VILLAGE OF STILLWATER
LOCAL LAW NO. 1 OF 2024

A LOCAL LAW PROVIDING FOR THE REGULATION OF MANUFACTURED HOMES, MOBILE HOMES, AND MANUFACTURED HOME PARKS

Be it enacted by the Village Board of Trustees of Stillwater, in the County of Saratoga, as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this local law is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Village of Stillwater, and to regulate the construction, layout, placement and maintenance of manufactured homes, mobile homes and manufactured home parks within the Village of Stillwater in accordance with approved plans.

SECTION 2. REPEAL OF PRIOR RELATED LOCAL LAWS.

The enactment of this local law hereby repeals Local Law No. 4 of 1987 entitled "An ordinance regulating the operation of Mobile/House trailer and Mobile /house-trailer-courts within the Village of Stillwater under the authority of Section 4-412 of the Village Law.

SECTION 3. DEFINITIONS.

In this local law:

"Certificate of Occupancy" shall mean a document issued by the Village of Stillwater, Department of Code Enforcement certifying that the manufactured home or mobile home complies with the approved construction documents that have been submitted to and approved by the Village of Stillwater Department of Code Enforcement indicating it to be in a condition suitable for occupancy.

"Factory Manufactured Home" shall mean a structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended, or designed for permanent installation, or assembly and permanent installation, on a building site. These structures may also be referred to as a "Modular Home".

"Manufactured Home " shall mean a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which

is built 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; except that such term shall include a **mobile home** as defined in this section, and shall include a structure which meets all the requirements of this section except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development.

"Manufactured Home Park" shall mean a contiguous parcel of privately owned land which is used for the accommodation of three or more manufactured homes occupied for year-round living.

"Manufactured Home Park Unit" shall mean the lot or area in any manufactured home park which shall be assigned to or used and occupied by any one manufactured home or mobile home.

"Mobile Home" shall mean a moveable or portable unit, manufactured prior to January first, nineteen hundred seventy-six, designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. "Mobile Home" shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

SECTION 4. PERMITS.

(A) **Permit Required**. No person, firm or corporation being the owner or occupant of any land within the Village of Stillwater shall use or permit the use of said land or premises as a manufactured home, manufactured home park, or mobile home without first obtaining a permit issued by the Village of Stillwater Department of Code Enforcement.

(B) **Application for Permit.** Applicants for each permit shall fill out in its entirety an application form for that purpose as designated by the Village of Stillwater Department of Code enforcement.

(C) **Additional Requirements for Manufactured Home Parks Permits**. Each application for a manufactured home park permit shall include, among any other requested information, the following:

(1) the name, address, email and phone number of the applicant, property owner, property manager and/or any authorized representative thereof;

(2) the name, address, email and phone number of each partner if the applicant is a partnership, each member if the applicant is a limited liability company, and each officer and director if the applicant is a corporation;

(3) a complete description of the property upon which the proposed manufactured home park is to be located;

(4) the number of homes or units to be located on the property;

(5) a set of plans and specifications, prepared and drawn to scale by a registered architect or licensed professional engineer showing the layout of the manufactured home park, the location, the size and arrangement of each manufactured home park unit, location of streets, location of the water service, sewer service or septic system, and location of garbage receptacles; and

(6) Where the applicant is not the owner of the property, a copy of the Lease of the property and a written statement signed on a form designated by the Village of Stillwater Department of Code by all the owners consenting that the property is to be used for the purpose of the permit.

(D) **Public Hearing for Manufactured Home Parks.** A permit for a manufactured home park shall require a public hearing and approval of the application and site plan by the Board of Trustees of the Village of Stillwater. Any renewal of such permit shall also be subject to approval by the Board of Trustees, however, a public hearing shall not be required unless there is a change in the site plan or layout of the manufactured home park.

(E) **Compliance with Applicable Law.** All permit applications shall indicate compliance by the applicant with the requirements of this local law and all other applicable laws, rules or regulations, including those promulgated by the Sanitary Code of the State of New York, New York State Department of Health, and Saratoga County Department of Health. The issuance of a permit shall not be deemed to waive compliance with any such applicable laws, rules or regulations.

SECTION 5. PERMIT FEES.

A fee schedule for any permit required under this local law shall be established by resolution of the Village Board of Trustees of the Village of Stillwater. Such fee schedule may thereafter be amended from time to time by resolution. All permit fees shall be paid upon submission of any application for a permit.

