

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 underlining to indicate new matter.

**FILED
STATE RECORDS**

FEB 25 2019

DEPARTMENT OF STATE

~~County~~

~~City~~

of Williamstown

~~Town~~

~~Village~~

Local Law No. 3 of the year 2019

A local law Regulating Mobile Homes and Manufactured Homes in the Town of
Williamstown

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~

of Williamstown as follows:

~~Town~~

~~Village~~

SECTION 1 – AUTHORITY

This local law is adopted pursuant to the authority granted to the Town pursuant to Municipal Home Rule Law and Article 9 of the Town Law of the State of New York.

SECTION 2 - TITLE

This local law shall be known as a Local Law Regulating Mobile Homes and Manufactured Homes in the Town of Williamstown.

SECTION 3 – PURPOSE

It is the purpose of this local law to promote the health, safety and general welfare of the inhabitants

of the Town of Williamstown through the efficient regulation of mobile homes and manufactured homes and provide minimum standards for their use.

SECTION 4 – REPEALER

This local law shall replace the prior existing manufactured home local laws or ordinances of the Town of Williamstown; specifically, Local Law No. 1 of the Year 2015 is hereby repealed as of the effective date of the adoption of this local law, without impairing, however, rights that may have accrued thereunder before the repeal.

SECTION 5 – DEFINITIONS

MANUFACTURED HOME-A structure transportable in one or more sections that, in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length or, when erected on site, is 320 square feet (29.7 m²) minimum, and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

MOBILE HOME-A factory manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term “mobile home” shall not be included travel trailers or any self-propelled recreational vehicle.

ENFORCEMENT OFFICER-Any person appointed by the Town Board to enforce the provisions of this Law.

PERSON-Any individual, corporation, governmental authority, trust, estate, partnership association, two or more persons having a joint or common interest, or any other legal entity.

LOT-A parcel of land under single ownership that consists of one or more contiguous lots of record. If a public or private road right-of-way or a municipal boundary divides a parcel of land otherwise characterized as lot by this definition, then the land on either side of this division shall constitute a separate lot.

SECTION 6 – PERFORMANCE STANDARDS

1. The applicant shall submit to the Code Enforcement Officer an application for a mobile home or a manufactured home, a site plan drawing to scale showing the location of the proposed mobile home and manufactured home on the lot; structures on adjoining lots and proposed water and sanitary facilities, foundations, landscaping, and storage facilities.
2. All mobile homes and manufactured homes must have continuous, vented level skirting constructed of actual steel or simulated brick, block, stone, or masonry, or of vinyl material specifically manufactured for use as mobile home or manufactured home skirting that is designed for long-term ground contact. All lumber used for skirting work shall be pressure treated lumber or the equivalent.
3. All mobile homes and manufactured homes must have no holes, cracks, excessive rusting, and peeling of paint, broken windows or doors.
4. Individual Onsite Water and Onsite Wastewater (septic) system design and installation must comply with the New York State Sanitary Code, 10 NYCRR 75, including Appendices 75-A, B and C, as well as applicable sections of the New York State Uniform Fire Prevention and Building Code (Uniform Code), including I-Codes incorporated by reference.
5. Manufactured homes must have a HUD number and data specification plate. Mobile homes and manufactured homes must also be installed in compliance with the New York State Uniform Fire Prevention and Building Code.
6. The exterior siding of mobile homes and manufactured homes must be constructed of a type of material commonly used in residential construction.
7. The joining of individual mobile homes and manufactured homes in a manner for which they were not originally intended is prohibited for health, safety, and fire protection.
8. Each mobile home and manufactured home shall be installed with anchors or tie downs capable of securing the stability of the mobile home and manufactured home from effects of the wind. Anchors and/or tie downs shall be placed at each corner of the foundation or concrete slab per manufacturer's specifications.
9. Tires, pieces of metal, boards, cement blocks, bricks and similar loose objects shall not be placed on the roof of a mobile home or manufactured home.
10. No person shall park, set up or otherwise be allowed to use on any public or private property any mobile home or manufactured home more than fifteen (15) years old on the date it is placed or relocated into the Town of Williamstown unless it has been inspected, deemed habitable and in compliance with this local law by the Enforcement Officer of the Town of Williamstown or other inspector approved by the Town.

