

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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
FEB 03 2008

~~COUNTY~~
~~CITY~~ of GILBOA
Town
~~VILLAGE~~

Local Law No. 1 of the year 2008

MISCELLANEOUS
STATE RECORDS

A local law HOMESITE LOCAL LAW
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of GILBOA as follows:
Town
~~VILLAGE~~

AS ATTACHED

(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. 1 of 2008 of the ~~(County)(City)~~(Town)(~~Village~~) of GILBOA was duly passed by the TOWN BOARD on FEB 4 2008 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 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 at 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 _____, above.

Mary C Wychoff

Clerk of the County legislative body (City, Town or Village Clerk or officer designated by local legislative body)

(Seal)

Date: 02/04/2008

(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 Schoharie

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.

Taylor B. Jencsik

Signature
Town Attorney

Title

County
City of Gilboa
Town
Village

Date: 2/4/08

TOWN OF GILBOA
LOCAL LAW NO. 1 – 2008

HOMESITE LOCAL LAW

BE IT ENACTED by the Town Board of the Town of Gilboa as follows:
This Local Law shall be known as Homesite Local Law.

SECTION 1. TITLE

This Local Law shall be known and may be cited as the HOMESITE LOCAL LAW of the Town of Gilboa. It supersedes and replaces the Trailer Local Law of the Town of Gilboa enacted October 1, 1968 and any other laws of the Town with which it may be inconsistent, including Homesite Ordinance enacted February 1, 1982.

SECTION 2. PURPOSE

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 property, the Town of Gilboa and of its inhabitants by establishing specific requirements and regulations concerning the construction, occupancy and maintenance of homes, mobile homes, mobile home parks, travel trailers and trailer camps.

SECTION 3. DEFINITIONS

- 3.1 **Home Sites**—The term home sites as used in this Local Law shall be defined as any lot, piece, or parcel of ground whereon a residence, used as living or sleeping quarters, is located or intended to be located.
- 3.2 **Mobile Home**—A mobile home is any portable vehicle 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 single family residence; and which is intended to be occupied as permanent living quarters ordinarily containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.
- 3.3 **Camp Site**—The term camp site as used in this Local Law shall be defined as any lot, piece or parcel of ground on which camp trailers or tents are parked or located, which sites are designated for temporary use for camping, hunting, fishing, or other recreational use and not intended for use as a permanent mobile home park.
- 3.4 **Recreational Vehicle**—A recreational vehicle is any vehicle which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home.

- 3.5 **Mobile Home Lot**—A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodations of one mobile home and its occupants.
- 3.6 **Mobile Home Park**—A mobile home park is any parcel of land which is planned and improved for the placement of two (2) or more mobile homes.
- 3.7 **Mobile Home Stand**—A mobile home stand is a durable surface located on a mobile home lot which is to be used for the placement of and capable of supporting a mobile home.
- 3.8 **Camp Ground**—A camp ground is any parcel of land which is planned and improved for the placement of two (2) or more recreational vehicles or tents which are used as temporary living quarters and for occupancy of not more than ninety (90) consecutive days.
- 3.9 **Improved Roads and Streets**—An improved road or street must meet the following requirements:
 - A. Three rod (49 1/2 ft.), Right of Way; with accredited survey map. An easement is to be conveyed to the Town and, where necessary, an easement for the discharge of water.
 - B. Minimum of 18 ft. roadbed, 5 ft. shoulders, exclusive of ditches.
 - C. Roadbed shall be so located as to provide adequate room for ditching, grading and routine maintenance within right of way limits.
 - D. Proposed highway shall have adequate roadbed to support heavy equipment at any time consisting of a minimum of 12 inches compacted, suitable material with the top 3 or 4 inches stabilized.
 - E. Proposed highway shall have adequate drainage ditches.
 - F. Culverts where needed; of adequate size, properly installed, and of acceptable material (corrugated steel culvert pipe or equivalent).
 - G. Track and grades shall be such as to be easily and safely traveled by town road machinery and snow plowing equipment.
 - H. Where road to be considered is a "dead end," adequate provision for turning equipment shall be provided on a 100' diameter level area.
 - I. Any required guide posts, markers, culvert headers, etc. shall be properly installed.
 - J. Road shall be accepted by New York State Department of Transportation as part of the official Town Highway System.
 - K. Proposed road shall be inspected by at least three members of the Town Board and the Superintendent of Highways; on a designated date; to determine the acceptability of the proposed road as a town highway.

SECTION 4. PERMITS FOR HOME SITES, MOBILE HOME PARKS, AND CAMP GROUNDS

Any person, partnership, association or corporation, being the owner or occupant of any land within the Town of Gilboa, shall not use or allow the use of such land for a homesite, mobile home park, or camp ground, unless a proper permit has been obtained as herein provided. This permit shall not be transferable or assignable.

