

TOWN OF LIVERMORE
MOBILE HOME PARK ORDINANCE

ADOPTED: MARCH 9, 1996

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A TRUE COPY OF AN ORDINANCE ENTITLED "MOBILE HOME PARK ORDINANCE" OF T. TOWN OF LIVERMORE AS CERTIFIED TO ME BY THE MUNICIPAL OFFICERS' OF LIVE. ORI ON THE 25th OF MARCH, 1996.

SIGNATURE: [Signature]

[Signature]

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MOBILE HOME PARK ORDINANCE
OF THE
TOWN OF LIVERMORE

Section I. TITLE

This ordinance shall be known and cited as the "MOBILE HOME PARK ORDINANCE" of the Town of Livermore, Maine.

Section II. PURPOSE

To protect the health, safety, and general welfare of the people; to protect the environment; and provide for the orderly development of mobile home parks.

Section III. APPLICABILITY

No provision of this ordinance shall apply to trailers as defined under Section XII D (1-4).

Enactment of this ordinance shall constitute a repeal of the "Mobile Home Park Ordinance" currently in effect.

The provisions of this ordinance, after adoption, shall not apply to existing mobile home parks, but shall apply to further additions to existing mobile home parks.

No person shall establish, conduct, maintain or operate a mobile home park without first obtaining a permit.

Section IV. APPLICATION PROCEDURE

Application for a permit shall be submitted to the Planning Board. A copy shall be forwarded to the Board of Selectmen and the Plumbing Inspector for review and comments. If the application is complete and approved, the Board will issue a permit. The application shall contain the following:

- (a) Interested Party. The name and address of the applicant and the name and address of the real party in interest if other than the applicant.
- (b) Plot Plan. A preliminary and final planning process shall be undertaken with the Planning Board and the Planning Board's approval must be obtained.
- (c) Certification. Certificate of Approval of the Plumbing

Inspector as to the compliance with the sanitary requirements of the town.

- (d) Proof. Proof of ownership, option, or valid lease of the premises to be used as a mobile home park.
- (e) The initial fee for a permit for a mobile home park shall be \$100.00 plus \$10.00 per lot or unit for the first 10 units and a fee of \$15.00 for each lot or unit over 10. The first 2 units are included in initial fee.

Section V. PERFORMANCE STANDARDS AND REQUIREMENTS

Each mobile home park or extension thereof, and any mobile home subdivision or development, shall conform to the following requirements:

A. Lot Size, Width and Density

1. All lots will be designated on a mobile home park plan.
2. Lots served by public sewer shall have a minimum lot area of 6,500 sq. ft. The lots will have a minimum lot width of 50 ft.
3. Lots served by individual subsurface sewage disposal systems will have a minimum lot area of 20,000 sq. ft. and minimum lot width of 100 feet. *How about off lot septic.*
4. Lots served by a central subsurface wastewater disposal system will have minimum lot area of 12,000 sq. ft. and minimum lot width of 75 feet.
5. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 sq. feet of total park area.
6. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
7. Lots within a shoreland zoning district shall meet the lot area, lot width, setback and shore frontage requirements for that district.
8. The overall area of the mobile home park shall be the combined area of the mobile home lots plus:
 - (a) The area required for road rights-of-way:

needs to change

- (b) The area required for buffer strips, if any
- (c) The area required for open space:
- (d) The area within the municipality's shoreland setback.

B. Lot Setbacks

Mobile homes in a mobile home park, but adjacent to a public road, shall be set back from the road a distance equal to the setback requirements for other residential developments.

C. Open Space Requirements

The Board may require that within mobile home parks on a public sewer, an area of land be reserved as an open space and/or recreational area for use by all residents of the park. This requirement will be in accordance with provisions relating to other residential developments. No more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation.

D. Buffer Strips

The Board requires a buffer strip of 50 feet in width, such as natural vegetation, where separation is desirable. The width of the buffer strip must comply with the requirements of Title 30-A, MRSA, Section 4358, Regulation of Manufactured Housing.

E. Parking Requirements

For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 sq. ft. with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces is provided by a parking lane.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

F. Road Standards

The main entrance of the mobile home park shall be from a State, State Aid or Town Road. All mobile home park lots shall abut on a roadway designed in accordance with the Town of Livermore Streets and Ways Ordinance.

Parks generating more than 500 vehicle trips per day will require a traffic impact analysis by a Professional Engineer, registered in the State of Maine.

G. Street Lights

Mobile home park streets shall be illuminated by street lighting installed at regular intervals of 300+- feet. These lights shall be provided and maintained by the mobile home park owner.

H. Storm Drainage

A storm drainage plan will be prepared by a Professional Engineer, registered in the State of Maine, showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

I. Ground Water

For mobile home parks not served by a public sewer, an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include all the required information as outlined in a booklet entitled, "Maine's New Mobile Home Park Law, A Guidebook for Local Officials" by the Department of Economic and Community Development, September 1989, pages 50-53.

J. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

1. An adequate and potable supply of water, with a minimum of 30 pounds per square inch pressure at all times, shall be provided for each mobile home space or lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day.
2. All mobile homes in a mobile home park shall be connected to the municipal sewer system or a centralized private system by means of an approved system of collector and interceptor sewer lines.

3. Where municipal sewer or a centralized private sewer system is not used an approved septic sewage disposal system shall be provided for each lot in a mobile home park.

K. Refuse

The storage, collection and disposal of refuse in the mobile home park shall be so handled or managed by the permittee as to create no health hazards, rodent harborage, insect breeding area, accident hazards or area pollution. One refuse can with a tight fitting cover for each occupied mobile home lot or space shall be furnished by the mobile home owner.

