

PART IV – LOCAL LAWS

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LOCAL LAW NO. 1 OF THE YEAR 1973 -- TOWN OF LAKE PLEASANT

A local law regulating mobile homes, travel trailers, mobile home parks and trailer parks in the Town of Lake Pleasant.

Be it enacted by the Town Board of the Town of Lake Pleasant as follows:

Section 1.1 LEGISLATIVE INTENT

The purpose of this local law is to promote the health, safety, morals and general welfare of the community, including the protection and preservation of the property of the Town of Lake Pleasant and of its inhabitants by establishing specific requirements and regulations governing the occupancy and maintenance of mobile homes, mobile home parks, travel trailers and trailer parks.

Section 2.1 DEFINITIONS

For the purposes of this local law the following words, terms and phrases shall have the meaning ascribed to them in the section.

**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 containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.

**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 accommodation of one mobile home and its occupants.

**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 which are used as dwellings and for occupancy of more than ninety (90) consecutive days.

**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 and capable of supporting a mobile home.

**TRAVEL TRAILER:** A travel trailer is any portable vehicle which is designed to be transported on its own wheels; 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.

**TRAILER PARK:** A trailer park is any parcel of land which is planned and improved for the placement of two (2) or more travel trailers which are used as temporary living quarters and for occupancy of not more than ninety (90) consecutive days.

SECTION 3.1 LICENSES REQUIRED FOR MOBILE HOME PARKS AND TRAILER PARKS

Any person, partnership, association or corporation, being the owner or occupant of any land within the Town of Lake Pleasant shall not use or allow the use of such land for a mobile home park or trailer park unless a license has been obtained as herein provided.

3.2 Issuance of License

3.21 The Town Clerk of the Town of Lake Pleasant shall issue a permit to be effective from the day of issuance to and including December 31st of that same year.

3.22 This permit will not be issued until the Town Clerk has received:

- a. A written application from the applicant.
- b. The required fee as herein provided.
- c. Approval of the application by the Hamilton County Department of Health (or the NYS Department of Health District Office.)
- d. Approval by the Zoning Officer
- e. A resolution from the Town Board approving issuance of license.

3.23 This permit shall not be transferable or assignable.

3.3 Supplemental License

3.31 Any person, holding a permit for a mobile home park or trailer park and desiring to add additional lots to such park shall file an application for a supplemental permit.

3.32 The application for such supplemental permit must be accompanied by two complete sets of plans and specifications as required by Section 5.1 of this local law. The application for a supplemental permit shall be filed and handled according to the procedure established in this section of the local law.

3.33 When approved and upon the receipt of the required fee, the Town Clerk shall issue a supplemental permit which will be effective from the date of issuance to and including December 31st of the same year.

3.4 License Renewal

3.41 An application for the renewal of any mobile home park or trailer park permit, which was issued in accordance with the provisions of this local law, must be filed with the Town Clerk on or before December 1st preceding the expiration of the permit.

3.42 The renewal application shall not be accompanied by a plan of the park unless changes have been made to it, nor is it necessary that the application be accompanied by a copy of the lease unless a new lease has been entered into subsequent to the time of filing the previous application.

3.43 Upon the approval of the zoning officer and by resolution of the Town Board, the Town Clerk shall issue a renewal permit to be effective upon the expiration of the previous permit and continue in force for a period of one year.

3.44 At the time the renewal permit is issued, the applicant shall pay the required fee.

3.45 Such renewal permit shall not be transferable or assignable.

3.5 License Fees

3.51 The applicant shall pay the Town Clerk an annual fee equal to the sum of twenty-five (25) dollars plus one (1) dollar multiplied by the number of lots authorized by the permit.

3.52 The minimum fee to be paid shall be thirty five (35) dollars.

3.53 The fee for a supplemental permit shall be computed and determined in the same manner.

#### SECTION 4.1 APPLICATION PROCEDURE

Each application for a mobile home park or trailer park shall be in writing and signed by the applicant.

4.2 The application and related information shall be filed with the Town Clerk in triplicate.

4.3 The Town Clerk shall transmit one copy of the application to the zoning officer. The Town Clerk shall refer one copy of the application to the Town Planning Board for review and report prior to final action by the Town Board in accordance with the provisions of Section 274 of the Town Law. The Town Clerk shall place a notice in the official town newspaper or newspapers to the effect that such an application has been filed.

