

Chapter 99

MOBILE HOMES

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|-----------------------------------------------------|-----------------------------------------------------------------|
| § 99-1. Legislative purpose. | § 99-4. Regulations applying to Type 1 and Type 2 mobile homes. |
| § 99-2. Definitions. | § 99-5. Regulations applying to Type 3 mobile homes. |
| § 99-3. Regulations applicable to all mobile homes. | § 99-6. Penalties for offenses. |

[HISTORY: Adopted by the Town Board of the Town of Rochester 2-5-1987 by L.L. No. 4-1987. 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 “mobile 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 mobile homes located in the town, so as to ensure that all new installations of mobile homes conform to minimum safety standards. It is the further purpose of this chapter to provide that each mobile 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.¹ 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, mobile homes are divided into the following three types:

- (1) TYPE 1 — New mobile homes certified as meeting the Mobile 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 mobile 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.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) TYPE 3 – Mobile homes which do not meet the standards for Type 1 or Type 2 mobile homes but which were permanently and legally established on a premises prior to August 10, 1983.

B. The term “mobile 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 mobile homes.

- A. Wherever permitted by these regulations, whether by right or subject to a special use permit, a single mobile 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 mobile home is any such home not located in an approved mobile 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 mobile 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 mobile 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 mobile home which is not being used for dwelling purposes may occupy any premises in the Town of Rochester other than bona fide mobile home sales establishments.²

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

- A. Foundation. All mobile homes shall have the wheels or skids removed and shall be set upon a permanent foundation in accordance with the manufacturer’s specifications thereof. The determination as to type of foundation shall be made by the Building Inspector based

² Editor’s Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

upon the manufacturers specifications, soil conditions and other relevant characteristics of each site. [Amended 9-7-1989 by L.L. No. 4-1989³]

- B. Anchoring. The structural frame of the mobile home shall be attached to the foundation in not less than four places, in such locations and by such devices as to ensure the stability of the mobile home.
- C. Perimeter skirting. The open area, if any, between the bottom of the mobile home and the top of the foundation shall be enclosed by a skirt extending around the full perimeter of the mobile home. Such skirt shall be constructed of vinyl, masonry or metal, securely fastened to the mobile home and its foundation and shall extend from the side of the wall of the mobile home to the adjacent ground at all points. Skirting which is faced with wood is prohibited.

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

- A. Notwithstanding any other provisions herein, a Type 3 mobile home may remain on the premises on which it was originally established subject only to conditions previously imposed as part of such establishment.
- B. Any Type 3 mobile home may be replaced with another mobile home on the same premises. However, such replacement shall only be a Type 1 or Type 2 mobile home subject to the standards and regulations of §§ 99-3 and 99-4 above.⁴

§ 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.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I); former Section 3c, Storage of Abandoned and/or Vacant Mobile Homes, applying to Type 3 mobile homes, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Local Law#1-2000 of May 3, 2001

Section 99-5 of the Code of the Town of Rochester to read as follows:

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