

**Mobile Home Park Ordinance
of
Town of Canaan**

ADOPTED NOVEMBER 7, 1996
REFERENDUM VOTE 513 YES 272 NO

TOWN OF CANAAN

MOBILE HOME PARK ORDINANCE

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Mobile Home Park Ordinance of the Town of Canaan", and will be referred to herein as the Ordinance.

SECTION 2. AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 30-A, Maine Revised Statutes Annotated, Sections 2001, Home Rule; 4401-4407 and Manufactured Housing; 4358, as amended.

SECTION 3. PURPOSE

The purpose of this Ordinance is to promote the health, safety and general welfare of the residents of the Town of Canaan by the establishment of regulations to control the design of Mobile Home Parks. This Ordinance conforms to all applicable State of Maine laws and regulations dealing with manufactured housing in order to provide an affordable housing opportunity for the residents of the Town.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town existing on the effective date of this Ordinance or State or Federal regulation, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

SECTION 5. VALIDITY AND SEVERABILITY AND AVAILABILITY

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 this Ordinance.

A copy of this Ordinance shall be assessable to any member of the public. Copies will be made available to the public at reasonable cost, at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 6. EXISTING MOBILE HOME PARKS

Mobile Home Parks legally in existence at the time of adoption of this Ordinance shall continue as a legal use however any expansion or enlargement shall conform to the applicable standards contained in this Ordinance.

SECTION 7. AMENDMENTS

Amendments may be initiated by the Board of Selectman, Planning Board, or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the Municipality in the last gubernatorial election.

This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by a referendum ballot.

SECTION 8. APEALS

An appeal may be taken, within 30 days from the Planning Board's decision on the mobile home park application, by any aggrieved party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective when adopted by a majority of the voters at regular town meeting or special town meeting or by referendum.

As of the adoption of this Ordinance, the former Mobile Home Park Ordinance adopted on March 13, 1987 is repealed and replaced with this Ordinance.

SECTION 10. DEFINITIONS

10.1 Manufactured Housing

Manufactured Housing means 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. The term includes any type of building which is constructed at the manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this Ordinance 2 types of manufactured housing are included. Those 2 types are:

Type 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;

This term also includes any structure which meets all the requirements of this subparagraph, except for 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

Type 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.

10.2 Mobile Home Park

Mobile Home Park means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes.

10.3 Mobile Home Park Lot

Mobile Home Park Lot means the area of land on which individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

10.4 Permanent Foundation

Permanent Foundation means all of the following:

- A full, poured concrete or masonry foundation,
- A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
- A reinforced, floating concrete pad for which the Town may require an engineer's certification if it is to be placed on soil with a high frost susceptibility.
- Any foundation which is allowed by the Town for residential construction and in the case of manufactured housing may also include a gravel pad consisting of at least of 18 inches of compacted gravel.

10.5 Pitched Roof

Pitched Roof means a roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered by asphalt, fiberglass composition shingles or other roof covering materials commonly used in residential construction.

SECTION 11. APPLICATION PROCEDURE AND FEES

11.1 All new mobile home parks and expansions of existing mobile home parks shall obtain a permit from the Town of Canaan Planning Board according to the following procedure:

11.1.1 All mobile home park applications shall be reviewed under the Town's Subdivision Ordinance and shall be considered a subdivision for the purposes of this Ordinance.

11.1.2 All mobile home park proposals shall conform to all the applicable standards contained in the Town's Subdivision Ordinance except for those specific standards contained in this Ordinance that apply only to mobile home parks.

11.1.3 All mobile home park proposals shall obtain all applicable State permits including a license from the Manufactured Housing Board. The Town of Canaan mobile home park permit shall be issued conditional upon approval of all State permits and licenses.

11.2 FEES

The non-refundable permit application fee shall be \$100.00 plus \$25.00 for each mobile home park lot. The fee shall be paid upon filing the application with the Planning Board.

11.3 MODIFICATIONS

A mobile home park approved under this Ordinance shall not be converted into another use or be expanded without prior approval of the Planning Board. The creation of new mobile home park lots in an existing park shall require a new permit for the expansion according to the procedure set forth above, however minor modifications that do not involve additional lots may be approved by the Planning Board. All minor changes approved by the Board shall be noted on the original subdivision plan.

11.4 Plan Record

All approved mobile home park plans shall be recorded at the registry of deeds and filed with the Town. The following restrictions as well as any other notes or conditions of approval shall be included on the plan:

- The land within the park shall remain in a unified ownership and the fee to the lots or portions of lots shall not be transferred.
- No dwelling unit other than a manufactured housing unit shall be located within the park.

SECTION 12. DIMENSIONAL REQUIREMENTS

The following dimensional requirements shall apply to all mobile home parks and lots:

12.1 LOT AREA AND SETBACKS

12.1.1 Lots served by public sewer:

Min. lot area: 6,500 square feet
Min. lot width: 50 feet
Side setback: 10 feet
Rear setback: 10 feet
Front setback: 10 feet

12.1.2 Lots served by individual subsurface waste water disposal systems:

Min. lot area: 20,000 square feet
Min. lot width: 100 feet
Side setback: 10 feet
Rear setback: 10 feet
Front setback: 10 feet

12.1.3 Lots served by a central subsurface waste disposal system:

Min. lot area: 12,000 square feet
Min. lot width: 75 feet
Side setback: 10 feet
Rear setback: 10 feet
Front setback: 10 feet

12.1.4 The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

12.1.5 Lots located within any Shoreland Zoning District shall meet the lot area, lot width and shore frontage requirements for that district.