4.4 The zoning officer shall check the application for compliance with the minimum requirements as established by the rules and regulation of the New York State Department of Health, the Hamilton County Department of Health, the Town of Lake Pleasant and the Sanitary Code of the State of New York. The zoning officer shall, after such investigation, transmit the certified application to the Town Board together with his written findings as whether the application satisfies or does not meet the minimum health and sanitary standards within thirty (30) days after the date of filing the application with the Town Clerk.

4.5 Upon receipt of the application from the Town Clerk, the Planning Board shall review the general arrangement of the mobile home park or trailer park. This shall include a review of: the location and width of streets; the location, size and arrangement of lots; the location of other structures within the Park; the location of entrances and exits; and the location, type and extent of landscaping and screening materials. The Planning Board shall transmit the application back to the Town Board, together with its written findings, within thirty (30) days of receipt of the application. Failure to act within thirty (30) days of receipt of the application shall be deemed approval.

4.6 The Town Board shall review the findings of the zoning officer and the Planning Board, and by resolution indicate its approval or disapproval of the application, within sixty (60) days of the date of filing the application with the Town Clerk. The application shall be returned to the Town Clerk, and the applicants notified in writing by the Town Clerk of the decision rendered within five (5) days of the date of such decision.

4.7 If the application is disapproved, the applicant shall have the right to appear before the Town Board for a hearing.

#### SECTION 5.1 APPLICATION DATA

Each application shall be accompanied by three complete sets of plans which are prepared by a surveyor, engineer or other qualified person. The plans shall be drawn to a scale of 20, 40, or 50 feet to one inch; shall include the date, northpoint, and scale; and shall furnish the following information:

##### 5.2 Legal Data

- a. The name and address of the applicant; or the name and address of each partner if the applicant is a membership; or the name and address of each officer and director if the applicant is an association or corporation.
- b. The location and description of the land that is proposed to be used as a mobile home park or trailer park.
- c. The number of lots to be provided in such park.

5.3 Physical Features

- a. Location of water courses, marshes, and areas subject to flooding.
- b. Wooded areas.

5.4 Existing Development

- a. A location map which shows all land within three-hundred (300) feet of the proposed park or camp, and all structures of the land which abuts the proposed park.
- b. The location, names and widths of all adjacent streets.
- c. The location of all water lines and utilities within and adjacent to the proposed site.

5.5 Proposed or Existing Development

- a. The location and widths of all entrances, exits, streets and walkways.
- b. The location, size, and arrangement of each lot within the park.
- c. The method and plan for electric lighting.
- d. The location and plan of all proposed or existing structures and improvements.
- e. Any proposed or existing grading and plans for landscaping.
- f. Any proposed or existing storm water drainage.
- g. Any proposed or existing utilities.
- h. Any public improvements proposed by the Town in or adjoining the proposed or existing park.
- i. Existing zoning.

SECTION 6.1 REQUIREMENTS FOR MOBILE HOME PARKS6.2 Site

6.21 The park shall be located in areas where grades and soil conditions are suitable for use as mobile home sites.

6.22 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.

6.23 The park shall be free from heavy or dense growth or brush and woods.

6.24 The park shall be at least three (3) acres in size, 100 feet frontage on a public road.

6.3 Mobile Home Lot

6.31 Each mobile home park shall be marked off into mobile home lots.

6.32 The total number of mobile home lots in a mobile home park shall not exceed eight (8) per gross acre.

6.33 Each mobile home lot shall have a total area of not less than 5,000 square feet with a minimum dimension of fifty (50) feet.

6.4 Mobile Home

6.41 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 public street or highway.
- d. At least ten (10) feet from the nearest edge of any roadway location within the park.

### 6.5 Mobile Home Stand

6.51 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.

6.52 The stand shall be of sufficient size to fit the dimensions of the anticipated mobile homes and their appurtenant structures or appendages.

6.53 The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.

6.54 The stand shall be suitable graded to permit rapid surface drainage.

### 6.6 Accessibility

6.61 Each mobile home park shall be easily accessible from an existing public highway or street.

6.62 Where a mobile home park has more than sixteen (16) mobile homes, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4).

