

**LOCAL LAW NO. 4 OF 2014**

**TOWN OF HAMPTON  
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**A LOCAL LAW REGULATING MOBILE HOMES OUTSIDE OF  
MOBILE HOME PARKS IN THE TOWN OF HAMPTON**

**Be it enacted** by the Town Board of the Town of Hampton (“Town”),  
County of Washington, State of New York as follows:

**Section 1. Authority and Title.**

This Local Law is adopted pursuant to the authority granted to the Town of Hampton in Articles 2 and 3 of the Home Rule law and Section 130 (21) of Article 9 of the Town Law. This Local Law shall be known as the “The Town of Hampton Law Regulating Mobile Homes Outside of Mobile Home Parks.”

**Section 2. Legislative Intent.**

It is the purpose of this Local Law to promote the health, safety, and general welfare of the inhabitants of the Town of Hampton by establishing specific minimum requirements and regulations governing the location, occupancy, and maintenance of mobile homes outside of mobile home parks within the Town of Hampton.

**Section 3. Definitions.**

Except where specifically defined herein, all words in this Local Law shall carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural includes the singular.

Applicant: Any person, as herein defined, who shall submit an application to the Town Board for the approval of a mobile home permit.

Code Enforcement Department The Washington County Code Enforcement Department will be designated by the Town Board as the Code Enforcement Officer for the Town of Hampton.

County: County of Washington, State of New York

Day: Any Business Day

Farm: Land used by the owner of the property in agricultural production, of not less than ten (10) acres in size, used in the preceding two (2) years for the production of sale of any agricultural product, including but not limited to crops, maple syrup, livestock and livestock products of an average gross sales value of Ten Thousand (\$10,000) Dollars or more.

Farm Worker An individual who is employed on a farm for a minimum of twenty (20) hours per week.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by the law, to be used, developed, or built upon as a unit.

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries of a public highway or proposed public highway.

Lot Frontage: The distance between the boundaries of a lot measured at their points of intersection with the road line.

Lot Line: Property lines bounding a lot.

Mobile Home: Includes, but is not necessarily limited to a house, trailer, mobile home or any other residential structure or vehicle originally designed, built, constructed, or manufactured to be conveyed upon highways or streets, either whole or in sections, whether the same is situated or located upon wheels, jacks, foundations (temporary or permanent), slabs or otherwise, and/or whether or not added to or made part of another building or structure, including “manufactured homes” and “mobile homes” as defined under Section 233 (4) and (5) of the New York State Real Property Law, provided however that this shall not include a “factory manufactured home” known as a “modular home” or “double wide home”. A mobile home shall be construed to remain a mobile home, subject to all the regulations applying thereto, whether or not wheels, axles, hitch and other appurtenances of mobility are removed.

Modular Home: A modular home or double wide is a dwelling house transported to the permanent building site either whole or in sections and which complies with the New York State Building Code for conventional residential dwellings. The

undercarriage of a double wide must be removed prior to the issuance of a Certificate of Occupancy.

Mobile Home Lot:

A designated site of specific total land area for the accommodation of one mobile home and its occupants.

Mobile Home Park:

Any parcel of land whereon two or more mobile homes are parked or located, or which is planned and improved for the placement of two or more mobile homes and which is held open to the public for the parking or placement of mobile homes.

Mobile Home Stand:

An area prepared for the placement and support of mobile homes.

Owner:

Any person who has record title to all or any portion of the real property upon which the mobile home will sit or a contract vendee who occupies the real property under a recorded land sale contract or a tenant who has a ninety nine (99) year lease to all or any portion of the real property upon which the mobile home sits.

Person:

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

Road line:

Right of way line of road as dedicated by deed or record. Where the width of the road is not established, the road line shall be considered to be twenty five (25) feet from the center line of the road pavement of traveled way.

