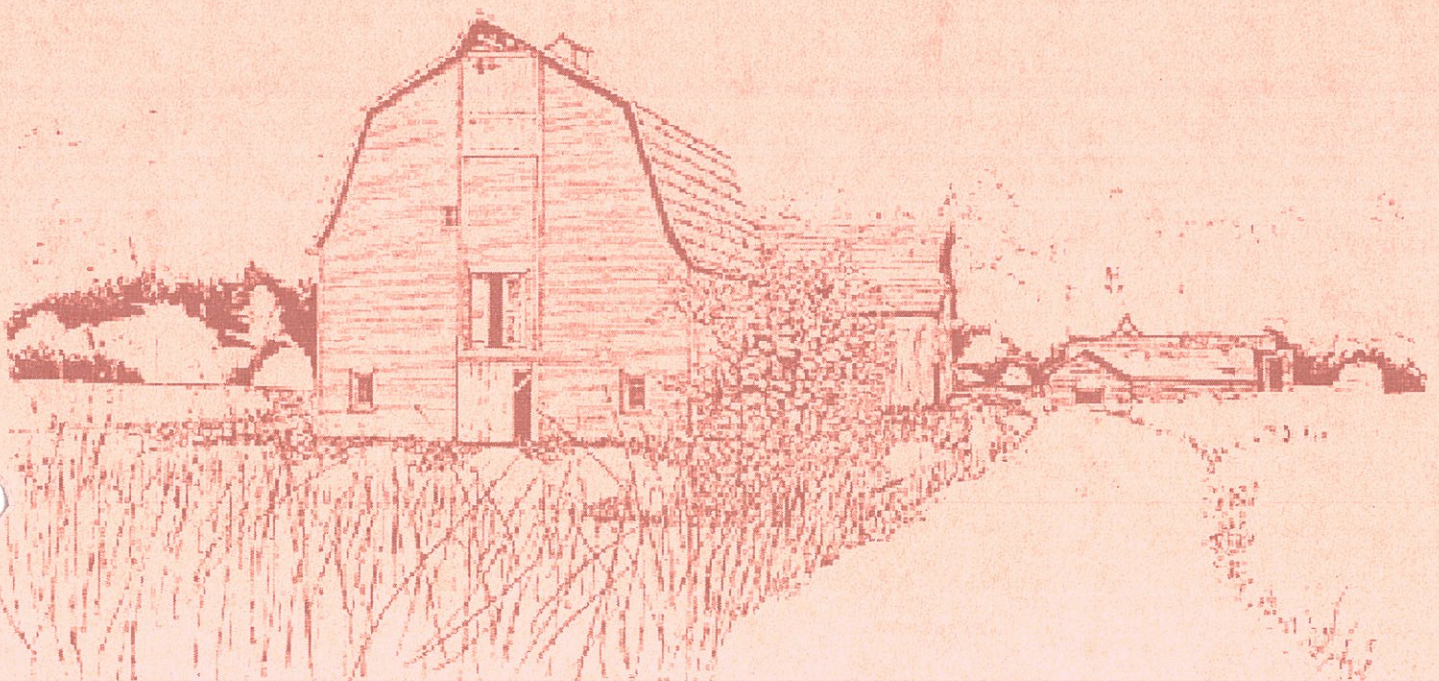




TOWN OF NEWBURGH

MOBILE HOME PARK

ORDINANCE



MOBILE HOME PARK ORDINANCE

TOWN OF NEWBURGH

ADOPTED AT ANNUAL TOWN MEETING

MARCH 10, 2007

ARTICLE 1

GENERAL PROVISIONS

1.1. Title. This Ordinance shall be known as the "Mobile Home Park Ordinance of the Town of Newburgh, Maine," and shall be referred to herein as the "Ordinance."

1.2. Authority. This Ordinance is enacted under the authority granted to the Town by the constitution and statutes of the State of Maine.