- a. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park, and to minimize friction with the free movement of traffic on a public highway or street.
- b. All entrances and exits shall be at right angles to the existing public highway or street.
- c. All entrances and exits shall be free of material which would impede the visibility of the driver on a public highway or street.
- d. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

6.63 Each park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities within the park.

- a. The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
- b. Streets shall be adapted to the topograph and shall have suitable alignment and gradient for traffic safety.
- c. All streets shall have the following minimum widths:
  - (1) One way traffic movement -- 12 feet
  - (2) Two way traffic movement -- 20 feet
- d. Except in cases of emergency, no parking shall be allowed on such streets.

6.64 An improved driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine (9) feet.

### 6.7 Parking

6.71 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 nine (9) feet and a minimum length of twenty (20) feet.

6.72 Additional off-street parking spaces shall be provided at strategic and convenient locations for guests and delivery and service vehicles.

- a. There shall be one such parking space for each two (2) mobile home lots within the park.
- b. Such parking space shall be provided in bays which shall provide for adequate maneuvering space.

#### 6.8 Utilities and Service Facilities

6.81 The following utilities and service facilities shall be provided in each mobile home park which shall be in accordance with the regulations and requirements of the Hamilton County Department of Health, the New York State Department of Health and the Sanitary Code of New York State.

- a. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the park to meet the requirements of the park. Each mobile home lot shall be provided with proper water connections.
- b. Each mobile home lot shall be provided with a sewer which shall be connected to the mobile home situate on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such home. The sewer shall be connected to a public or private sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
- c. Metal garbage cans with tight filling covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than two hundred (200) feet from any mobile home lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that such cans shall not overflow.

6.82 Unless adequate laundry facilities are available within three (3) miles of the park, laundry facilities shall be provided at strategic location or locations for the convenience of the occupants of the mobile homes. Such facilities shall be equipped with at least one (1) washing machine and one (1) dryer per sixteen (16) mobile homes. Such facilities shall be housed in a permanent structure or structures which shall be adequately lighted, heated, ventilated and sanitarilly maintained.

6.83 Other service buildings shall be provided as deemed necessary for the normal operation of the park, however, such buildings shall be maintained by owner or manager of the park in a clean, sightly and sanitary condition.

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

6.85 Each mobile home park shall be provided with at least one public telephone per thirty (30) trailers.

#### 6.9 Open Space

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

6.92 Such open space shall be conveniently located in the park. Such space shall have one (1) acre for each twenty five (25) mobile homes or trailers or fraction thereof.

#### 6.10 Landscaping

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

6.102 Planting shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade and a suitable setting for the mobile homes and other facilities.

- a. Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities, other non-residential uses, garbage storage and collection areas, and all abutting yards of adjacent properties.
- b. Other planting shall be provided along those areas within the park which front upon existing public highways and streets to reduce glare and provide pleasant outlooks for the living units.

#### 6.11 Recording

6.111 The owner or operator of each mobile home park shall keep a written record of all persons occupying or using the facilities of such park. This record shall be available to the zoning officer at all times.

6.112 This record shall include:

- a. The name and address of the occupant of each mobile home and lot numbers.
- b. The name and address of the owner of each mobile home which is not occupied by such owner.

### Section 7.1 REQUIREMENTS FOR TRAILER PARKS

#### 7.2 Site

The provisions found in Section 6.2 shall apply.

#### 7.3 Trailer Lot

7.31 Each trailer park shall be marked off into trailer lots.

7.32 The total number of trailer lots in such park shall not exceed twelve (12) per gross acre.

7.33 Each trailer lot shall have a total area of not less than 3,000 square feet with a minimum dimension of thirty (30) feet.

#### 7.4 Travel Trailer

7.41 Any travel trailer shall not be parked or otherwise be located nearer than a distance of:

- a. At least twenty (20) feet from an adjacent travel trailer in any direction.
- b. The provision found in Section 6.4 (b) shall apply.
- c. The provision found in Section 6.4 (c) shall apply.
- d. The provision found in Section 6.4 (d) shall apply.

7.42 Only one trailer shall be permitted to occupy any one trailer lot.

#### 7.5 Travel Trailer Stand

7.51 Each trailer lot shall have a travel trailer stand which will provide for the practical placement on and removal from the lot of the travel trailer, and the retention of the trailer on the lot in a stable condition.

