

Chapter 99

MANUFACTURED HOMES

[HISTORY: Adopted by the Town Board of the Town of Rochester 2-5-1987 by L.L. No. 4-1987; amended in its entirety 11-8-2004 by L.L. No. 6-2004. Subsequent amendments noted where applicable.]

§ 99-1. Legislative purpose.

The Town Board of the Town of Rochester, recognizing that many Town residents wish to reside in what are known as "manufactured homes," hereby adopts this chapter, pursuant to its power to adopt local laws relating to public health, safety and welfare. The purpose of this chapter is to regulate the age of manufactured homes located in the town, so as to ensure that all new installations of manufactured homes conform to minimum safety standards. It is the further purpose of this chapter to provide that each manufactured home installation shall not become an eyesore and shall be used only for residential purposes.

§ 99-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MOBILE HOME

- A. Any residence which is designed to be transported to a home site and which is used, designed to be used or capable of being used as a detached single-family residence and which is intended to be occupied as permanent living quarters, containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems. For purposes of these regulations, manufactured homes are divided into the following three types:
- (1) TYPE 1 — New manufactured homes certified as meeting the Manufactured Home Construction and Safety Standards of the United States Department of Housing and Urban Development and the relevant provisions of the New York State Uniform Fire Prevention and Building Code.
 - (2) TYPE 2 — Used manufactured homes determined, upon inspection by the Building Inspector, to comply with the New York State Uniform Fire Prevention and Building Code, as it exists at the time of such inspection.
 - (3) TYPE 3 — Mobile homes which do not meet the standards for Type 1 or Type 2 manufactured homes but which were permanently and legally established on a premises prior to August 10, 1983.
- B. The term "manufactured home" shall not be construed to include a modular home or a recreation vehicle.

MODULAR HOME — Dwelling unit consisting of two or more major segments constructed off-site, which complies with the New York State Uniform Fire Prevention and Building Code, and designed to be transported to a site for permanent assembly and anchoring to a permanent foundation and to become a fixed part of the real estate.

RECREATIONAL VEHICLE — A vehicular, portable structure without a permanent foundation or supports, which can be towed, hauled or driven, which is not designed for permanent connection to utility systems and is primarily designed for use as temporary living accommodations for recreational, camping or travel purposes. Such vehicles include but are not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

§ 99-3. Regulations applicable to all manufactured homes.

- A. Wherever permitted by these regulations, whether by right or subject to a special use permit, a single manufactured home shall comply with all area, bulk and parking requirements as apply to a one-family dwelling in the same district as established by Chapter 140, Zoning. A single manufactured home is any such home not located in an approved manufactured home park.
- B. Mobile homes, other than Type 1, Type 2 and Type 3 as defined herein, are prohibited in any zoning district in the Town of Rochester.
- C. All manufactured homes shall have a permanent supply of potable water and sewage disposal system in accordance with the requirements of the Ulster County Health Department.
- D. Distribution systems for electricity, gas, telephone and fuel oil service to manufactured homes shall be installed and maintained in accordance with all applicable state and local regulations.
- E. Mobile homes are subject to all applicable provisions of those regulations and local laws of the Town of Rochester pertaining to building permits and certificates of occupancy.
- F. No manufactured home which is not being used for dwelling purposes may occupy any premises in the Town of Rochester other than bona fide manufactured home sales establishments.
- G. All manufactured homes must be covered with an exterior material customarily used on conventional dwellings. The exterior covering must extend to the foundation or to the start of skirting.
- H. Each manufactured home main roof shall have a minimum pitch of one foot rise for three feet of horizontal run and shall be covered with conventional roofing material.
- I. Permanent handrails and landing steps are required at each exterior doorway.
- J. No manufactured home may be placed on a lot until sewage disposal systems, water supply, driveway, electrical power, and manufactured home stand have been installed, are operational, and approved by the appropriate local, county, or state agencies.

§ 99-4. Regulations applying to Type 1 and Type 2 manufactured homes.

- A. All towing devices, wheels, axles, hitches, tongues, or any other appurtenances of mobility shall be removed. Each manufactured home lot shall be furnished with a stand of adequate foundation in the form of a concrete slab that meets the manufacturer's specifications, soil conditions, or other relevant characteristics of each site. The slab shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure, The home site and slab shall be suitably graded to permit rapid surface drainage.
- B. Anchors and tie-downs shall be applied as per manufacturer's specifications, but in no case may the structural frame of the manufactured home be attached to the foundation in less than four places in such a manner as to insure the stability of the manufactured home.
- C. All homes not on a permanent, closed foundation, set below frost line shall be skirted with either vinyl or masonry-type materials such as cement, concrete, brick, or natural stone. The skirting must be applied in a permanent manner and shall extend from the side of the wall of the manufactured home to the adjacent stand at all points. Wood, wood products, metal, plastic (other than vinyl), or other nonmasonry materials will not be allowed as skirting. A removable area shall be mandated for accessibility for repairs and/or maintenance under the manufactured home.

§ 99-5. Regulations applying to Type 3 manufactured homes.

- A. Notwithstanding any other provisions herein, a Type 3 manufactured home may remain on the premises on which it was originally established subject only to conditions previously imposed as part of such establishment and provided that the manufactured home is used only for dwelling purposes.
- B. Any Type 3 manufactured home may be replaced with another manufactured home on the same premises. However, such replacement shall only be a Type 1 or Type 2 manufactured home, subject to the standards and regulations of §§ 99-3 and 99-4 above. Immediately upon replacement of the Type 3 manufactured home, the Type 3 manufactured home must be removed from the premises.

§ 99-6. Penalties for offenses.

- A. Penalty and/or fines. For every violation of any provisions of this chapter, the person(s) so convicted shall be subject to a minimum fine of \$200 and a maximum fine of \$1,000 or imprisonment not to exceed 30 days, or both.
- B. Civil penalty. Any person violating this chapter shall be subject to a civil penalty, enforceable and collectible by the town, in the amount of \$100 for each such offense for each day that the offense is permitted to continue. Such penalty shall be collectible in the name of the Town of Rochester.
- C. Violation compliance. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.