1.3. Purposes. The purposes of this Ordinance are:

1. To promote the public health, safety and welfare of the residents of the Town;
2. To establish standards for mobile homes located in mobile home parks;
3. To establish standards for the maintenance and operation of mobile home parks;
4. To establish standards for the maintenance and occupancy of mobile homes and mobile home lots located in mobile home parks; and
5. To establish a licensing and enforcement mechanism for mobile home parks.

1.4. Applicability. The provision of this Ordinance shall apply to all mobile home parks, and the mobile homes located within mobile home parks, as defined by this Ordinance and by Title 30-A M.R.S.A. § 4358, located within the Town of Newburgh on or after March 1, 2006. The proposed mobile home park shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations

1.5. Conflict With Other Ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other rule, regulation, ordinance, or statute, the more restrictive requirement shall prevail, unless otherwise prohibited by state law or expressly provided for in this Ordinance.

1.6. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

Accessory Structure: A structure of a nature customarily incidental or subordinate to the principal structure.

Code Enforcement Officer: A person or persons appointed by the Town Manager to administer and enforce Town Ordinances. The term shall also include Building Inspector, Fire Inspector, Local Plumbing Inspector and the like, if applicable.

Licensee: The mobile home park owner or the applicant for a mobile home park license.

Mobile Home: Two types of mobile homes are included in this definition:

1. Certified mobile home. Those units constructed after June 15, 1976, 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, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that 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 and electrical systems contained therein. This term shall also include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Codes 5401, et seq.

2. Non-certified mobile homes: Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet or more in length, 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 therein.

Mobile Home Owner: A person having ownership and/or legal control of a mobile home hereinafter referred to as homeowner.

Mobile Home Park: A parcel of land under unified ownership approved by the Town for the placement thereon of three or more mobile homes.

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

Mobile Home Park Owner: A person having ownership and/or legal control of a mobile home park herein after referred to as Park Owner.

Mobile Home Stand: The part of an individual mobile home lot which has been constructed and reserved for the placement thereon of a mobile home.

Person: An individual, partnership, corporation, limited liability company, limited liability partnership, trust or any other form of legal entity recognized under the laws of the State of Maine.

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to something located on the ground, including, but not limited to, buildings and mobile homes.

Utility Structure: A structure located on a mobile home lot which is designated and used for the storage and use of personal property of the mobile home occupants.

1.7. Conversion of Mobile Home Park. *Transition Provisions.* All mobile home parks that are already in existence as of the date of passage of this ordinance may continue to operate, Provided, however, that any such park and the mobile homes contained therein shall be governed by the provisions of this ordinance. The owner or operator of a mobile home park shall apply for a license under this Ordinance by not later than April 1, 2008, and the Park shall be licensed under this Ordinance by not later than August 1, 2008. Failure to make application within the time specified shall constitute a violation of this Ordinance. In addition, the continued operation or maintenance of a mobile home park without a license and/or in violation of the provisions of this Ordinance after August 1, 2008 shall constitute a violation of this ordinance.

1.8. Administration. It shall be the responsibility of the Code Enforcement Officer to approve, approve conditionally, or disapprove mobile home park licenses, to issue certificates of compliance where warranted, to enforce the provisions of this Ordinance, and to carry out the inspections required by this Ordinance.

1.9. Transition Provisions. All mobile home parks that had a mobile home park license under the Zoning Ordinance as of April 30, 2004 may continue to operate under said license. Provided, however, that any such park and the mobile homes contained therein shall be governed by the provisions of this Ordinance. The owner or operator of a mobile home park shall apply for a license under this Ordinance by not later than April 1, 2007, and the Park shall be licensed under this Ordinance by not later than August 1, 2007. Failure to make application within the time specified shall constitute a violation of this Ordinance. In addition, the continued operation or maintenance of a mobile home park without a license and/or in violation of the provisions of this Ordinance after August 1, 2007 shall constitute a violation of this Ordinance. Any non-certified mobile home located in a mobile home park on the date of adoption of this Ordinance shall be brought into compliance with the requirements of Article 8 by not later than August 1, 2007.