Town:

The Town of Hampton, County of Washington, State of New York

**Section 4. Mobile Home Requirements.**

Each mobile home located in the Town of Hampton shall have the following requirements:

a. Each mobile home shall have no less than 600 square feet of interior dimension living area with a base pad and shall have a HUD seal lawfully affixed thereto, as required by 24 CFR Part 3280, and a map/placard affixed within the mobile home indicating that the mobile home is acceptable and meet or exceeds standards of New York State.

b. No mobile home may be more than fifteen (15) years old measured from the HUD seal and up to the date that the application for a permit is submitted. This provision shall not apply to a conforming mobile home that passes inspection and permitted mobile homes within

the Town at the time of sale or transfer. In this case, the mobile home must comply with this Local Law in all other respects and will need a new permit, and will need a full inspection and must comply with the recommendations based on the inspection.

c. Each mobile home shall be maintained in a clean, sanitary, and habitable condition.

d. Each mobile home shall contain, at a minimum, a kitchen, and bathroom, as defined by the New York State Uniform Fire Prevention and Building Code.

e. Each mobile home shall have an adequate and independent supply of potable water, evidenced by 3 gallons per minute for two (2) hours, for drinking and domestic purposes supplied by pipes to the mobile home. Said test shall be obtained at the sole cost, if any, of the applicant. A copy of water test will be needed for the permit file.

f. Each mobile home shall have its own septic system approved by the Washington County Code Enforcement Department. Said approval shall be obtained at the sole cost, if any, of the applicant.

g. Each mobile home shall have its own electrical service approved by a certified electrical inspector. Said approval shall be obtained at the sole cost, if any, of the applicant.

h. Only one (1) mobile home shall be served by each water, septic, and electrical system. With respect to the water source, this provision shall not apply to a farm mobile home.

i. Each mobile home lot shall be at least one (1) acre with frontage on an open public highway or a private road.

j. No other mobile home, building or structure shall be placed on the mobile home lot, except a garage or storage building, which shall be considered an accessory to said mobile home, and will require a building permit. All buildings, unless a farm building for animals, hay, feed, farm equipment or other farm related products, require a building permit. It shall be the responsibility of the applicant to obtain any other necessary permits. The section does not apply to mobile homes on a farm.

k. The mobile home shall be setback at least seventy five (75) feet from the center of the highway or road and located a minimum of twenty five (25) feet from the adjoining property line(s).

l. The mobile home may not be used as an office for business;

m. The mobile home shall be located in an area where grades and soil conditions are suitable for use as a mobile home sites, as may be determined by the Code Enforcement Department.

n. Mobile homes may be rented or leased as long as said mobile home meets all Town, County, and State regulations.

o. The Town Board shall have the sole discretion to allow a temporary mobile home to be erected on a lot where the owners of the lot are constructing a personal residence on said lot. The mobile home shall be removed within thirty (30) days of the completion of the construction of the residence. This temporary mobile home will still require building and sewage permits.

p. The mobile home shall not be used for the purpose of storage.

q. **In the event there is a change of occupancy of a permitted mobile home, the mobile home shall be re-inspected within thirty (30) days of said change in occupancy by the Code Enforcement Department to ensure that it still meets the requirements of this Local Law.**

### **Section 5. Mobile home Base Pad Requirements.**

Each mobile home lot shall have a base pad. Every such base pad shall meet the requirement of the Residential Code of New York State, as may be amended from time to time, and shall:

a. Allow for the practical placement or removal from the lot of a mobile home and its appurtenant structures and the retention (tie downs) of the mobile home on the lot in a stable condition;

b. Be of sufficient size to fit the dimensions of any mobile home placed thereon, together with its appurtenant structures or appendages;

c. Have a durable surface and be suitably graded to permit rapid surface drainage;

d. Be made of concrete and be at least six (6) inches thick and shall be acceptable to satisfy the requirements of this Section and should have tie downs properly imbedded in the base pad concrete in a number as specified by the mobile home manufacturer.