7.52 The stand shall be of sufficient size to fit the dimensions of the anticipated travel trailers.

7.53 The stand shall be constructed of an appropriated material which is durable, compacted and adequate for the support of the maximum anticipated loads.

7.54 The provision found in Section 6.54 shall apply.

7.6 Accessibility

The provisions found in Section 6.6 shall apply.

7.7 Parking

The provisions found in Section 6.71 shall apply.

7.8 Utilities and Service Facilities

7.81 The following utilities and service facilities shall be provided in each trailer park which shall be in accordance with the regulations and requirements of the Hamilton County Department of Health, the New York State Department of Health and the Sanitary Code of New York State.

a. Each trailer park, which provides for travel trailers having all the facilities of a mobile home as defined in Section 2.1 of this local law shall provide the required facilities indicated in Section 6.81 (a) and (b).

b. Each trailer park, which provides for travel trailers not equipped with the facilities in a mobile home as defined in Section 2.1 of this local law, shall provide the following facilities:

(1) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and trailer lots within the park to meet the requirements of such park. Each lot shall be provided with a cold water tap, the waste from which shall be emptied into a drain connected to an approved disposal system.

(2) Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building, in the latter case such facilities shall be separated by sound-proof walls. The male and female facilities shall be marked with appropriate signs.

(3) Such toilet and other sanitary facilities shall be provided in the following manner:

a. Male facilities shall consist of not less than: one flush toilet for every fifteen trailers, one urinal for every fifteen trailers; one lavatory for every ten trailers.

b. Female facilities shall consist of not less than: one flush toilet for every ten trailers; one lavatory for every ten trailers.

(4) The buildings housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of moisture proof material; shall be well heated; and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of a water impervious material.

(5) Such buildings shall not be located nearer than twenty (20) feet nor further than two hundred (200) feet from any travel trailer.

7.82 The provision found in Section 6.82 shall apply.

7.83 The provision found in Section 6.83 shall apply.

7.84 The provision found in Section 6.81 (c) shall apply.

7.85 Waste from all buildings and trailer lots shall be discharged into an approved public or private sewer system, in such a manner so as not to present a health hazard.

7.86 The provision found in Section 6.84 shall apply.

7.9 Open Space

The provision found in Section 6.9 shall apply.

7.10 Landscaping

The provision found in Section 6.10 shall apply.

7.11 Recording

7.111 The owner or operator of each trailer park shall keep a written record of all persons occupying or using the facilities of such camp. This record shall be available to the zoning officer for a period of at least one (1) year from date of occupancy.

7.112 The record shall include:

- a. The name and address of the occupant of each travel trailer.
- b. The name and address of the owner of each trailer which is not occupied by such owner.
- c. State in which 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 8.1 TRAVEL TRAILERS LOCATED IN MOBILE HOME PARKS8.2 Requirements for Travel Trailers Within a Mobile Home Park

8.21 All travel trailers, which are to be placed on the same legal parcel of land with mobile homes, shall be arranged into a trailer park as defined in Section 2.1 of this local law. All mobile homes on such land parcel shall be arranged into a mobile home park as defined in Section 2.1 of this local law.

8.22 When a trailer park and mobile home park are to be combined on the same legal parcel of land, such trailer park and mobile home park shall have separate physical locations on the parcel of land.

8.3 Mobile Home Park

When the parcel of land is divided for mobile home park and trailer park uses, the provisions contained in Section 6.1 of this local law shall apply to that portion of the land to be used as a mobile home park, except as herein provided.

8.4 Trailer Park

When the parcel of land is divided for mobile home park and trailer park uses, the provisions contained in Section 7.1 of this local law shall apply to that portion of the land to be used for a trailer park, except as herein provided.

8.5 Additional Requirements

8.51 The parcel of land, which is to provide for both a mobile home park and trailer park, shall be at least four (4) acres in size.

8.52 Where practicable, that portion of the land to be used as a trailer park shall be located adjacent to a public highway or street.

8.53 The trailer park and mobile home park shall be physically separated by a parcel of land of at least fifteen (15) feet in width along all areas where the trailer park abuts the mobile home park. Such parcel of land shall be properly landscaped with appropriate planting materials so that the view of such trailer park from the mobile home park is adequately screened.