1.10. PLANNING BOARD SUBDIVISION REVIEW

1. SUBDIVISION REVIEW AND APPROVAL REQUIRED

The Planning Board shall review new mobile home parks and expansions of existing parks as residential subdivisions pursuant to the Town's adopted Subdivision Ordinance.

2. CONFORMANCE WITH SUBDIVISION STANDARDS REQUIRED

New mobile home parks and expansions of existing parks shall conform with the design and performance standards contained in the Town's Subdivision Ordinance unless such standards are in conflict with the provisions of this Ordinance, in which case the provisions of this Ordinance shall take precedent

1.11 SUBDIVISION REVIEW FEES

The fee for the Planning Board's review of the plans for new mobile home parks and for the expansion of existing mobile home parks shall be as provided in the Newburgh Subdivision Ordinance and such fee shall be determined by the number of proposed dwelling units as specified in sections 6.2 (b) and 8.1(b) of the Newburgh Subdivision Ordinance.

1.12. Separability. In the event that any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such action shall not be deemed to affect the validity of any other provision of this Ordinance.

ARTICLE 2

DESIGN AND PERFORMANCE STANDARDS

2.1 COMPLIANCE WITH LAWS AND ORDINANCES

Except as stipulated below, mobile home parks shall comply with the design and performance provisions of all applicable state laws and municipal ordinances, and shall meet the requirements of the Newburgh Subdivision Ordinance.

2.2 MINIMUM LOT SIZE AND WIDTHS

Lots in a mobile home park shall meet the following lot size and width requirements:

1.) Lots served by individual subsurface sewage disposal system:

Minimum lot area: 20,000 square feet.

Minimum lot width: 100 feet.

2.) Lots served by a central subsurface wastewater disposal system:

Minimum lot area: 12,000 square feet.

Minimum lot width: 75 feet.

2.3 MINIMUM LOT SETBACKS

In placing mobile homes on their respective lots, the following requirements shall be met:

1. The following lot setbacks shall apply to all homes and accessory buildings:

Front setbacks: 20 feet

Side setbacks: 20 feet

Rear setback: 10 feet

If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to residential dwelling units.

2. So as to avoid monotony and sameness, the Planning Board may allow the front setback on a private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 feet for all units.

3. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet for the purpose of providing more usable yard space on one side of the home, provided a distance of 20 feet is maintained between units.

2.4 LOT COVERAGE

All buildings on the lot, including accessory buildings and structures, open decks and parking spaces, shall not cover more than 50% of the lot area.

2.5 PERMANENT FOUNDATION REQUIRED

All mobile home units within the park used as dwelling units shall be installed on a permanent foundation (a "stand"). If a reinforced floating concrete pad is proposed, a registered professional engineer shall certify the design of such pad as adequate.

2.6 BUFFER STRIPS

- 1) A fifty- (50) foot wide buffer strip shall be provided along all property boundaries that:
 - a) Abut residential land which has a gross density of less than half of that proposed in the park; or
 - b) Abut residential land that is zoned at a density of less than half of that proposed in the park. No structures, streets or utilities may be placed in the buffer strip, except that utilities only may cross a buffer strip to provide services to the park.
- 2) Within twenty-five (25) feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping, (such as shrubs and trees) and/or natural existing vegetation. This screening shall meet the screening requirements of the Subdivision Ordinance and shall be maintained throughout the life of the project.

2.7 ROAD STANDARDS

1) OWNERSHIP, DESIGN, AND MAINTENANCE

- a) All roads within the mobile home park shall be owned, constructed, maintained, and serviced by the mobile home park owner.
- b) All roads within the mobile home park shall be designed by a professional engineer, registered in the State of Maine, and shall be designed, constructed, and maintained according to the current edition of "The Standard Specifications for Highways and Bridges of the Maine Department of Transportation", except that such specifications shall not be more restrictive than those developed by the Manufactured Housing Board pursuant to Title 30-A, MRSA, Section 4358 (3),(G), & (H).