### **Section 6. Application.**

a. Each such application for a mobile home shall be in writing and signed by the applicant. The complete application must state and include the following:

1. The name and address of the applicant.

2. The address, tax map parcel number, and legal description of the land.

3. A plan drawn to scale of not smaller than 1" equals 20' showing the boundaries of the land, the location of the mobile home on the land, the location and plan for the proposed water and sewage disposal systems and the location of the adjacent properties and structures.

4. A certified or photo-static copy of the recorded deed to the land which indicates that the applicant is the owner of such land and a copy of the bill of sale or title to the mobile home.

5. The application fee of fifty (50) dollars, payable to the Town of Hampton, if by check.

b. The applicant shall file the application and three (3) copies of said application with the Town Clerk at the offices of the Town Clerk during regular business hours.

c. Upon receipt of an application, the Town Clerk shall indicate the date of receipt thereon and transmit one (1) copy of the application to the Code Enforcement Department and one (1) copy thereof to the Town Board within five (5) days.

**Section 7. Procedure for all Mobile Homes Except Emergency Applications.**

a. No mobile home shall be brought into Town prior to the issuance of a permit. For all mobile homes, except as set forth in Section 8 of this Local Law, the procedure for permit issuance shall be as follows:

1. Pre-inspection: For all mobile homes, except new mobile homes, the applicant shall request a pre-inspection of the mobile home, whether the mobile home is located within or outside of the Town. The purpose of said pre-inspection is to allow the applicant, with the assistance of the Code Enforcement Department, to determine whether the mobile home itself will meet the standards set forth herein.

i. The Code Enforcement Department shall, within a reasonable time, inspect the mobile home itself, and shall inform the applicant if the mobile home itself complies with this Local Law. The Code Enforcement Department shall make no representation as to the quality of the mobile home and its approval shall not constitute any warranty whatsoever. Said approval shall only mean that the mobile home itself complies with the Residential and Property Maintenance Code of New York State and does not guarantee that a permit will be issued by the Town Board.

The applicant shall be responsible for any fee required by the Code Enforcement Department to do the pre-inspection. Fee will be set and approved by the Washington County Board of Supervisors.

ii. If the mobile home does not pass the pre-inspection, the applicant may request a second pre-inspection within sixty (60) days. The applicant shall be responsible for the payment of fee for the Code Enforcement Department as required. If the mobile home again the pre-inspection, it will not be permitted to be brought into the Town.

2. Lot Inspection

a. After receiving the application for a mobile home or, after the pre-inspection, the Code Enforcement Department shall promptly inspect and ascertain whether the proposed mobile home lot, including the base pad, is in compliance with the Residential Code of New York State. The Code Enforcement Department shall, after such inspection, transmit his written report and findings to the Town Board. The Code Enforcement Department shall not recommend approval

for a permit unless the mobile home and mobile home lot is completely suitable and meets all the requirements for mobile homes, as defined herein.

b. The Town Board, at its next regular monthly meeting following receipt of the report of the Code Enforcement Department, shall consider the completeness of the application, the proposed location, the general placement of the mobile home on the site and the report of the Code Enforcement Department. If the Town Board deems the application complete.

c. The Town Board shall indicate its approval or disapproval of the application. Said Approval shall be given if the mobile home complies with the provisions of this Local Law. The Town Clerk will notify the applicant of the Town Board’s decision, in writing within five (5) days.

d. If the application is approved by the Town Board, and the Town Clerk is in receipt of any actual cost to the Town of any engineering or other similar services incurred by the Town in the consideration of the application, the Code Enforcement Department may issue a building permit. The building permit shall expressly permit the applicant to move the mobile home onto the approved site and attach the mobile home to the utilities and the septic system in conformance with the foot print approved by the Code Enforcement Department and the Town Board. Said mobile home shall not be occupied by any person(s) until a final certificate of occupancy is issued and approved.

e. If the Code Enforcement Department fails to issue a final certificate of occupancy, the mobile home may not be occupied until the installation is brought up to code and re-inspected by the Code Enforcement Department

f. The certificate of occupancy shall not be transferrable or assignable. The certificate of occupancy shall be revoked upon the sale or transfer of the mobile home or if the mobile home is unoccupied for more than twelve (12) months.