SECTION 6. OPERATING PERMITS FOR MANUFACTURED HOME PARKS.

Upon approval of application for a manufactured home park, the Village Department of Code Enforcement shall issue an operating permit to become effective from the date thereof, and to continue in force for the term of one (1) year, for the use of the property therein specified, as a manufactured home park which operating permit shall specify the number of manufactured home park units which may be used in said manufactured home park. Such operating permit shall not be transferable. Operating permits shall be subject to renewal as provided by this local law.

SECTION 7. RENEWAL OF OPERATING PERMIT FOR MANUFACTURED HOME PARKS.

Application for the renewal of any manufactured home park operating permit issued pursuant to this local law, must be filed with the Department of Code Enforcement on or before the expiration date of said operating permit, together with the applicable renewal permit fee. The application for renewal shall be in on a form designated for this purpose by the Department of Code Enforcement and signed by the applicant and shall identify any change in the information required by "Section 3" subdivision "(C)" of this local law. Upon the approval of said application for a renewal of the operating permit by the Village Board of Trustees, the Department of Code Enforcement shall issue a new operating permit which shall become effective upon the expiration of the prior operating permit and continue in force for the term specified therein but in no event longer than for a period of one (1) year. Such operating permit shall not be transferable.

SECTION 8. REVOCATION OF PERMITS.

If any authorized representative of the Village of Stillwater finds that any manufactured home, manufactured home park, or mobile home is not being maintained in a clean and sanitary condition, is not being conducted in accordance with the provisions of this local law, or refuses an inspection, such facts shall thereupon be reported to the Board of Trustees of the Village of Stillwater, and said Village Board may direct the Department of Code Enforcement and/or the Bureau of Fire Services to issue and serve an order to remedy upon the holder of the permit or authorized representative, directing that the conditions therein specified be remedied within the time period specific by such order. If such conditions are not corrected, the Village of Stillwater Board of Trustees may cause an appearance notice in writing to be served upon the holder of said permit or authorized person thereof, requiring the holder of the permit or its authorized representative to appear before the Board of Trustees at a time to be specified in such appearance notice and to show cause why such permit should not be revoked. The Board of Trustees may after a hearing to which testimony of witnesses may be taken, and the holder of the permit

shall be heard, revoke such permit if said Board of Trustees shall find that said manufactured home, mobile home or manufactured home park is not being maintained in a clean and sanitary condition, or if they find that any provisions of this local law have been violated or for other sufficient cause. Upon the revocation of such permit, the property shall forthwith cease to be used for the purpose of a manufactured home, mobile home or manufactured home park, and all manufactured homes or mobile homes shall forthwith be removed therefrom.

SECTION 9. REGULATIONS FOR MANUFACTURED HOME PARKS.

(A) **Manufactured Home Park Site Plan.** Each manufactured home park constructed, altered, or expanded after the effective date of this local law shall be subdivided and marked off into lots for each manufactured home park unit, numbered consecutively. The number being conspicuously posted on each manufactured home park unit; each of such units shall contain at least 5,000 square feet and shall be at least 50 x 100 feet in dimension. No more than one manufactured home, or mobile home shall be permitted to occupy any more than one manufactured home park unit. The manufactured home park units shall be grouped in blocks with streets at least 35 feet wide between each block and be adequately lighted. Each manufactured home park unit shall have direct access to a street. No manufactured home park unit shall be located within 50 feet of any public highway or public street line nor within 25 feet of any adjacent property line or 50 feet of any adjacent dwelling house. Each manufactured home park and all parts thereof shall be kept in a clean and sanitary condition at all times.

(B) **Drainage and Grading.** All lands used as a manufactured home park shall be free of all dense growth of brush and weeds. The land shall be properly graded to ensure proper drainage and shall at all times be so drained as to be free from stagnant pools of water.

(C) **Water Supply and Water Connections.** A sufficient supply of pure drinking water shall be provided in convenient locations in the manufactured home park so to allow easy access for maintenance and repairs of supply system. Each manufactured home park unit shall be provided with proper water connections.

(D) **Disposal of Sewage and other Water Carried Wastes.**

(1) All sewage and other water carried wastes shall be disposed of into the Village sewage system whenever available. In manufactured home parks in which such connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace of health, and which system has been approved by the state and/or local department of health.

(2) Each manufactured home park unit shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each manufactured home or mobile home, and a trap below the frost line. It shall be the duty of the owner or operator of said manufactured home park to provide a water and odor tight connection from the water drainage to the sewer connection and it shall be the duty of said owner or operator to make such connections and keep all occupied manufactured homes or mobile homes connected to said sewer while located in a manufactured home park. Sewer connections in unoccupied manufactured home park units shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile/house trailer.

