor(s) be the property of an absentee owner such as a rental dwelling or vacant lot, responsibility for this waiver goes to the next Neighbor in that direction. A Neighbor sharing mutual boundary lines as center of roads or streets, also apply to this requirement for variance meaning that the recommendations of the Building Inspector, public input and finally a determination of the Town Board shall decide the total number of waivers required for the consideration of a variance. The responsibility for obtaining these waivers is solely up to the applicant whom shall then present said waivers to the Building Inspector for verification.
- B. The Town Board is authorized and empowered to grant a variance from the strict application of any of the requirements of this local law, other than those enumerated in subdivision A above, if the Town Board shall determine that there is no danger or hazard to the applicant, or others, and if it shall determine that such variance would be in the public interest.