8.54 Where practicable, the trailer park and the mobile home park shall each have separate points of entry and exit. Where the parcel of land fronts on two or more existing public highways or streets, the trailer park shall be located adjacent to the public highway or street that is most heavily travelled.

## SECTION 9.1 MOBILE HOMES LOCATED OUTSIDE OF MOBILE HOME PARKS

### 9.2 Regulation of Mobile Homes

9.21 No occupied mobile home 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 for a period of not more than seventy-two (72) hours, subject however to any prohibition or limitation imposed by other regulations or laws.

9.22 No occupied mobile home shall hereafter be parked or otherwise placed within the Town of Lake Pleasant and outside a licensed mobile home park, except as follows:

a. The Town Board may grant a permit, for a period not to exceed one year, to the owner of land within the Town of Lake Pleasant, who intends to construct on such land a dwelling house for his own occupancy or his employee's occupancy. The owner of the land may place or park a mobile home on such land for his own occupancy or his employee's occupancy during the construction of such dwelling. Said mobile home shall be removed from the premises upon expiration of the permit.

## SECTION 10.1 TRAVEL TRAILERS, MOTOR HOMES AND OTHER RECREATIONAL VEHICLES LOCATED OUTSIDE OF TRAILER PARKS.

### 10.2 Regulation of Travel Trailers, Motor Homes and other Recreational Vehicles.

10.21 The provision found in Section 9.21 shall apply.

10.22 No occupied Travel Trailer, Motor Home or other Recreational Vehicle shall hereinafter be parked or otherwise placed within the Town of Lake Pleasant, unless such Travel Trailer, Motor Home or other Recreational Vehicle is parked or placed in a duly licensed trailer park, except when placed on private property in conformity with Sections 10.3 through 10.7 of this local law.

10.3 The parking of an occupied Travel Trailer, Motor Home or other Recreational Vehicle on a private landowners property, must be done only with the consent of said property owner. The property owner shall be responsible for maintaining the parking area of the Travel Trailer, Motor Home or other Recreational Vehicle and shall be liable for any and all damages resulting from the parking of any such vehicle on his property. The property owner shall be liable whether or not the damage was caused by his negligence or the negligence of the vehicle owner.

10.4 The length of time a parked, occupied Travel Trailer, Motor Home or other Recreational Vehicle may remain on a private landowners property, may not exceed seven (7) days.

10.5 That only one occupied Travel Trailer, Motor Home or other Recreational Vehicle may be parked on a private landowners property at a time.

10.6 The foregoing sections do not apply to the private landowners personal Travel Trailer, Motor Home or Recreational Vehicle.

10.7 The parking of a Travel Trailer, Motor Home or other Recreational Vehicle will conform in all respects with the set back limits set forth in the Lake Pleasant Zoning Ordinance.

## SECTION 11.1 ENFORCEMENT

The zoning officer of the Town of Lake Pleasant shall enforce all of the provisions of this local law. Such zoning officer shall have the right, at all times, to enter and inspect any mobile

home park, trailer park and other premises used for the parking or placement of a mobile home.

## SECTION 12.1 REVOCATION OF LICENSE

### 12.2 Revocation of Mobile Home Park and Trailer Park Licenses

12.21 If the Town Zoning officer finds and reports to the Town Board that a mobile home park or a trailer park, for which a permit has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this local law, the Town Board may, by resolution, authorize the personal service upon the holder of the permit of a written order which will require the holder of the permit to correct the conditions specified in such order within ten (10) days after the service of such order.

12.22 If the holder of such permit shall refuse or fail to correct this condition or conditions specified in such order within ten (10) days after the personal service of such order, the Town Board may, by resolution, revoke such permit and the holder of the permit shall thereupon terminate the operation of such mobile home park or trailer park.

12.23 However, if the owner or operator of such mobile home park or trailer park shall thereafter correct such conditions and bring the mobile home park or trailer park into compliance with this local law, such owner may then apply for the issuance of a new permit for such park, and if the application is approved and a permit is granted, the applicant shall pay to the Town Clerk the fee required by this local law without any credit for the fee paid for the permit which was revoked.