2) INTERSECTIONS

Mobile home park roads, which intersect, with public roads shall meet the following standards:

- a) The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees;
- b) Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of intersection shall be 2%;
- c) The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distances 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 ½ feet above the pavement and the height of object 4 1/4 feet. Where necessary, the parkland bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.
- d) 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.

3) RIGHT-OF-WAY AND PAVEMENT WIDTH

- a) Two-way park roads shall have a minimum right-of-way of 23 feet and a Minimum paved surface of 20 feet. On-street parking shall be prohibited.
- b) One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
- c) Parking lanes shall be a minimum of 8 feet in width, if provided.
- d) Cul-de-sac turnarounds shall have minimum radii of 50 feet at the outer edge of the pavement, exclusive of any parking areas.

4). ACCESS AND CIRCULATION

- a) Primarily access to the mobile home park must be from a town or state road or a private road built and maintained to applicable Maine Department of Transportation standards.
- b) For mobile home parks consisting of 40 or more units, there shall be at least two entrances from public streets or roads.
- c) On-street parking shall be prohibited unless an eight-foot, paved, parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- d) Curvilinear streets shall be utilized wherever possible. No street segment within the park shall be more than 200 feet without a curve or bend.
- e) No mobile home lot may have vehicular access directly onto a state highway.
- f) A traffic impact analysis shall be required if the park consists of 40 or more units.

2.8 PARKING REQUIREMENTS

1.OCCUPANT PARKING

For each mobile home lot there shall be provided and maintained at least two (2) off-street, paved, parking spaces. Each parking space shall contain a minimum area of one hundred sixty two (162) square feet, not including maneuvering area, with minimum dimensions of nine (9) feet by eighteen (18) feet. This requirement may be waived if a parking lane provides an equivalent number of spaces.

2. GUEST PARKING

In addition to occupant parking, off-street guest and service's parking shall be provided within the boundaries of the park at a ratio of one (1) space for each four (4) mobile home lots. Such parking shall be paved and the spaces shall be reserved for the sole use of guests to residents of this park. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

2.9 WALKS

1) GENERAL REQUIREMENTS

The mobile home park shall contain a pedestrian walkway system consisting of common and individual walkways. Such systems shall be designed to link all units, all services, and all recreation facilities, such walks shall be adequately surfaced, lit, and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

2) COMMON WALK SYSTEM

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated and interferes with automobile traffic. Such common walks shall have a minimum width of six (6) feet. A portion of the road surface may be reserved for common walkways provided the roadway width is increased accordingly.

3) INDIVIDUAL WALKS

All mobile home pads shall be connected to common walks, or to streets, or to driveways or to parking spaces. Such individual walks shall have a minimum width of three (3) feet.

2.10 LIGHTING

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

2.11 SIGNS

Signs and advertising devices shall be prohibited in a mobile home park except:

1. One (1) identifying sign at each entrance of the mobile home park no larger than 24 square feet, which may be indirectly lit, but not flashing.
2. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movements, etc.
3. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than 10 square feet and shall be limited to two signs per mobile home park.
4. Mobile/manufactured homes address signs. The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with the local sign regulations.

2.12 STORAGE

1. FUEL SUPPLY AND STORAGE

- a) Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installation of systems shall be subject to inspection and approval by the Code Enforcement Officer.
- b) All fuel oil supply systems shall be constructed and installed in each mobile home lot in accordance with all applicable codes and regulations. Installation of the system shall be subject to inspection and approval of the Code Enforcement Officer.

2. REFUSE STORAGE

Storage of refuse shall be accomplished in such a manner to minimize health hazards, rodent harborage, insect breeding areas, accident, wild fire, obnoxious odors, or air pollution. Refuse shall be in such a manner that domestic or wild animals may not gain access to waste material.

