

(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.

STATE OF NEW YORK  
DEPARTMENT OF STATE

**FILED**

JAN 14 2002

6

County

City

Town

Village

Local Law No. 6

of the year 2001

MISCELLANEOUS  
& STATE RECORDS

A local law

Regulating Mobile Home Installation and Removal  
(Insert Title)

Be it enacted by the

Town Board  
(Name of Legislative Body)

of the

County

City

Town

Village

of Berkshire as follows:

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

(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. 6 of 2001 of the ~~(County)~~(City)(Town)(Village) of Berkshire was duly passed by the Town Board on Dec. 11, 2001, 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. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(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 approved)(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.  
(Name of Legislative Body)  
(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 approved)(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.  
(Name of Legislative Body)  
(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 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 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 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 \_\_\_\_\_, above.

Constance M. Leedington  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

(Seal)

✓  
Date: December 28, 2001

(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 Tioga

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.

Bruce Greenman  
Signature

Attorney for the Town of Berkshire  
Title

County  
City  
Town of Berkshire  
Village

Date: December 29, 2001

Town of Berkshire  
LOCAL LAW REGULATING MOBILE HOME INSTALLATION AND REMOVAL  
Revision dated 11/13/01

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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 quarters 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.

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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 including 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.

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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

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.