11. No mobile home or manufactured home may be used for any purpose other than for a single-family residence. Mobile homes and manufactured homes may not be used as a storage building.

SECTION 7 – VARIANCE/INTERPRETATION PROCEDURE

Powers and Duties of Board of Appeals

The Board of Appeals as established by the Town of Williamstown shall hear and decide appeals and requests for variances from the requirements of this local law.

1. The Board of Appeals shall upon appeal from a decision of the Code Enforcement Officer, decide questions involving interpretations of any provision of this local law.
2. The Board of Appeals shall have the authority to vary strict applications of the requirements of this local law when there is unnecessary hardship in the way of carrying out the strict letter of this local law. The Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this local law so that its spirit shall be observed.

Conditions for Variances

Variance: Where there is unnecessary hardship in the way of carrying out the strict letter of this local law, the Zoning Board of Appeals shall have the authority to vary or modify the application of any of the regulations or provisions of this Local Law so that its spirit shall be observed. No variance shall be granted, however, unless the Zoning Board of Appeals finds:

- a. That the granting of the variance will be in harmony with the general purpose and intent of this Local Law and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- b. That the hardship claimed is not self-created.
- c. That there is no practical way for the applicant to accomplish the intended objective by observing the regulations specified in this Local Law.
- d. That the variance requested is not self-created and is the minimum necessary to grant relief.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

All other subsections shall remain in full force and effect.

Procedure for Interpretation or Variance

1. Board of Appeals shall act in strict accordance with the procedure specified by the Town Law, by this Local Law and Local Law 2 of 2016 A Local Law Forming and Empowering

a Board of Appeals for the Town of Williamstown. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the Local Law involved, and shall set forth the interpretation claimed, use for which the interpretations sought, or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.

2. Every decision of the Board of Appeals shall occur after public hearing and be by resolution, which shall contain a full statement of their findings of fact in the case and shall be recorded in their minutes.

Required Plan for Variances

An application for a variance shall be accompanied by one set of preliminary plans and other descriptive matter to portray clearly the intentions of the applicant. A copy of the deed for the premises, and a copy of any restrictive covenants applying to the premises shall be provided upon request. These documents shall become part of the record. Such plans shall show location of all buildings, parking access and circulation, open space, landscaping, septic and drainage and all other information necessary to determine if the proposed variance meets the requirements of this Local Law.

Compliance for Conditions of a Variance

The Board of Appeals may condition the granting of a variance upon compliance for certain conditions specified by the Board of Appeals, compliance with said conditions shall be mandatory throughout the duration of the variance, and failure to conform to said condition, shall be grounds for revocation of the variance. Upon revocation of the variance, the Code Enforcement Officer may institute legal action.

SECTION 8 – ACTION TO TERMINATE VARIANCE UPON FAILURE TO COMPLY WITH CONDITIONS IMPOSED

At any time subsequent to the granting of a variance, the Board of Appeals may commence a proceeding to terminate said variance based upon a failure of the applicant to comply with any condition imposed at the time of the granting of such permit or variance. Such proceeding to terminate shall be brought before the Board which initially granted the variance and shall be an evidentiary hearing.

The chairman of the Board shall rule on all evidentiary matters, and the burden of proof shall be on the Board of Appeals to prove, by a preponderance of the evidence that the conditions previously imposed have been violated.

After the hearing is completed, the Board shall determine whether such conditions have been violated. To make a finding that such violations have occurred, there must be a concurring vote of a majority of the members of the Board.

Upon a finding of such violations or violation, the Board must take one or more of the following actions:

1. Declare the variance terminated and instruct the Board of Appeals to commence any enforcement proceedings permissible under Section 13 of the Local Law, as if the original permit had not been granted.
2. Continue the variance under the same terms and conditions previously imposed.
3. Impose a civil penalty of up to \$1,000.00.
4. Impose new or other conditions or revoke prior conditions placed upon the variance; however such new conditions shall not take effect, nor shall any existing conditions be revoked until after a public hearing is held at which time all members of the public may be heard. During the interim period between the date of the determination of the Board and the date of the public hearing, all conditions of the initial permit or variance shall be continued in effect.