## SECTION 13.1 EXISTING MOBILE HOME PARKS AND TRAILER PARKS

13.2 On the date this local law becomes effective, any existing mobile home parks or trailer parks will be required to comply with all sections of this local law with the following exceptions:

- a. Within three (3) years of the effective date, all existing mobile home parks must conform with Sections 6.2 through 6.102B.
- b. Within three (3) years of the effective date, all trailer parks must conform with Sections 7.2 through 7.10.
- c. Within three (3) years of the effective date, all existing mobile home parks and trailer parks must conform with Sections 8.2 through 8.54.
- d. Existing mobile home parks and trailer parks will be allowed sixty (60) days after the effective date of this local law to file application for a license as set forth in Sections 3, 4 and 5.

13.3 The Planning Board will function to aid the owners of such non-conforming mobile home parks and trailer parks in accomplishing the purpose of this local law by advising and recommending to the Town Board such action as they deem appropriate and necessary to overcome any special problems that may arise during the three (3) year period. The Town Board will review these recommendations and take such action as they deem reasonable pursuant to Town law.

## SECTION 14.1 PENALTIES

Any person, partnership, association or corporation who violates any provision of this local law shall be guilty of an offense against this local law and subject to a fine of not less than twenty-five (25) dollars or more than one hundred (100) dollars, 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.

**SECTION 15.1 MISCELLANEOUS**

15.2 The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

15.3 Existing zoning regulations will remain in effect as they apply to mobile homes, travel trailers, mobile home parks and trailer parks.

15.4 This local law and all subsequent amendments thereto, when adopted, shall be published, and printed copies shall be available from the Town Clerk at a charge to be determined by the Town Board.

15.5 The Town of Lake Pleasant Local Law #1 of 1973 shall take effect at the time and in the manner provided by law.

15.6 The Town of Lake Pleasant Local Law #1 of 1984, which amends Local Law #1 of 1973, shall take effect at the time and in the manner provided by law.

**LOCAL LAW #2 OF #2 OF THE YEAR 1972, TOWN OF LAKE PLEASANT**

A local law regulating Automobile Junk Yards in the Town of Lake Pleasant.

**SECTION 1.** Legislative intent. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to health, safety and welfare of citizens of the Town necessitating the regulation, restraint and elimination thereof. At the same time, it is recognized that the maintenance of junk as hereinafter defined, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this section.

**SECTION 2.** Definitions. For the purposes of this section, "junkyard" shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor which, taken together equal in bulk two or more such vehicles provided, however, the term junkyard shall not be construed to mean an establishment having facilities for processing steel, iron or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 3.** Requirement for operation or maintenance. No person shall operate, establish or maintain a junkyard in the Town of Lake Pleasant until he (1) has obtained a license to operate a junkyard business and (2) has obtained a certificate of approval for the location of such junkyard.

**SECTION 4.** Application for license and certificate of approval. Application for the license and the certificate of approval location shall be made in writing to the Town Board.

**SECTION 5.** Hearing. A hearing on the application shall be held within the town not less than two nor more than four weeks from the date of the receipt of the application by the town. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application and shall be published once in a newspaper having a circulation within the town, which publication shall be not less than seven days before the date of the hearing.

**SECTION 6.** License Requirements. At the time and place set for hearing the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain a junkyard. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junkyard, to any record of convictions for any type of larceny or receiving of stolen goods, and to any other matter within the purposes of this section.

**SECTION 7.** Location requirements. At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junkyard. In passing upon same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding properties, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes.

**SECTION 8.** Aesthetic considerations. At the hearing regarding location of the junk yard, the Town Board may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the Town Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of the proposed junkyard to established residential and recreational areas or main access routes thereto as well as the reasonable availability of other suitable sites for the junkyard.

**SECTION 9.** Grant or denial of application; appeal. After hearing the Town Board shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following April first. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of the annual license fee without hearing, provided all provisions of this chapter are complied with during the license period, the junkyard does not become a public nuisance under the common law and the applicant is not convicted of any type of larceny or the receiving of stolen goods. The determination of the Town Board may be reviewed under article seventy-eight of the civil practice law and rules.

**SECTION 10.** License Fees. The annual license fee shall be twenty-five dollars to be paid at the time the application is made and annually thereafter in the event of renewal. In the event the application is not granted, the fee shall be returned to the applicant.

