

Local Law Filing

New York State Department of State
41 State Street, Albany, NY, 12231

Town of DeKalb

Local Law No. 2 of the year 2012

A Local Law Repealing Local Law No. 1 for 2009 and
Regulating Mobiles Homes. Manufactured Homes and Modular Homes
Stored on Real Property

Be it enacted by the Town Board of the
Town of DeKalb as follows:

SECTION 1. INTENT.

The Town of DeKalb believes it is necessary to protect the health, safety and welfare of residents of the Town of DeKalb by limiting the use of mobile homes, manufactured homes and modular homes which are unoccupied for residential purposes, but are stored on real property.

It is the intent of this Local Law to repeal Local Law No. 1 for the year 2009 and replace it with this Local Law.

SECTION 2. DEFINITIONS.

The following definitions are applicable:

a. Mobile Home

(1) A trailer coach that is used as a dwelling all the year round, has water faucets and shower or other bathing facilities that may be connected to a water distribution system, and has facilities for washing and a water closet or other similar facility that may be connected to a sewer system.

(2) A transportable single-family dwelling unit suitable for long-term occupancy designed to be transported on its own wheels or by other means and arriving at the site ready for occupancy apart from incidental operations such as location or foundation supports and connection to utilities.

(3) Any dwelling that is designed to be mobile and constructed or manufactured to provide a permanent residence for one or more persons in accordance with the appropriate statute, regulation or standard but does not include a travel trailer or

tent trailer or trailer otherwise designed.

(4) A factory built, detached structural unit designed to be and capable of being transported after fabrication, on its own chassis and wheel system, to a lot and which is suitable for year-round occupancy in similar fashion as a dwelling unit, except for minor and incidental unpacking and assembly operations, placement on defined supporting structures and connection to utilities.

(5) A dwelling for year-round living, towable on its own chassis for use with or without a permanent foundation, and for connection to utilities. The term "mobile home" also applies to multiple sectional mobile units, each towable on their own chassis which, when towed to the site, are coupled together to form a single structure.

(6) A dwelling for year-round living, wholly or partially constructed off the site, which is shipped to the site where it is to be erected and which is not towable on its own chassis.

b. Modular Home

(1) Any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein.

(2) A dwelling unit constructed in accordance with the standards set forth in the (state or local building code applicable to site-built homes) and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the state or local building code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

c. Manufactured Home - A structure transportable in one or more sections that, in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12,192 mm) or more in length or, when erected on site, is 320 square feet (29.7m)minimum on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and

urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

No manufactured home which is twenty (20) years or more from the date of its manufacture shall be allowed to operate as a storage facility on real property under this Local Law.

A label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is deemed acceptable. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

SECTION 3. TEXT.

a. No mobile home, manufactured home or modular home shall be placed on real property in the Town of DeKalb and used for storage or for non-residential purposes for more than six months. A mobile home, manufactured home or modular home used for storage or for non-residential purposes is a mobile home, manufactured home or modular home which is not connected to water, sewer and electrical connections and is not resided in.

b. A permit will be required from the Code Enforcement Officer for placement of these types of mobile homes, manufactured homes or modular homes on real property in the Town of DeKalb for a period of six months. The current permit fee shall be \$25.00.

c. This Law does not pertain to camper trailers.

SECTION 4. ENFORCEMENT.

The Code Enforcement Officer is authorized to issue permits as outlined above upon receipt of the proper fee. If mobile homes, manufactured homes or modular homes are stored in violation of a permit or beyond the six month period of time, the Code Enforcement Officer will give the owner of the real property thirty days' notice to rectify the problem. If the problem is not rectified, the Town shall pursue all legal remedies.

SECTION 5. FINES AND PENALTIES.

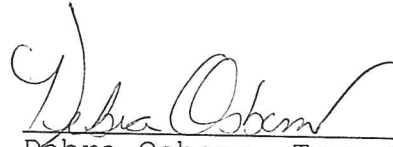
There shall be a fine of \$250.00 per week for a violation of this Local Law. This fine will be mandatory and a Court shall have no discretion in not imposing the fine, should it find a violation. Any part of a week shall be considered to be one week. Thus, the minimum fine would be \$250.00. The Town of DeKalb contemplates that any enforcement action in Court will require a period of time. The Court is authorized to include in

the fine the sum of \$250.00 for each and every week the legal proceedings are in existence. This part of the fine is discretionary with the Court and not mandatory.

SECTION 6.

This Local Law shall become effective upon filing with the Department of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 2 of 2012 of the Town of DeKalb was duly passed by the Town Board on June 20, 2012, in accordance with the applicable provisions of law.



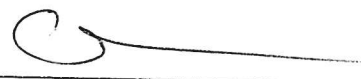
Debra Osborn, Town Clerk
Town of DeKalb

(Seal)

Date: June 20, 2012

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

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.



Charles B. Nash, Esq.
Town Attorney
Town of DeKalb

Date: 6/20/12