SECTION 9 – ABANDONMENT OF VARIANCES

A variance shall continue until such time as it is voluntarily terminated, terminated by action of the appropriate issuing agency, or is terminated by abandonment. For the purposes of this section, a variance shall be considered to be abandoned when it has been abandoned or discontinued for a period of 12 consecutive month's or for a total of 18 months in any three year period. A determination may be entered that said variance has been abandoned after a hearing in accordance with the procedures set forth in Section 10, unless said business is seasonal which shall consist of being open at least two months a year for purposes seasonally related.

SECTION 10 – PENALTIES

Any person who shall violate any provision of this local law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall upon conviction be subject to a fine of not more than Five Hundred (\$500) Dollars or to imprisonment for not more than 15 days or to both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

SECTION 11 – CIVIL PROCEEDINGS

Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law shall also be subject to a civil penalty of not more than One Thousand (\$1,000) Dollars, to be recovered by the Town in a civil action. Each week's continued violation shall constitute a separate

and distinct violation.

SECTION 12 – PENALTIES FOR OFFENSE

1. In addition to any other penalties imposed or other available remedies available to the Town, the Town Board may conduct a hearing to determine whether such violation constitutes a significant public health or safety issue. Such hearing shall be on a minimum of 10 days' notice to the owner, which notice may be served personally or by certified mail, return receipt requested, to the last known address of the owner as shown on the last completed tax roll.

a. Such notice shall specify the date, time and place of the hearing, the purpose of the hearing, the nature of the alleged violation, the owner may be present and participate in the hearing individually and/or through counsel, the fact that if the Town does determine that there is a significant health, safety or welfare issue, that it may enter the property to correct the violation, and that all costs so incurred, including legal expenses, which will be assessed against the land on which such violation is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

b. The Town Board shall conduct a hearing on the date and time indicated in the notice and shall make findings of fact. Based on such findings, the Town Board shall determine whether any remedial action is required.

c. The Town Board shall notify the owner of its decision in the same manner as the notice of hearing. If no corrective action is taken within 10 days of such notice being either mailed or personally served upon the owner, then the

Town Board may authorize entry onto the property to do such remediation work and may charge all costs so incurred, including legal expenses, as a tax against the land.

2. In addition to all other penalties and remedies available to the Town under this section, the Town shall have the authority, upon resolution, to make an application at a special term of the Supreme Court in the judicial district in which such property is located for an order determining the violation to be a public nuisance, directing that it shall be repaired, secured or demolished and removed by either the owner or the Town and imposing a fine in accordance with Section 10. In the event the Town is authorized to secure or demolish the violation, the costs so incurred, including legal expenses, shall be a tax against the land on which such violation is located in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

3. The hearing process outlined in this Section is not an administrative remedy that must be exhausted before proceeding to Town Court or Supreme Court. The Town Board for the Town of Williamstown shall have the discretion to determine which enforcement alternative is appropriate under the circumstances of each case, and shall have the discretion to determine whether to pursue more than one enforcement alternative.

SECTION 13 – SEPARABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 14 – EFFECTIVE DATE

This local law shall take effect upon filing with the New York State Secretary of State's Office.

(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, designation as local law No. 3 of 2019 of the ~~(County)(City)~~ (Town) (Village) of Williamstown was duly passed by the Town Board on February 13, 2019, 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 _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ 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 _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such ~~(Elective Chief Executive Officer*)~~ 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 _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such ~~(Elective Chief Executive Officer*)~~ local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provision 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 of 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.

(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.

Faith Baker
FAITH BAKER, TOWN CLERK

(Seal)

Date: 2/15/19

(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 OSWEGO

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

Rebekah S. Prosachik
Signature
Town Attorney REBEKAH S. PROSACHIK
Title

County
City
of Williamstown
Town
Village
Date: 2/19/19