12.1.6 The front setback shall be measured from the right of way line of a public way or in the case of a private road or park road, the edge of the travel way.

12.1.7 The minimum lot area for each mobile home park lot shall not include any of the following: any portion of a private road or right of way, any area designated as open space, any area within the park buffer strip, and any area within a wetland, stream, pond or steep slope in excess of 15% .

SECTION 13. MANUFACTURED HOUSING REQUIREMENTS

The following requirements shall apply to all manufactured housing units located within a mobile home park:

13.1 All manufactured housing units shall be installed in accordance with the "Manufactured Home Installation Standard" as adopted by the State of Maine, Department of Professional and Financial Regulation, Manufactured Housing Board.

13.2 All manufactured housing shall comply with the following design standards:

13.2.1 All units shall have a permanent foundation.

13.2.2 All units shall contain at least one smoke detector.

13.2.3 All units shall have skirting installed and contain at least one access panel.

13.2.4 All units shall have at least two egress doors that shall have at least 28 inches of cleared opening width. Slider doors may qualify for one of the required openings.

13.2.5 All units shall be provided with at least two off road parking spaces.

13.2.6 All units shall be provided with a lot number that shall be displayed within 10 feet of the road right of way. The lot number may be installed on the home or on a free standing sign. The number shall be at least 4 inches in height and shall be visible during all seasons of the year from the road. The unit number shall be displayed in order to aid emergency personal to locate the unit.

13.2.7 All sleeping rooms shall have at least one means of egress that conforms to the egress requirements contained in "NFPA 101, The Life Safety Code" for single and two family dwellings. The most recent edition of NFPA 101, as adopted by the State of Maine, shall be followed.

SECTION 14. PARK BUFFER STRIPS

14.1 All mobile home parks shall contain the following buffer strips in order to provide a visual barrier between the park and abutting lots, uses and structures. The purpose of this buffer is for, but not limited to visual attractiveness, maintain rural character, filter out noise and dust, and to separate abutting land uses and structures from the dense development pattern.

14.2 Mobile home parks with greater than 20 mobile homes shall be grouped into a

maximum of a 20 mobile home cluster. A minimum of a 50 foot buffer shall be installed between each cluster of 20 mobile homes or less.

14.3 All mobile home parks that have frontage along an existing Town or State public road shall contain a minimum of a 50 foot wide buffer along the entire length of the public right of way.

14.4 A minimum of a 20 foot wide screening strip within the buffer shall be maintained along all boundaries, public road rights of way and between clusters of 20 mobile homes lots. This screening strip shall provide a dense visual screen consisting of shrubs or trees, a minimum of 6 feet in height. Existing natural vegetation that fulfills these requirements may be utilized.

14.5 The remaining buffer strip area of 30 feet may be utilized for flower and vegetable gardens, shrubs, trees, other types of vegetation, play ground area, subsurface waste water disposal systems and wells.

14.6 Utility easements and access roads shall be allowed to cross the buffer area. Access roads shall serve a minimum of 3 mobile home lots.

SECTION 15. ROAD STANDARDS

15.1 All roads designed within the mobile home park that are intended to be offered to the Town for acceptance shall be designed and constructed according to the Town's Road Standards. Roads not designed according to the Town's standards shall remain private roads.

15.2 All private roads within a mobile home park shall be designed by a Professional Engineer, registered in the State of Maine and shall be built according to accepted engineering standards.

15.3 Minimum Private Road Standards

15.3.1 Roads shall have a minimum right of way of 23 feet and a 20 foot travel way.

15.3.2 The minimum travel way requirements shall consist of a sub-base of 15 inches of gravel plus 3 inches of surface gravel for a combined total of 18 inches of gravel.

15.3.2.1 the gravel sub-base shall consist of sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances and shall have no stones larger than 6 inches in size. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percent by weight passing, square mesh sieve
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

15.3.2.2 The base or surface gravel shall have no stones larger than 2 inches in size and shall meet the following gradation:

Sieve Designation	Percent by weight passing, square mesh sieve
2 inch	95-100%
1/2 inch	30-65%
No. 200	7-12%

15.3.3 Mobile home park roads that intersect with public roads shall meet the following:

15.3.3.1 The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

15.3.3.2 The maximum grade within 75 feet of intersection shall be 2% .

15.3.3.3 The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distance shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/2 feet. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.

15.3.3.4 The centerline of any street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

SECTION 16. PARK ADMINISTRATION

16.1 The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park owned structures and their sites.

16.2 Park management shall conform to all applicable State Laws and Regulations.

16.3 The park owner shall be responsible for the maintenance and safe operation of the following items: all private roads, solid waste and recyclable materials collection, individual and central subsurface waste water disposal systems, and utility services including water and electric.

SECTION 17. ENFORCEMENT

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance

is being violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. Said violation shall be corrected within 30 days.

After notification and the 30 day correction period, any person who continues to violate any provision of this Ordinance, after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of \$50.00 for each violation. Each day such violation is continued is a separate offense.