**SECTION 11.** Fencing. Before use, a new junkyard shall be completely surrounded by a fence at least eight feet in height which substantially screens and with a suitable gate which shall be closed and locked except during the working hours of such junkyard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than fifty feet from a public highway. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junkyard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all burning of same within the vicinity of the junkyard shall be accomplished within the enclosure.

Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the Town Board upon granting the license, provided, however, that such natural barrier conforms with the purposes of this local law.

SECTION 12. Notwithstanding any of the foregoing provisions of this section, no junk yard, hereafter established, shall be licensed to operate or such yard or any part thereof shall be within five hundred feet of a church, school, hospital, public building, or place of public assembly.

SECTION 13. Violators of any of the portions of this local law shall be guilty of an offense punishable by a fine not exceeding one hundred dollars and each week that such violation is carried on or continues shall constitute a separate violation.

The Town Board in the name of the Town, or any person aggrieved, may maintain a legal or equitable action or proceeding in any court of competent jurisdiction to compel compliance with or to restrain by injunction of the violation of any provision of this local law.

SECTION 14. Validity. In the event that any portion of this law shall be declared invalid or held unconstitutional, said invalidity or unconstitutionality shall not affect the remaining provisions which shall remain in full force and effect.

SECTION 15. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State and according to law.

Said local law is on file in the Town Clerk's Office in the Town of Lake Pleasant, New York.

Dated: August 16, 1972

**LOCAL LAW #3 OF THE YEAR 1983, TOWN OF LAKE PLEASANT****TOWN OF LAKE PLEASANT UNSAFE BUILDING ORDINANCE**

Pursuant to Section 130, subsection 16 of the Town Law of the State of New York, the Town Board of the Town of Lake Pleasant, Hamilton County, New York, does hereby ordain and enact as follows:

**SECTION I. Title of Ordinance:** This ordinance shall be known as the "Town of Lake Pleasant Unsafe Building Ordinance".

**SECTION II. Purpose of Ordinance:** The purpose of this ordinance is to protect the public health, safety and welfare of the people of the Town of Lake Pleasant by requiring unsafe and collapsed structures to be repaired or removed. This ordinance is hereby declared to be remedial and essential to the public interest and it is intended that this ordinance be literally construed to effectuate the purposes as stated herein.

**SECTION III. Definition:** The term "unsafe building" as used in this article is hereby defined to mean and include:

- a. any building, shed, fence or other man made structure which is dangerous to the public health because of its conditions and which may cause or aid in the spread of disease, or injury to the health of the occupants of it, or neighboring structures;
- b. any building, shed, fence or other man made structure which, because of faulty construction, are, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
- c. any building, shed, fence or other man made structure which by reason of faulty construction or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
- d. any building, shed, fence or other man made structure which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

**SECTION IV. Prohibition:** It shall be unlawful to maintain or permit the existence of an unsafe building within the Town of Lake Pleasant and it shall be unlawful for the owner, occupant or person in custody of any unsafe building to permit the same to remain in an unsafe condition or to occupy such unsafe building or permit it to be occupied while it is or remains in an unsafe and dangerous condition.

**SECTION V. Abatement:** Whenever the Zoning Enforcement Officer or any other office duly appointed by the Town Board, after inspection of any building, shall be of the opinion that said building is an unsafe building, he shall file a written report with this Board containing a description of the premises and a statement of the particulars in which the building or structure is unsafe or dangerous.

**SECTION VI. Procedure:** The Town Board upon receiving such report shall by a resolution, direct that written notice be served on the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said unsafe building, in the manner provided for in Section 130, subsection 16(b) of the Town Law of the State of New York.

The notice to be served shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the premises to be made safe and secure or the unsafe building removed.

The notice shall also contain a time within which the person served with such notice shall commence the securing or removing of the buildings or structures.

The notice shall also contain a notice for a hearing before this Town Board setting forth the time and place thereof.

The notice shall also contain a statement that in the event such owner fails or refuses to repair or remove the said unsafe building or structure, within the time period provided, the town shall do so and all of the costs and expenses incurred by the town in connection with the proceeding to remove or secure, including the cost of actually removing said building or structure, will be assessed against the land which said building or structure are located.

The notice shall also be filed in the Hamilton County Clerk's Office in the manner provided for in Section 130, subsection 16(d) of the Town Law of the State of New York.