**Section 8 Emergency Applications**

a. The Code Enforcement Department, upon approval of the Town Board, may issue a building permit, for a period not to exceed one (1) year, to the owner of land within the Town of Hampton to temporarily replace an occupied dwelling destroyed by fire or other disaster with a mobile home, in accordance with this Local Law. The mobile home shall not be brought into the Town until the owner or occupant is issued said building permit by Washington County.

b. Said owner or occupant will be exempt from the requirements of Section 5. Said owner or occupant shall be exempt from the minimum lot size requirement set forth in Section 4 of the Local Law. In addition, the setback requirements shall be relaxed in accordance with the circumstances, at the discretion of the Town Board and the Code Enforcement Department, providing there is conformity with the applicable New York State statutes.

## **Section 9 Farms.**

The Town Board may grant a permit to the owner or lessee of a farm, to set up a mobile home to be occupied only by a farm worker and his family, who is employed on said farm where the mobile home is to be located or by a family member of the owner of the farm where the mobile home is located. The mobile home must comply with this Local Law in all respects, except it does not need a separate source of water, but requires an adequate and potable supply of water. In the event the mobile home becomes unoccupied on an operating farm, the mobile home may remain on the farm as long as it is maintained in a clean, sanitary, habitable condition.

## **Section 10 Construction Trailers**

The Code Enforcement Department is authorized to grant a special permit for certain construction trailers, without the approval of the Hampton Town Board. This provision expressly and strictly applies only to an unoccupied mobile home or travel trailer located on the site of a construction project, survey project or other similar project and which is used solely as a field office or work or tool house in connection with such project, provided that such mobile home or travel trailer is removed from such site within thirty (30) days after the completion of such project. The permit shall be valid for no more than one (1) year from the date of issuance. The permit may be renewed at the discretion of the Code Enforcement Department

## **Section 11 Pre-existing Nonconforming Mobile Homes**

It is the intent of this Local Law to discontinue and abate nonconforming mobile homes. However, any mobile home which shall be lawfully in use at the time this Local Law takes effect, may be continued at its permitted location, although such use does not conform to the provisions of this Local Law. The grandfathered status may be transferred. However, in the event it is transferred, the transferee must comply with all aspects of this Local Law, including the application process and all inspections. In the event the mobile home no longer complies with this Local Law (with the exception of the aspect or feature which is grandfathered) it must be removed from the property within thirty (30) days, or such longer reasonable extension as approved by the Town Board, as provided in this law, and may not be replaced.

## **Section 12 Enforcement**

The applicant shall be responsible to meet all additional State, Federal, Local, County or other municipal laws or regulations which may apply. The Code Enforcement Department and the Town are only responsible to enforce specific provisions of this Local and the New York State Fire Prevention and Building Code, and are not responsible for ensuring compliance with other applicable laws and regulations.

## **Section 13 Revocation of Permit of Mobile Home**

If the Town Board of Hampton finds that any mobile home, outside a mobile home park is not being maintained in accordance with the provisions of the New York State Fire Prevention



and Building Code, said Town Board shall convey such facts to the Code Enforcement Department.

