

MOBILE HOME LAW

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SECTION 1: INTENT

The purpose of this Local Law is to promote the health, safety and general welfare of the community, including the protection and preservation of the character of the Town of Berkshire by establishing specific requirements and regulations governing the installation, occupancy, and removal of mobile homes. This Local Law is subject to all related New York State regulations.

SECTION 2: DEFINITIONS

For the purpose of this Local Law, the following words, terms, and phrases shall have the meaning ascribed to them in this section. Except where defined herein, all words used in this Local Law shall carry their customary meanings. Words used in the present tense include the future and the singular includes the plural. The word “lot” includes “plot” and “site”; the word “building” includes “structure”; the word “shall” is mandatory; “occupied” or “used” shall be considered as though followed by the term “or intended”, “arranged” or “designed” to be used or occupied; “person” includes the individual, partnership, association, corporation, company, or organization.

“Mobile Home” A mobile home is a structure which is designed to be transported on its own wheels or those of another vehicle, which is used, designed to be used and capable of being used as a detached residence and which is intended to be occupied as permanent living quarter containing plumbing and electrical connections for attachment to outside systems. The minimum dimensions of a mobile home are 8’ wide and 40’ long. This definition of a mobile home includes all additions which are added hereto or additions made subsequent to installation. This definition does not include modular housing placed on a standard foundation. Structures not meeting minimum dimensions may apply for a variance.

“Mobile Home Stand” A mobile home stand is a durable surface pad, foundation and mount which is to be used for the placement, ground anchoring, and support of a mobile home.

“Modular House” A housing unit, constructed off site, prefabricated in sections consisting of more than one segment, transported to the building site then fastened together and placed and anchored on a perimeter foundation to become a fixed part of the real estate.

SECTION 3: PERMIT REQUIREMENT

No person being the owner or occupant of any land within the Town of Berkshire shall use or allow the use of such land for the installation of a mobile home unless a permit has been obtained as herein provided. The Code Enforcement Officer reviews and approves the Mobile Home Permit Application which shall include all the submission requirements of this Local Law and issues a Mobile Home Installation Permit to be effective from the day of issuance to and including one year (365 days) from the date of issue.

The Mobile Home Installation Permit shall not be issued until the Code Enforcement Officer

receives the following:

- A written application complying with Section 4
- The required fee as herein approved (see Attachment A)

The Permit shall not be transferable or assignable.

Each application shall be prepared on a form supplied by the Town Clerk and shall include all required application data filed in four (4) copies with the Town Clerk. The Town Clerk shall transmit three (3) copies of the application and application data to the Town Code Enforcement Officer.

The Town Code Enforcement Officer shall review the application for compliance with the minimum requirements of this Local Law. Incomplete applications shall be returned to the applicant indicating that additional information or material is required. If the application is deemed to be compliant, the Code Enforcement Officer shall review the design of the mobile home installation. The Code Enforcement Officer shall issue or reject the permit within seven (7) days after receipt from the Town Clerk.

A mobile home may not be used as a storage shed, garage, or shelter for any animal or any purpose except for human living quarters.

SECTION 4: APPLICATION FOR MOBILE HOME INSTALLATION

Prerequisites:

Installation of driveway sluice pipe. All driveway sluices at intersections with Town roads shall be approved by the Town Highway Superintendent and will be installed free of charge by the Town if so requested. The owner shall furnish all materials if the Town is to install the driveway sluice. All New York State Highway sluices shall be approved by the New York State Department of Transportation.

Obtain 911 numbers from Fire Department.

A completed Building Permit Application

Two sets of plans. The plans shall be drawn to a scale of one inch equals not less than 20' and not greater than 50' and shall include data, north arrow and scale, and shall show how Installation Requirements of Section 5 are to be met.

The mobile home application shall include the following information:

- The name and current address and phone number of the applicant.

- The location and description and Tax Map number of the land that is proposed to be used as a mobile home site.
- A description of the land; to include wooded areas and any prominent features.
- The location and official names of all adjacent roads, streets, or highways shall be shown on the location map.
- The location of all water lines, wells, or potable water within the adjacent (within 100') to the proposed site and all right-of-ways shall be shown on the plot plan.
- The location, widths, and lengths of all proposed driveways and turn-arounds.
- The location and design of all proposed site improvements and proposed drainage and grading plans as defined in Section 6.
- A percolation test which shall be conducted by a New York State certified engineer for use in designing the septic system. A copy of the test results will be provided to the Town Code Enforcement Officer. .
- Plans showing the construction of existing or proposed septic system components and wells include dimensions and clearances.
- The location and description of fuel storage facilities, including bottled gas, and distance from the mobile home and the property boundary lines.
- The site lighting plan, if one exists.

The permit applicant shall be the party responsible for adherence to all Local Law and code requirements.

SECTION 5: INSTALLATION REQUIREMENTS

SITE: The site shall be located on a well-drained area which is properly graded to ensure adequate drainage and freedom at all times from stagnant pools of water. Runoff from the site onto adjacent land shall be controlled such that erosion does not occur. The site shall meet the minimum requirements for a lot as defined below:

All building lots must be a minimum of one (1) acre. All building lots shall be a minimum

depth dimension of 150' and shall have minimum frontage of 150' on a public street. The depth of a lot shall be measured radially or at a right angle with respect to the right-of-way on the frontage of the lot. The depth of a corner lot shall be measured radially or at a right angle to the right-of-way along the longest street frontage.

Only one mobile home shall be allowed on a mobile home site.

MOBILE HOME CONSTRUCTION: All mobile homes without a HUD approval number and placed on a site after this Local Law is enacted shall be constructed and installed in compliance with *735.9D - Exits and 1193.2 Fire Safety (19AA NYS Executive Law). Homes without this compliance (built before the year 1977) shall not be permitted within the limits of the Town of Berkshire.