3. TENANT 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.

4. OUTDOOR STORAGE

The mobile home park operator should provide outdoor storage for recreational vehicles, including boats, at a ratio of one (1) storage space per nine (9) developed mobile home lots. Such an outdoor storage area shall be designed to provide safe vehicular access and circulation, and shall be screened.

2.13 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, and as follows:

1. WATER SUPPLY

- a) Each mobile home shall be provided with an adequate, safe, potable water supply.
- b) The water supply shall provide a minimum of two hundred (200) gallons of water per day per mobile home, with a minimum of twenty (20) pounds of pressure at all times.
- c) Water supply systems shall be installed and maintained by the mobile home park operator in accordance with applicable provisions of the State of Maine Plumbing Code, and all revisions in effect at that time.

2. SANITARY SEWAGE DISPOSAL

- a) Sanitary sewer systems shall comply with the applicable provisions of the Maine State Plumbing Code, in effect at the time such system is proposed.
- b) Where public sewer is not available, a sanitary sewer system and treatment facility shall be designed and installed under supervision of an engineer registered in the State of Maine.
- c) In the event that public sewer systems shall become accessible at some point in the future, the mobile home park shall comply with the local and state regulations regarding hookup.
- d) The owner and operator of a mobile home park are responsible for the proper construction and maintenance of the sanitary sewer system within the mobile home park.

3. ELECTRIC SUPPLY

- a) A mobile home park shall contain an electrical system designed, installed, and maintained in accordance with applicable state and local regulations.
- b) The electrical system shall be designed and installed under the supervision of an Electrical Engineer registered in the State of Maine or licensed Master Electrician.

2.14 ACCESSORY STRUCTURES/ATTACHED STRUCTURES

1. Accessory structures may be allowed upon mobile home park lots provided each shall:

- a) Not exceed a width of sixteen (16) feet or a length of twenty four (24) feet;
 - b) Be located not less than twenty feet from the street right-of-way, fifteen feet from the rear lot lines and not less than ten (10) feet from a side lot line;
 - c) Not exceed a wall height of eight (8) feet and not exceed a roof high point height of twelve (12) feet;
 - d) Not obstruct required openings for light and ventilation of the mobile home nor prevent inspection of any mobile home equipment or utility connection; and
 - e) Notwithstanding other provisions of this Ordinance, a Building Permit under the Zoning Ordinance may be issued by the Code Enforcement Officer for accessory structures, such as garages, etc. for individual mobile homes, in mobile home parks, which meet the above requirements.
- A building permit under the Zoning Ordinance may be issued by the Code Enforcement Officer for extensions to mobile homes, such as porches and decks, provided that all extensions shall:
- a) Meet the yard setback and lot coverage provisions of this Ordinance;
 - b) Not be extended to less than ten (10) feet from any other mobile home, accessory structure, building, or structure; and
 - c) Not exceed five hundred (500) square feet in area.

2. Storage facilities, accessory structures, and extensions, such as porches and decks shall not be placed or constructed upon a mobile home lot, in a mobile home park, without first obtaining a Building Permit, under the Zoning Ordinance, from the Code Enforcement Officer.

ARTICLE 3
ANNUAL MOBILE HOME PARK LICENSE REQUIRED.

3.1. No person shall establish, operate, or maintain a mobile home park in the Town of Newburgh without first obtaining an annual license issued in conformity with the provisions of this Ordinance.

3.2. The Code Enforcement Officer shall be responsible for the review of license applications, and shall approve, approve with conditions, or deny any license application. The applicant has the burden to demonstrate that the application complies with the provisions of this Ordinance, as well as all applicable laws, ordinances, statutes, or regulations.

3.3. Each license shall expire on the first day of August next following the date of issuance. Applications for license renewal shall be submitted no later than the first day of June in order to be acted upon by the first day of August.