(E) **Garbage Disposal.** Each such manufactured home park constructed, altered or expanded after the effective date of this local law shall provide equipment sufficient to prevent littering of the property with rubbish, garbage and refuse and shall provide a fly-tight storage building or buildings and at a convenient location or locations equipped with fly-tight depositories of sufficient size and number to contain all the garbage and refuse that may accumulate between removals from the property.

(F) **Electric Service and Connections.** Each manufactured home park constructed, altered or expanded after the effective date of this local law shall provide weatherproof electric service connections and outlets. All electric fixture and appliance installation shall be approved by the most current New York State electrical code.

SECTION 10. APPLICATION TO EXISTING MANUFACTURED HOME PARKS.

Existing manufactured home parks located in the Village of Stillwater on the effective date of said local law and such existing manufactured home parks shall henceforth be maintained and operated in compliance with all of the provisions of this local law except that the provisions of Section 9 subsections (b) and (c) shall be subject to the laws and rules that were in effect at the time such existing manufactured home park was permitted. Any additions, extensions or enlargements of existing manufactured home parks shall be made in compliance with all the provisions of this local law.

SECTION 11. REGULATIONS FOR MANUFACTURED HOMES AND MOBILE HOMES NOT LOCATED IN A MANUFACTURED HOME PARK.

(A) **Highway Parking Prohibited.** No manufactured home or mobile home shall be parked or allowed to remain upon any public highway or private way in the Village of Stillwater for over eight (8) hours.

(B) No manufactured home or mobile home shall be parked outside of a duly permitted manufactured home park, in the Village of Stillwater, except as follows:

(1) Any owner of land who intends to build a dwelling house upon a parcel of land located in the Village of Stillwater may apply to the Department of Code Enforcement and after compliance with the provisions of this local law and payment of the fee set forth hereinafter, be granted a temporary manufactured home parking permit to park a manufactured home or mobile home upon said parcel of land during the erection of said dwelling. The aforesaid permit shall be issued by the Department of Code Enforcement for a period not in excess of six (6) months from the date of issuance thereof, or until the dwelling being constructed is occupied, whichever is the shorter period. Said permit may be extended by request to the Department of Code Enforcement for a period not to exceed three (3) months from the date of expiration. In the event that the said owner desires an additional extension of the said permit, a written application shall be submitted to the Board of Trustees for the Village of Stillwater, which extension may be granted or denied by the said Village Board after an examination of the facts and circumstances concerning the same and after the applicant has been given an opportunity to speak on behalf of such application. Upon the expiration of the aforesaid permit and/or any extension thereof, said manufactured home or mobile home shall be vacated as living quarters and disconnected from its water supply and sewage disposal system.

(2) None of the provisions of this local law shall be applicable to utility or office trailer located on the site of a commercial or public construction project, survey project or other similar work project and used solely as a field office or work or tool house in connection with such project, provided such trailer is removed from the site within a reasonable time after the completion of such project.

(3) Any owner or occupant of a manufactured home or mobile home desiring to place or park the same in the Village of Stillwater outside a permitted manufactured home park for human habitation, other than an owner or occupant set forth in subdivisions 1 and 2 hereof shall make written application to the Village of Stillwater Department of Code Enforcement, and after compliance with the provisions of this local law and payment of the fee set forth hereinafter, be granted a temporary manufactured home parking permit to so park or place a manufactured home or mobile home. Said permit shall be valid for a term of four (4) weeks and no additional permit shall be issued to the said owner or occupant and/or the owner of the land upon which the said manufactured home or mobile home is parked or placed for any period of time during the next succeeding eleven (11) months, provided, however, that the owner or occupant of the said manufactured home or mobile home, and/or the

owner of the land upon which the said manufactured home or mobile home was located may apply in writing to the Board of Trustees for the Village of Stillwater for an extension of the aforesaid permit for a period not to exceed eleven (11) months, which extension shall be granted or denied by the Village Board after an examination of the facts and circumstances concerning the same and after the applicant has been accorded an opportunity to speak on behalf of such application.

(4) Any inhabited manufactured home or mobile home parked and maintained pursuant to the provisions of this section shall have an approved water supply and shall install and use a sewage disposal system at least equal to that required by a 2-bedroom dwelling.