- 4.1 **Issuance of Home Site Building Permits**—The Town Clerk of the Town of Gilboa shall issue a permit to be effective from the date of issuance. This permit will not be issued until the Town Clerk has received:
- 4.11A written application from the applicant.
 - 4.12The required fee as provided in the application.
 - 4.13Approval of the application by the Schoharie County Department of Health (or the New York State Department of Health District) where applicable.
 - 4.14Approval by the Town Building Inspector.
 - 4.15If the application is disapproved by the Town Building Inspector, the Town Clerk shall notify the applicant in writing. The applicant shall have the right to appeal within 30 days to the Town Planning Board. The Planning Board shall have 60 days to respond to the appeal.
 - 4.16If disapproved by the Town Planning Board, the applicant may appeal to the Town Board within 30 days. The Town Board shall have 60 days to respond to the appeal.
- 4.2 **Issuance of Mobile Home Park and Camp Ground Permits**
- 4.21Application procedure—follow 4.11–4.16 Issuance of Home Site Building Permits.
 - 4.22This permit will be valid for one (1) year from the date of issuance.
- 4.3 **Renewal for Mobile Home Park and Camp Ground Permits**
- 4.31An application for the renewal of any permit which was issued in accordance with this Local Law must be filed with the Town Clerk at least ninety (90) days prior to the expiration of the permit.
 - 4.32Upon the approval of the Building Inspector and by resolution of the Town Planning Board, the Town Clerk shall issue a renewal permit, to be effective upon the expiration of the previous permit and to continue in force for a period of one (1) year.
 - 4.33At the time the renewal permit is issued, the applicant shall pay the required fee.
 - 4.34Renewal permits shall not be transferable or assignable.
- 4.4 **Permit Fees**—The applicant shall pay the Town Clerk an annual fee as required by the application.

SECTION 5. REQUIREMENTS FOR HOME SITES

- 5.1 **Set back**—No new building, structure or addition of any kind shall be located closer to any public highway or road than seventy-five (75) feet from the center line of said street or road, nor closer to any property or boundary line than twenty-five (25) feet. Set back dimensions shall not apply to reconstruction of existing structures.
- 5.2 **Driveways**—Home sites abutting a public road shall have a driveway culvert as designated by the governmental body having jurisdiction over the highway or road. All driveways shall have a minimum unobstructed sight distance of two hundred forty (240) feet in either direction and be well drained.

- 5.3 **Sewerage System**—Each home site shall have a sewage system that will comply with the standards as set forth in the document "Waste Treatment Handbook, Individual Household Systems" by the New York State Department of Health, Division of Sanitary Engineering. The requirement for sewage disposal systems will also apply to any replacement in whole or part of existing systems. Recreational vehicles, if not attached to a permanent septic system as described above, shall have an appropriate holding tank for septic waste to be emptied by a professional septic cleaner.
- 5.4 **Water**—Each home site shall have an adequate supply of pure water for drinking and domestic purposes.
- 5.5 **Supplementary Regulations for Mobile Homes.** A mobile home shall be supported and anchored as specified in A of this section.
- A. Adequately supported on a concrete slab six (6) inches or more thick or on bedrock and anchored with steel cables 1/4" in diameter or larger, attached from the mobile home to anchor bolts spaced at a maximum of every ten (10) feet in the concrete slab or bedrock. The concrete slab must have a minimum width and length no less than the mobile home it supports.
- B. Supported on concrete piers, sixteen (16) inches square or larger extending a minimum of forty (40) inches below the ground level and extending a minimum of two (2) inches above ground level and spaced a maximum of every ten (10) feet. An eye bolt made of 1/2" diameter or larger steel rod shall, extend above the top of the pier and be imbedded in the pier at least twelve (12) inches. The mobile home shall be firmly attached at the masonry piers to these eye bolts. If chimney blocks are used as masonry piers, then they must be filled with concrete and each pier must contain three (3) pieces of 1/2 inch diameter or large steel reinforcing rod, forty (40) inches long. The top of one or more of the reinforcing rods in each pier will have the shape of an anchor eye bolt and extend above the top of the pier. The mobile home shall be firmly attached at each pier to at least one of these reinforcing rods. This provision is subject to the current N.Y. S. Building Code, Section AE502 and as subsequently amended.
- C. No mobile home shall be parked or allowed to remain upon any street, highway or other public place. Emergency stopping or parking, when caused by mechanical failure, will be permitted upon the shoulder of any street or highway for a period of not more than seventy-two (72) hours, subject to any prohibition or limitation imposed by other regulations or law.
- D. A special permit may be issued by the Town Clerk, upon the recommendation of the Town Planning Board, to the owner of any land within the Town of Gilboa to place or park two or more mobile homes on such land for his own occupancy or his employees' occupancy provided the mobile home is located on a lot of at least 100 feet by 150 feet and no closer than 40 feet to any house or other mobile home or

other buildings and provided that the site meets all requirements of section 5 of this Local Law. The owner of the land shall file an application for a permit with the Town Clerk.