L. Aesthetics

1. Skirting. An underskirt of a substantial material must be installed within 90 days from installation of mobile homes.
2. Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

M. Records

Each permittee shall keep a written record, subject to inspection at any reasonable time be a duly authorized officer of the Town of Livermore, which shall contain the date of arrival, the name, make, year, model, serial number (where applicable) and length of mobile home, and also the names of the occupants thereof. A complete list of the above shall be furnished to the Assessor's Office on April 1 of each year.

N. Certification of Payment of Sales Tax

No municipality may allow the construction or location of any new manufactured housing within the municipality by any person other than a dealer licensed by the State with a sales tax certificate, without:

1. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufacturing housing to the buyer locating the housing in the municipality; or

*need for
trailer's
not needed
for park
Take out*

2. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36, Section 1760, Subsection 40, and Title 36, Section 1952-B.

The permit is deemed to be not approved or valid until payment of the sales tax has been certified.

Section VI. PLANNING BOARD ACTION ON APPLICATION

- A. Within 30 days of receipt of an application, the Planning Board shall notify the applicant in writing either that the application has been found to be complete or, if the application is incomplete, that certain specific additional material is needed to make the application complete. When the Planning Board is satisfied that it has a complete application, it shall notify the applicant in writing and begin its review of the proposed development.
- B. The Planning Board may hold a public hearing within 30 days after the Planning Board has notified the applicant that the application is complete. The Planning Board shall publish the time, date and place of the hearing at least seven days prior to the hearing in a newspaper of area-wide circulation. The applicant shall send notice of the hearing by certified mail, return receipts requested, to abutting landowners, including owners of property on the opposite side of the road, a minimum of 10 days prior to the date of the public hearing.
- C. Within 30 days of the public hearing or if no public hearing is held within 60 days after the Planning Board has notified the applicant that the application is complete, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
- D. Within seven days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

Section VII. AUTHORITY AND ADMINISTRATION

A. Authority

1. This ordinance is adopted pursuant to HOME Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, MRSA, Section 2151-A (Home Rule).
2. This ordinance is enacted in accordance with Title 30-A, MRSA, Section 2153, "Enactment Procedure" (Enactment of Ordinance) and Section 4358, "Regulation of Manufactured Housing".
3. The Code Enforcement Officer shall be charged with the responsibility of enforcing this ordinance.

B. Administration

1. This ordinance shall be administered by the Planning Board for the Town of Livermore hereafter referred to as the "Board".
2. The provisions of this ordinance shall apply to all of the land areas within the Town of Livermore.

Section VIII. ENFORCEMENT

- A. The Code Enforcement Officer of the Town of Livermore shall act in all cases of violations of this ordinance by notifying in writing the owner or lessor of the lot, the Board of Selectmen and the Planning Board of the nature of the violation and the correction, if possible, required.
- B. The Board of Selectmen is charged with the prosecution for all violations of the provisions of this ordinance. In cases where such notices referred to in Section VIII-A are not promptly complied with after receipt of said notices, the Board of Selectmen shall make such complaint to the courts as, in their judgement, is proper, or the Board may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.
- C. Any persons or party who shall violate any of the provisions of this ordinance or shall fail to comply with any of the requirements thereof, shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$100, and each day on which such

violations shall continue shall constitute a separate offense.

Section IX. APPEALS

- A. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Livermore.
- B. The Board of Appeals for the Town of Livermore shall function in accordance with Title 30-A, MRSA, Section 2411.
- C. Powers and Duties of the Board of Appeals
 1. Administrative Appeals: to consider alleged error(s) in procedures by the Selectmen or Code Enforcement Officer in the administration or enforcement of this ordinance.
 2. Variance Appeals: to consider if, in specific cases, a relaxation of the terms of this ordinance would be contrary to public interest and intent of this ordinance or if, owing to unique conditions of the property and not to the result of actions of the applicant, literal enforcement would cause undue hardship.
 - a. The crucial points of variance are undue hardship and unique circumstances applying to the property. Both of these elements must be present to grant a variance.
 - b. A variance is only authorized for area and dimensional requirements of this ordinance.
- D. Filing Procedures

The aggrieved person or party shall commence his appeal within 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for appeal.
- E. Hearing

Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer,

Board of Selectmen and the Planning Board at least 20 days in advance, of the time and place of the hearing, and publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

Section X. AMENDMENTS

- A. This ordinance may be amended by a majority vote at Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen or by petition of a number of voters equal to 10% of the number of votes cast in the municipality at the last gubernatorial election.
- B. The Planning Board shall hold public hearings on all proposed amendments.

Section XI. VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES

- A. Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these regulations are hereby declared to be severable.
- B. The effective date of this ordinance shall be upon adoption by the Governing Body of the Town of Livermore.
- C. This ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail.
- D. Adoption of this ordinance shall repeal any and all previously adopted Mobile Home Park ordinances.

Section XII. DEFINITIONS

- A. **Manufactured Housing.** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. Manufactured housing includes:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;
 - (a) This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
 2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.
- B. Mobile home park. A parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes.
- C. Mobile home park lot. The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.
- D. Trailer. The following shall be considered a trailer:
1. Travel Trailer. A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and

vacation, having body width not exceeding 8 feet and body length not exceeding 32 feet.

2. Pick-up Coach. A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 3. Motor Home. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 4. Camping Trailer. A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation.
- E. Person. The word "person" shall include individuals, corporations, owners, lessees, licensees and agents of each of them.
- F. Permittee. "Permittee" shall be deemed to be any person, firm or corporation receiving a permit to conduct, operate or maintain a mobile home park.