#### **Section 14 Penalties**

a. Any person who violates any provision of this Local Law shall be guilty of an unclassified misdemeanor, punishable by a fine of a definite amount of not more than \$1000 or not more than 30 days imprisonment, or both. When a violation of this Local Law or any provision thereof is continuous, each week thereof shall constitute a separate and distinct violation for which a separate and additional penalty may be imposed. A violation of this Local Law shall be prosecuted in the name of the Town of Hampton. The prosecution of a violation of this Local Law for a civil penalty under Subsection (b) herein and/or an action to compel compliance with or restrain violation of this Local Law by injunction under Subsection (c) shall not affect the right of the Town to prosecute the person for violation of the unclassified misdemeanor herein.

b. In addition, the violation of this Local Law or any of the provisions thereof shall subject any person to a civil penalty in the amount of \$500. When a violation of this Local law or any provisions thereof is continuous, each such 24 hours thereof shall constitute a separate and distinct violation. The penalty shall be recovered by the Town of Hampton in a civil action. The prosecution of a violation of this Local Law for a criminal penalty under Subsection (a) herein or prosecution of violation of this Local Law for a civil penalty under Subsection (b) herein shall not affect the right of the Town to obtain the civil relief herein.

c. In addition, upon the violation of this Local law or any provision thereof, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Local Law or restrain by injunction any violation thereof. The prosecution of a violation of this Local Law for a criminal penalty under Subsection (a) herein or the prosecution of a violation of this Local Law for a civil penalty under Subsection (b) herein shall not affect right of the Town to obtain the injunctive relief herein.

d. The remedies for violation of this Local Law are cumulative, and the prosecution of an action by the Town for criminal penalty pursuant to Subsection (a) and/or the civil relief pursuant to Subsection (b) and/or for the injunctive relief pursuant to Subsection (c) shall not affect the right of the Town to obtain any of the other relief, whether criminal, civil, or injunctive, provided herein. Any such prosecution for violation of this local law or any of the provisions herein, shall not be deemed to prevent the revocation of any permit issued pursuant thereto or enforced removal of conditions prohibited by this Local law.

e. Notwithstanding any of the foregoing, the Town may cause a mobile home that is not permitted or that is not in compliance with Local law to be removed by the Town and the total costs for said removal shall be assessed upon the real property on which the mobile home is found. Before the Town shall remove the mobile home and assess the costs thereof upon the real property upon which the mobile home is found, notice shall be given to the owner of the mobile

home, by the owner of the property thereof, by either personal service or by mail addresses to the last known owner at his or her known address as shown on the tax rolls of the Town. Such service shall be sufficient for all purposes. Such notice shall set forth the violations and direct compliance within ten (10) days from the date of such notice. All such notices shall be signed and issued by the Town Clerk upon the direction of the Town Board. If there is a failure of compliance within the said ten (10) day period, the Town may then cause the removal of the mobile home and assess the costs as herein provided. The costs of removal of the mobile home shall constitute a lien and charge upon the real property involved until paid or otherwise satisfied or discharged and shall be collected by the Town in the manner provided by law for the collection of taxes. The Town Board shall, from time to time, establish, by resolution, the method by which the cause shall be determined and shall include the power to establish minimum costs.

### **Section 15. Town Discretion**

a. After consideration of any applicant's potential impact upon the health, safety, and welfare of the Town, the Town Board may impose reasonable conditions upon the issuance of any permit within the scope of this Local Law.

b. Where it is impractical, difficult, or unnecessarily hardship in any way of carrying out the strict letter of provisions of this Local Law, the Town Board shall have the power in a specific case to waive or vary any such provision in harmony with the general purpose and intent of this Local Law, so that the public health, safety, and general welfare may be secured and substantial justice is done.

### **Section 16. Applicability**

This local law shall apply to all mobile homes which are occupied as dwelling units or are proposed to be occupied as dwelling units within the Town of Hampton's geographical limits on or after the effective date of this Local Law. This Local Law shall not apply to mobile homes being displayed for sale as a part of a mobile home sales business.

### **Section 17. Repealer**

The provisions of all resolutions, ordinances, and local laws in conflict with the provisions of this Local Law, in so far as the same do conflict therewith, shall be hereby repealed.

### **Section 18. Severability**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or application thereof to any person, individual, corporation, firm, partnership, entity, or circumstances shall be adjudged by the court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision,

section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 19. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.