

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

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

County
City of YORK
Town of
Village

Local Law No. 1 of the year 19 95.

A local law MOBILE HOME LAW of the Town of York
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City of YORK
Town as follows:
Village

TOWN OF YORK
LOCAL LAW No. I of 1995

A LOCAL LAW OF THE TOWN OF YORK, LIVINGSTON COUNTY, NEW YORK, PROVIDING FOR THE REPEAL OF THE TOWN'S EXISTING MOBILE HOME ORDINANCE, ADOPTED MARCH 21, 1985, AND ADOPTION INSTEAD OF A NEW MOBILE HOME LAW.

WHEREAS the Town of York, Livingston County, New York, (hereinafter referred to as the "Town") presently has in effect a Mobile Home Ordinance which was adopted by the Town Board of the Town on March 21, 1985; and

WHEREAS, the said, Town Board has found that the said Ordinance needs to be revised and updated in order to better enhance the safety and structural integrity of residential units within the Town, preserve the rural nature and aesthetics of the Town, preserve Property values within the Town and more efficiently and effectively regulate residential development within the Town; and

WHEREAS, the said Town Board has found that changes to the existing ordinance would be more coherent in the form of adopting a new local law rather than by amending the existing ordinance; and

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

WHEREAS, the Town Board, Town of York has inquired into the facts and circumstances of the affects of the existing ordinance and the proposed changes thereto which have been proposed in the form of a new and superseding local law, and has held public meetings and a public hearing thereon;

NOW THEREFORE, the Town Board of the Town of York does hereby enact this Local Law, as follows:

§1. Title:

This Local Law shall be known as, and may be cited as, the "Mobile Home Law" of the Town of York.

§2. Repeal:

The Mobil Home Ordinance for the Town of York originally adopted March 21, 1985, is hereby repealed.

§3. Purpose:

The Town Board of the Town of York finds that the health, safety and general public welfare of the residents and businesses of the Town of York are promoted by the establishment of standards and regulations in the form of local legislation regulating the siting and use of mobile homes, as that term is hereinafter defined, within the Town of York.

§4. Findings:

A. The Town Board hereby finds that the previously existing Mobile Home Ordinance for the Town of York did not adequately protect and promote the rural nature and aesthetic beauty of the Town of York;

B. The Town Board hereby finds that more specific local legislation than heretofore existed will be helpful in preserving and protecting real estate property values, to the benefit of the owners thereof, their neighbors, and the Town's economy and tax base;

C. The Town Board hereby finds that, in conjunction with the Town's new Master Plan process, clearer regulation of mobile home residential development is desirable;

D. The Town Board hereby finds that new local legislation regarding mobile homes within the Town of York is desirable in order to improve the safety and structural integrity of residential units within the Town.

§5. Definitions:

Mobile Home: Any manufactured housing originally bearing a seal issued by the United States Department of Housing and Urban Development. This definition specifically does not include so called "modular homes" where the chassis upon which the unit or part of a unit is transported is not a part of the structure of the unit itself. The definition specifically does include both so called "single-wide" and "double-wide" units which have been issued the said H.U.D. seal.

Frost line: In the Town of York the frost line is hereby defined to be forty-two inches (42") below the final grade surface of the ground.

§6. Applicability and Siting:

A. The siting of single-wide mobile homes shall be permitted only in mobile home parks within the Town of York, as defined in the Mobile Home Park Ordinance of the Town of York;

B. All single-wide mobile homes presently sited in the Town of York outside of mobile home parks must be occupied by the owners of said single-wide mobile homes except where occupied as a pre-existing non-conforming use to the Mobile Home Ordinance of the Town of York adopted March 21, 1985, and to the Town of York Mobile Home Park Ordinance.

C. A single-wide mobile home sited under the provisions of this local law shall have a living area of not less than seven hundred fifty (750) square feet. If the mobile home sought to be sited is double-wide, it shall have a living area of not less than eight hundred sixty (860) square feet, shall be located on its own building lot owned by said applicant, and shall be used solely for single family residential occupation.

D. The siting of double-wide mobile homes shall be permitted in all zones in the Town of York where one-family residential housing units are permitted under the Zoning Ordinance of the Town. Each double-wide mobile home so sited must be on a full perimeter foundation with concrete or concrete block foundation walls extended below the frost line, and must be affixed to said foundation strictly in accordance with the manufacturer's specifications.

E. All mobile homes newly sited within the Town of York shall be required to meet all federal, state and local laws and regulations and shall be no more than ten (10) years old at the time they are so sited.

G. If the siting of the mobile home is not completed within six (6) months from the date of the issuance of the siting permit, the siting permit is automatically terminated and voided, and is of no further force and effect

§7. Permit Procedure:

A. Application for a permit to site a mobile home shall be made to and said permit obtained from the Zoning Enforcement Officer of the Town of York before the commencement of any siting preparation on the lot set forth in the application;

B. Upon completion of the siting of the mobile home pursuant to the requirements of the siting permit, a certificate of occupancy must be obtained from the Zoning Enforcement Officer of the Town of York before the mobile home can be occupied;

C. A siting permit issued under this Local Law cannot be transferred or assigned in any manner, and is for the personal benefit and use of the applicant to whom the siting permit and the certificate of siting is issued.

§8. Enforcement:

Any person, partnership or corporation which violates or disobeys the provisions of this Local Law, or which permits noncompliance, or neglects or refuses to comply with its terms and provisions, shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not more than fifty dollars (\$50.00) or imprisonment for a period of not more than fifteen (15) days, or both such fine and such imprisonment, for each such offense. Each full week such violation continues after the owner of such mobile home, or owner of such property, or applicant as the

case may be, shall have been given notice in writing of such violation by the Zoning Enforcement officer of the Town of York, by regular first class mail addressed to the owner's last known address or to the address given on such application, shall be a separate offense. Notice shall be deemed given when it is mailed.

In addition to other remedies, to enforce and carry out the provisions of this Ordinance, the Town of York may institute any injunctive or other appropriate legal action or proceeding to prevent any unlawful erection, extension, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of a building, a structure or land, or to prevent any illegal act, conduct, business or use.

§9. Savings Clause:

A. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect its remaining portions;

B. If this Local Law shall be declared null and void in its entirety then the Mobile Home Ordinance of March 21, 1985, shall automatically be resurrected and shall be in full force and effect as though never repealed hereby.

§10. Effective Date:

This Local Law shall become effective upon its filing with the Secretary of State of the State of New York.

(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. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. #1 of 1995 of the (County)(City)(Town)(Village) of YORK was duly passed by the TOWN BOARD on March 9th, 1995, and was (approved)(not disapproved)(repassed after disapproval) by the SUPERVISOR and was deemed duly adopted on March 9th, 1995, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

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

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

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

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

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


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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.



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

(Seal)

Date: March 10th, 1995

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

STATE OF NEW YORK
COUNTY OF LIVINGSTON

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



Signature

Attorney for the Town

Title

County
City of _____
Town of _____
Village

Date: MARCH 10th, 1995