3.4. The Code Enforcement Officer is hereby authorized and directed to make inspections of mobile home parks and the mobile homes located therein to determine the condition of the parks and mobile homes in order to safeguard the health and safety of the occupants of mobile home parks. The Code Enforcement Officer shall inspect each mobile home in the park as well as the park itself prior to making a decision on a license application. The Code Enforcement Officer, or a duly authorized representative, shall have the authority to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the administration or enforcement of this Ordinance.

3.5. A license application shall be in writing, and shall contain the following:

1. Name, address, and telephone number of the applicant. If the applicant is not the mobile home Park Owner, the applicant must also provide the name and address of the Park Owner, as well as the legal relationship of the applicant to the Park Owner and documentation evidencing the applicant's legal authority to operate or maintain the mobile home park.
2. A register containing the record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 1. The name of the owner of each mobile home in the park.
 2. The manufacturer's name, model number, year, and serial number of each mobile home.
 3. The lot location by number of each mobile home.
 4. If not owner-occupied, the names of the occupants of each mobile home.
 5. The Park Owner shall keep the register up to date, and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.
3. A mobile home park plan, prepared and / or certified by a professional land surveyor, drawn at a scale of not less than one inch equals 40 feet, depicting the boundaries of the park, the streets within the park, the common areas within the park, the mobile home lots within the park, and the location of each mobile home within the park. For emergency purposes, the lot numbering required by Article 3 shall be shown on the plan.
4. The name of the mobile home park.
5. The license application shall also be accompanied an application fee of twenty-five dollars (\$25.00) per dwelling unit.
6. A mobile home park maintenance plan, including a 24 hour contact person, rules of the park, schedule for park maintenance, trash removal, and road maintenance for the park.

3.6. The Code Enforcement Officer shall issue a written decision on the application for a mobile home park license. In order to grant a license, the Code Enforcement Officer must find the following:

1. That the mobile home park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Town of Newburgh and the State of Maine.
2. That the mobile home park, and all of the mobile homes and mobile home lots located therein, are in compliance with all of the requirements of this Ordinance, including the safety standards set forth in Article 9.
3. For renewal licenses, that the Park Owner has complied with the requirements of this Ordinance during the term of the prior license.

3.7. The Code Enforcement Officer may issue a conditional license if the Park Owner enters into a written agreement with the Town that contains a detailed schedule of compliance setting forth the specific improvements to the park, mobile home lots, or mobile homes that the Park Owner shall make during the term of the license. If the Park Owner fails to comply with the provisions of said agreement, said noncompliance shall be the grounds for revocation, or non-renewal, of the license.

3.8. The Code Enforcement Officer, after notice and a hearing on the matter, may revoke any license to establish, maintain or operate a mobile home park upon making a finding that the park is not being operated or maintained in accordance with the provisions of this Ordinance, or any other applicable law or ordinance.

ARTICLE 4

MOBILE HOME LOT IDENTIFICATION.

4.1. Each mobile home lot shall have a number supplied by the Park Owner, and the lots shall be numbered in an orderly, consecutive fashion. Even numbers shall be on one side of the street and odd numbers shall be on the opposite side of the street.

4.2. Each mobile home shall be numbered in a manner consistent with the number assigned to the lot.

4.3. The mobile home lot number shall be at least three inches high, and the Park Owner shall be responsible for the placement and maintenance of the numbers on each mobile home in a prominent place so that they may be readily observable by emergency services personnel.

4.4. The Park Owner shall be responsible for the placement and maintenance of the lot numbers on the electrical service (i.e., meter junction box) for each mobile home.

ARTICLE 5

MOBILE HOME PARK STREET IDENTIFICATION.

5.1. The Park Owner shall cooperate with the Code Enforcement Officer to establish names for streets within the mobile home park. Said street names shall be substantially different than existing street names within the Town of Newburgh so as not to be confused in sound or spelling. In general said streets shall have names not numbers or letters.