SECTION 6. REQUIREMENTS FOR MOBILE HOME PARKS

- 6.1 **Site.** The park shall be located on a well drained site which is properly graded to insure rapid drainage and be free at all times from stagnant pools of water.
- 6.2 **Mobile Home Lot**
- 6.21 Each mobile home park shall be marked off into mobile home lots.
- 6.22 The total number of mobile home lots in a mobile home park shall not exceed eight (8) per acre.
- 6.23 Each mobile home lot shall have a total area of not less than 5000 square feet with a minimum dimension of fifty (50) feet.
- 6.3 **Mobile Home**
- 6.31 Any mobile home shall not be parked or otherwise located nearer than a distance of:
- A. At least thirty (30) feet from an adjacent mobile home in any direction.
 - B. At least fifty (50) feet from an adjacent property line.
 - C. At least one hundred (100) feet from the right of way line of a public street or highway.
 - D. At least ten (10) feet from the nearest edge of any road right of way within the park.
- 6.32 Only one mobile home shall be permitted to occupy any one mobile home lot.
- 6.4 **Mobile Home Stand**
- 6.41 Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures and the retention of the home on the lot in a stable condition.
- 6.42 The stand shall be of sufficient size to fit the dimensions of the anticipated mobile homes and their appurtenant structures or appendages.
- 6.43 The stand shall be suitably graded to permit rapid surface drainage.
- 6.44 Each stand shall include provisions for anchorage of the mobile home in keeping with Section 5.5 (Supplementary Regulations) of this Local Law.
- 6.5 **Accessibility**
- 6.51 Each mobile home park shall be easily accessible from an existing public highway or street and comply with Section 5.2 Driveways.
- 6.52 Each park shall have improved streets to provide for the convenient access to all mobile home lots and other facilities within the park.
- A. The street system shall be designed to permit the safe and convenient vehicular circulation within the park.

- B. Streets shall be adapted to the topography and shall have suitable alignment and gradient for specific safety.
- C. All streets shall intersect at right angles.
- D. All streets shall have the following minimum widths: (1) One way traffic movement: 25 feet; (2) Two way traffic movement: 50 feet; (3) Dead end and turnaround: 100 feet diameter minimum.
- E. Except in cases of emergency, no parking shall be allowed on such streets.

6.53 One off-street parking space shall be provided on each mobile home lot. The parking space shall be of similar construction and grading as the mobile home stand. Such space shall have a minimum width of twelve (12) feet and a minimum length of twenty (20) feet.

6.6 Utilities and Service Facilities

6.61 Utilities and service facilities shall be provided in each mobile home park which shall be in accordance with the regulations of the Schoharie County Department of Health, the New York State Department of Health and the Sanitary Code of New York State.

6.62 Each mobile home lot shall be provided with electric connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

6.7 Open Space

6.71 Each mobile home park shall provide common open space for the use by the occupants of such park.

6.72 Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least five percent (5%) of the gross land area of the park.

6.8 Landscaping

6.81 Lawn and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walking, roads and parking area.

6.9 Recording

6.91 The owner or operator of each mobile home park shall keep a written record of all persons occupying or using the facilities of each park. This record shall be available for a period of at least one (1) year from the date of occupancy.

6.92 This record shall include:

- A. The name and address of the occupant of each mobile home.
- B. The name and address of the owner of each mobile home which is not occupied by such owner.

SECTION 7. CAMP GROUNDS

7.1 The provisions found in Section 6.1 Site shall apply.

7.2 Camp grounds shall be marked off into sites.

7.3 Camp sites shall not exceed twelve (12) per acre.

7.4 Utilities and service facilities shall be provided in accordance with the regulations and requirements of the Schoharie County Department of

Health, the New York State Department of Health and the Sanitary Code of New York State.

- 7.5 Any camp site provided with electric service connections or outlets must meet the requirements of Section 6.62 of this Local Law.
- 7.6 Open space shall meet the provisions found in Section 6.7 of this Local Law.
- 7.7 Landscaping shall meet the provisions found in Section 6.8 of this Local Law.
- 7.8 The owner or operator of each campground shall keep a written record of all persons occupying or using the facilities of each camp. The record shall be available for a period of at least one (1) year from date of occupancy.
 - 7.81 The record shall include:
 - A. The name and address of the occupant of each site.
 - B. The name and address of the owner of each trailer which is not occupied by such owner.
 - C. State in which the trailer is registered and the registration number.
 - D. Name and address of owner of automobile or other vehicle which propelled the travel trailer.
 - E. State in which automobile is registered and the registration number.