The form of the notice shall substantially conform to Schedule A attached hereto and made part hereof.

**SECTION VII. Enforcement:** The Zoning Officer of the Town of Lake Pleasant or some other officer of the town, designated by the Town Board, shall enforce all of the provisions of this ordinance. Such officers shall have the right to enter upon and inspect any alleged unsafe building for the purpose of performing his duties under this ordinance.

**SECTION VIII. Severability:** If any Section or provision of this ordinance shall be held invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this ordinance which shall remain in full force and effect.

**SECTION IX. Effective Date:** This ordinance shall take effect immediately.

SCHEDULE A

NOTICE TO OWNER OF UNSAFE OR DANGEROUS BUILDING

To \_\_\_\_\_, owner of a building located on \_\_\_\_\_, Town of Lake Pleasant, Hamilton County, New York:

Please Take Notice, that the Town Board of the Town of Lake Pleasant, County of Hamilton, has determined that the building alleged to be owned by you, is in an unsafe and dangerous condition to the public and you are hereby directed to repair or remove the same as hereinafter provided:

Please Take Further Notice,

1. That the building found to be unsafe and dangerous is located on \_\_\_\_\_, in the Town of Lake Pleasant, Hamilton County, New York and is comprised of a \_\_\_\_\_.

2. The particulars in which the building or structure is unsafe and dangerous are: \_\_\_\_\_.

3. Pursuant to the Town of Lake Pleasant Unsafe Building Ordinance and a resolution duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, you are hereby ordered and directed to either remove the building or put the same in a good state of repair. You are ordered to commence such removal or repair within thirty (30) days after the receipt of this notice and you thereafter shall diligently continue with such removal or repair to the end that the same be completed within sixty (60) days after receipt of such notice.

4. You are entitled to a hearing before this Town Board. The hearing has been scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, to be held at \_\_\_\_\_ o'clock in the afternoon at the Town Hall, in the Town of Lake Pleasant, New York.

ATTENTION: Your failure to appear personally or by counsel for the hearing shall constitute a waiver of the hearing. You should be prepared to present all evidence and witnesses on your behalf at the hearing.

5. In the event of your neglect or refusal to comply with the foregoing within the time period provided, the Town of Lake Pleasant may proceed to remove such unsafe building or structure.

6. The Town of Lake Pleasant shall assess all costs and expenses incurred by the Town in connection with the proceeding to remove or secure said unsafe building including the cost of actually removing said building or structure against the the land which said building or structure are located.

As to all of which you are given notice this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

TOWN OF LAKE PLEASANT

By: \_\_\_\_\_  
Town Clerk, Town of Lake Pleasant,  
Hamilton County, New York

ORDINANCE NO. 1 OF 1988

TOWN OF LAKE PLEASANT  
HAMILTON COUNTY  
NEW YORK

AMENDMENT TO THE TOWN OF LAKE PLEASANT ZONING ORDINANCE

Pursuant to Article 16 of the Town Law of the State of New York and Article 10 of the Zoning Ordinance of the Town of Lake Pleasant, the Town Board of the Town of Lake Pleasant, Hamilton County, New York, does hereby ordain and enact the following:

I. AMENDS  
ARTICLE III - SECTION 4  
DEFINITIONS

To include the following words and phrases:

**CONDOMINIUMS:** shall mean a building or group of buildings in which dwelling units within the building are owned individually and the structure and common areas and facilities are owned by the owners on a proportional basis.

**MULTIPLE FAMILY DWELLING:** shall mean a building or group of buildings designed for year round occupancy by more than two families including apartment houses and group house, but excluding hotels, motels, and rooming houses.

**TOWN HOUSE DWELLING:** shall mean a building consisting of attached one family dwellings with a common wall between each two adjacent units.

II. AMENDS

ZONING SCHEDULE A      TOWN OF LAKE PLEASANT      DECEMBER 8, 1970

PD - Planned Development Districts to include under Principal Permitted Uses in the PR District, condominiums and townhouse dwelling in column 2

Columns 4 and 5 to include in PR District

One Family Dwelling	20,000 sq. ft.
Two Family Dwelling	20,000 sq. ft.
Condominium, Multiple)	
Family Dwelling)	12 DUs/per acre
Townhouse Dwelling)	