(5) The written approval of the Water Supply and Sewage Disposal Systems by the state and/or local department of health must be presented to the Village of Stillwater Department of Code Enforcement with the application for a permit under subdivision 8 herein.

(6) An uninhabited manufactured home or mobile home not exceeding 10 feet in width and 25 feet in length may be parked or stored outside of a permitted manufactured home park provided, however, that it shall not be parked between the street line and front of any buildings. It may be parked in the side yards or back yard of said property.

(7) A manufactured home or mobile home outside of a manufactured home park that has not unoccupied for a period of one year shall be considered vacant and subject to the villages vacant building law.

No person, firm or corporation being the owner or occupant of any land within the Village of Stillwater shall use or permit the use of said land or premises for the parking of a manufactured home or mobile home without obtaining a temporary manufactured home parking permit from the Village of Stillwater Department of Code Enforcement.

SECTION 12. APPLICATION TO EXISTING MANUFACTURED HOMES OR MOBILE HOMES NOT LOCATED IN A MANUFACTURED HOME PARK.

(A) Existing manufactured homes or mobile homes that are occupied as a dwelling and located outside of a duly permitted manufactured home park prior to the adoption of this local law, may remain in the same position or place in which they are then parked, provided, however, that no such manufactured home or mobile home shall be moved to a new location in the Village of Stillwater except in compliance with the provisions of this local law.

(B) The owners or lessees of manufactured homes or mobiles that are occupied as a dwelling and located outside of a duly permitted manufactured home park prior to the adoption of this local law may replace the same with another manufactured home or mobile home, subject to the following conditions:

(1) The replacement of a manufactured home or mobile home shall not be permitted in Transect Zone 5 of the Village's Form-Based Code.
(2) The replacement of a manufactured home or mobile home shall not be permitted if there is another manufactured home, mobile home, residential dwelling, commercial building, or industrial structure also existing on the same parcel of land.
(3) The replacement manufactured home or mobile home must be located upon the same parcel of land and in the same general location within six (6) months of removal of the original manufactured home or mobile home.
(4) The dimensions of the replacement manufactured home or mobile home shall not exceed the dimensions of the original manufactured home or mobile home;
(5) The owner of the manufactured home or mobile home to be replaced shall file a plot plan with the Department of Code Enforcement showing the dimensions of the new manufactured home or mobile home and its location upon the building lot.

(C) Any additions, extensions or supplements to a manufactured home or mobile home located outside of a manufactured home park at the time of the enactment of this local law must be made pursuant to this local law.

SECTION 13. FACTORY MANUFACTURED HOMES (MODULAR HOMES).

Nothing contained in this local law shall be construed as a prohibition of the construction or use of factory manufactured homes (modular homes) within the Village of Stillwater as long as the same comply with all construction, health and sanitary rules provided by the State of New York.

SECTION 14. INSPECTIONS.

The Village of Stillwater Department of Code Enforcement, Village of Stillwater Bureau of Fire Services, Town of Stillwater Police Department, Saratoga County Department of Health, Saratoga County Department of Social Services, and their duly authorized agents or employees, shall have the right at any reasonable time to enter any manufactured home park or other property used for the parking or location of a manufactured home or mobile home, and shall have the right at all times to inspect all parts of said premises, and to inspect the records required to be kept pursuant to this local law or other applicable state or local law or regulation.

SECTION 15. VIOLATION; PENALTIES.

(A) Order to Remedy. The Code Enforcement Officer or Bureau of Fire Services is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer or Bureau of Fire Services shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer or Bureau of Fire Services deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer or Bureau of Fire Services shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer or Bureau of Fire Services shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order to Remedy.

(B) Appearance Tickets. The Code Enforcement Officer, Bureau of Fire Services and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(C) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than $200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Village.

(D) Injunctive Relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy

Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer or Bureau of Fire Services pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of Trustees of this Village.

(E) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

(F) When a judgment is obtained by the Village of Stillwater in an action to recover fines or civil penalties under this local law, the monetary amount of such judgment shall become a lien upon the real property on which the violations have been found, which lien shall be filed with the Village Clerk within one year from the entry of judgment and the total amount thereof shall be added to become part of the next annual property tax assessment roll and subject to all the provisions thereof. Nothing herein shall preclude the Village from enforcing such judgment by any other appropriate method established by law.

SECTION 16. INTERMUNICPAL AGREEMENTS.

The Village Board of Trustees of this Village may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 17. PARTIAL VALIDITY.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 18. EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.