SECTION 8. EXISTING HOME SITES

- 8.1 A home site, which is lawfully in existence prior to February 1, 1982, may be continued to be used as a home site.

SECTION 9. RECREATIONAL VEHICLES

- 9.1 The provisions found in Sections 5.1 through 5.5 with the exception of Section 5.5A shall apply.

SECTION 10. ENFORCEMENT

The Building Inspector of the Town of Gilboa shall enforce all of the provisions of this Local Law. Such Building Inspector shall have the right at all times to enter and inspect any home site, mobile home park, camp ground and other areas used for the parking or placement of a mobile home.

- 10.1 **Duties**—The Building inspector is to monitor all construction in the Town of Gilboa.
 - 10.11 The Building Inspector shall have a supply of blank building permits. A similar supply shall be maintained at the Town Clerk's office.
 - 10.12 The Building Inspector must approve or disapprove within 15 days after receiving the building permit application. If disapproved, the notification must be in writing to the applicant and to the Town Clerk.
 - 10.13 Violators of the homesite Local Law must stop activity immediately. Noncompliance can result in the issuance of a written notice of violation by the Building Inspector to the landowner or his representative.

10.14 In the case of Mobile Home Park or Camp Ground violations the Building Inspector shall notify the Town Planning Board and the procedure outlined in Section 11 Revocation of Mobile Home Park and Camp Ground Permits shall be followed.

SECTION 11. REVOCATION OF MOBILE HOME PARK AND CAMP GROUND PERMITS

- 11.1 The Town Planning Board may serve a written notice of violation upon the holder of the permit directing that the condition or conditions therein specified be remedied within ten (10) days after the service of the notice.
- 11.2 If the holder of such permit shall refuse or fail to correct the condition or conditions specified in such notice within ten (10) days after the personal service of such notice, the Town Planning Board may, by resolution, revoke such permit. The holder of the permit shall thereupon terminate the operation of such mobile home park or campground.
- 11.3 If the owner or operator of such mobile home park or camp ground shall thereafter correct such conditions and bring the mobile home park or camp ground into compliance with this Local Law, such owner may then apply for the issuance of a new permit for such park or campground. If the application is approved and a permit is granted, the applicant shall pay the Town Clerk the fee required by this Local Law without any credit for the fee paid for the revoked permit.

SECTION 12. PENALTIES

If, after a notice of violation, any person, partnership, association, or corporation continues to willfully violate any provision of this Local Law, they shall be guilty of an offense against this Local Law and subject to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500) or to imprisonment for a period of not more than thirty (30) days or both fine and imprisonment. When a violation of any of the provisions of this Local Law is continuous, each week or portion thereof shall constitute a separate and distinct violation. In addition to the above provided penalties and punishment, the Town Board may also maintain an action in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction any violation of this Local Law.

SECTION 13. EXCEPTIONS

None of the provisions of this Local Law shall be applicable to the following:

- 13.1 The business of mobile home or recreational vehicle sales, except that where units are used as living quarters, they shall conform with the provisions of the Local Law.
- 13.2 A mobile home or recreational vehicle located on the site of a construction project, survey project, or other similar work 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 recreational vehicle is removed from such site within thirty (30) days after the completion of such project.

SECTION 14. VALIDITY

If any section, paragraph, subdivision, or provision of this Local Law shall be found invalid, such invalidity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Local Law shall remain valid and effective.

SECTION 15. VARIANCE

The Planning Board may, on written request, grant a variance from a specific section of this Homesite Local Law on a particular case, subject to appropriate conditions, where such a variance is in harmony with the general purpose and intent of this Homesite Local Law.

SECTION 16. RELIABILITY

Meeting the requirements of the Homesite Local Law should not be construed as a guarantee that the systems will function reliably.

SECTION 17. OTHER REGULATIONS

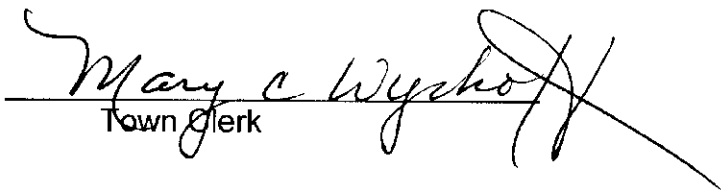
These regulations in no way waive the requirements of other regulatory organizations.

SECTION 18. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.

Enacted: *Feb. 4*, 2008, by the Town Board of the Town of Gilboa.

(SEAL)


Town Clerk