In addition to the Federal HUD requirements, mobile homes are required to have a roof structure that bears a 35 pound per square foot snow load.

MOBILE HOME STAND: The stand shall fit the dimensions of the anticipated mobile home and its accessory structures and appendages and shall allow for permanent attachment of the mobile home. Stands may be constructed in one of three (3) ways:

1. The home may be located on an enclosed masonry foundation with a base that is a minimum of 8" in width and 36" below ground level on proper footer or virgin soil.
2. A pad under the mobile home which shall be constructed with a minimum of 9" of bank run gravel covered by 6" of compacted screened gravel. The pad shall be constructed with a minimum of 4" of reinforced concrete and shall otherwise be of a durable and adequate design for the support of the maximum anticipated loads. The pad must be raised at least 3" above the adjacent ground level.
3. The mobile home may be placed on concrete lateral pads. Pads must be installed on properly drained compacted gravel beds at least 24" in depth. Pads will be constructed of reinforced concrete a minimum of 12" wide by 12" deep to extend the full width of the mobile home. Pads will be installed at each end of the mobile home and spaced a maximum of 10'.

Within 30 days of installation, the mobile home foundation shall be enclosed by skirting securely fastened and extending from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home. The skirting shall be constructed of sturdy wood, plastic, masonry, or metal material capable of withstanding extreme weather conditions over extended periods of time. No skirting shall be required where a perimeter foundation fully encloses the area between the unit and the ground level.

The bottom frame of the mobile home, when placed upon said foundation shall not exceed 48" in

height above ground level at any point unless approved by a registered Professional Engineer or architect.

Both the pad and the foundation must be graded to the surrounding ground to allow for adequate surface drainage.

UTILITIES: The following utilities shall be provided for each mobile home installation:

An adequate supply of potable water shall be supplied by pipes to the mobile home. Proof of current negative coli form tests shall be provided by a New York State Department of Health certified laboratory.

An approved septic system designed by a New York State certified engineer. Septic system construction or repair requires a building permit.

A storm drainage system designed to convey all storm water into natural water courses and to maintain the site free from standing pools of water and erosion.

Weather-proof electrical service connections and outlets which are type approved by the New York State Board of Fire Underwriters subject to complete electrical inspection.

LANDSCAPING: Grass and ground cover shall be provided and maintained on all areas.

SECTION 6: BUILDING REQUIREMENTS

All buildings shall be set back a minimum distance of 25' from the abutting right-of-way passing in front of the building. All buildings shall be at least 10' from all property lines. All buildings on the site shall be separated by at least 5'. All buildings on corner lots shall be set back at least 40' from each street right-of-way which forms the corner.

All septic tanks shall be a minimum of 10' from any building. All septic system outlet pipes shall be a distance of at least 25' from the property boundary line and all right-of-ways. All septic system leach field pipes and sand filter systems shall be at least 100' from all wells or potable water sources whether such sources are on the owner's property or not.

All building construction shall meet all of the requirements of the New York State Fire Prevention and Building Codes.

All wells shall be at least 15' from all property boundary lines and right-of-ways. They shall also be located at least 10' from the structure perimeter.

A Certificate of Occupancy shall be issued by the Code Enforcement Officer upon satisfactory completion of the installation and prior to any occupancy.

All mobile home owners shall allow inspection by the Town Code Enforcement Officer.

SECTION 7: MOBILE HOME REMOVAL REQUIREMENTS

Once a mobile home is no longer occupied, it will be considered abandoned and must be removed from the site within 90 days. Removal may involve demolition. Demolition requires a building permit be issued by the Town Clerk. The mobile home may also be transported off the site. Abandoned mobile homes will be issued a fine by the Code Enforcement Officer for non-compliance with this Local Law unless a variance has been applied for and approved. This section does not apply to residents who live in their mobile homes three or more months per year who may leave for a season and return later in the year.

SECTION 8: PENALTIES

Penalties for violations in accordance with Town of Berkshire Building Permit Ordinance or this Local Law are outlined in Attachment A of this document.

SECTION 9: RESTRICTIONS

No mobile home or travel trailer shall be parked or allowed to remain upon any street, highway, or other public place, except that emergency stopping or parking, when caused by mechanical failure, shall be permitted upon the shoulder of any street or highway or other public place for a period of not more than 72 hours, subject, however, to any prohibition imposed by other regulations or laws.

Any existing mobile home not meeting the requirements outlined in Section 5 and Section 6 and mobile homes without a HUD approval number (built before the year 1977) cannot be sold or the deed transferred unless and until it meets all requirements outlined in Sections 5 and 6.

A travel trailer or motor home when used for temporary living quarters must apply for a variance.

SECTION 10: EXCEPTIONS / REQUEST FOR VARIANCE

Exceptions to the provisions outlined in this Local Law include:

- The business of mobile home sales, except when the units are used as living quarters.**
- A mobile home located on a construction project, survey project, or other similar project if it is used solely as a field or work tool house in connection with such project, provided that such mobile home is removed from such site within 30 days after the completion of such project.**
- Excluded from application of the Local Law are mobile homes used to house seasonal workers on farms in support of the farm operations with a county adopted, State certified agricultural district.**

Variations may be requested in accordance with the Town of Berkshire Building Permit Ordinance, Section 8.

SECTION 11: INVALID SEGMENT

Should any section or provision of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so declared to be invalid.

SECTION 12: EFFECTIVE DATE

This Local Law shall be in force and effect immediately upon adoption and publication required by law. Existing single or multiple mobile homes which were installed prior to this Local Law shall be allowed but no additions shall be made to those mobile homes or additional mobile homes installed at those locations unless they meet the requirements of this Local Law.