5.2. The Park Owner shall erect, and maintain, street name signs at all street intersections, which signs shall contain lettering that is reflectorized.

ARTICLE 6

OBLIGATIONS OF PARK OWNERS.

MANAGEMENT STANDARDS

6.0. The mobile home park owner shall maintain a register containing the names and lot numbers of the mobile home park occupants. The register shall be available for inspection by state and local authorities upon request during normal business hours.

6.1. The Park Owner shall provide the occupants of the mobile home park with a copy of this Ordinance, and inform the occupants of their duties and responsibilities under this Ordinance.

6.2. The Park Owner shall operate the mobile home park, or cause the same to be operated, in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, improvements, and equipment in good repair and in a clean and sanitary condition, as well as in compliance with all state and local laws, regulations, or ordinances.

6.3. The Park Owner shall maintain all streets, roadways and driveways in the mobile home park in good repair, and shall keep the same clear of snow, ice, standing water, and debris

6.4. The Park Owner shall maintain the mobile home park in a clean, orderly, safe and sanitary condition at all times.

6.5. The Park Owner shall remove any abandoned, burned, dilapidated, or abandoned mobile home from the mobile home park within ten business days of a notice from the Code Enforcement Officer.

6.6. The Park Owner shall not permit the presence or any accumulation of any of the following:

- (1) abandoned, unregistered or un-inspected motor vehicles, or parts thereof, or
- (2) discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment; household appliances; furniture; discarded, scrap or junked lumber; old or scrap copper, brass, rope, ags, batteries, paper trash, rubber debris, waste or scrap iron, steel or other scrap ferrous or nonferrous material, or other solid waste or debris in the mobile home park, whether on the streets or other common areas under the control of the Park Owner or on the individual mobile home lots.

6.7. The Park Owner shall be responsible for the proper placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections. Owner shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home from the park.

6.8. The Park Owner shall conspicuously post a copy of the license in Park Owner's office or on the premises of the mobile home park at all times.

6.9. The Park Owner shall notify the Code Enforcement Officer and Tax Assessor, in writing, of the arrival or impending departure of any mobile home or any change of ownership that occurs within the park.

6.10. The Park Owner shall make adequate provision for the storage, collection, and lawful disposal of all refuse from the mobile home park, and shall take adequate measures to prevent the creation of health hazards, rodent harborage, insect breeding areas, accident hazards, or air, water, or ground pollution. All refuse and garbage shall be bagged in plastic garbage bags by the homeowner or occupant for storage in fully and tightly enclosed, watertight, rodent-proof containers, which shall be provided by Owner insufficient number and capacity to prevent any refuse or garbage from overflowing. Satisfactory container racks or holders shall be provided by the Owner and shall be located not more than 150 feet from any mobile home lot, or the Park Owner shall cooperate with the Code Enforcement Officer to establish mutually agreed upon locations.

6.11. The Park Owner shall bring all nonconforming non-certified mobile homes into compliance with the safety standards of Article 9. The Code Enforcement Officer may, as part of a conditional license, enter into a schedule of compliance with the Owner.

6.12. The Park Owner shall provide adequate supervision to ensure that the mobile home park, mobile home lot, mobile homes, and the owners or occupants of mobile homes comply with the provisions of this Ordinance. Owner shall include provisions in rental agreements requiring that individual owners or occupants of mobile homes shall comply with the provisions of this Ordinance, and Owner shall be obligated to pursue legal remedies for any breach of those requirements.

6.13. The Park Owner shall cooperate fully with the Code Enforcement Officer in the administration and enforcement of this Ordinance, including providing assistance in gaining access to mobile homes for the required inspections.

6.14. The Park Owner shall not assign or transfer the license without the prior approval of the Code Enforcement Officer. Any assignment or transfer shall be subject to the condition that the transferee agree in writing to abide by the terms and conditions of the license and this Ordinance.

6.15. The owner(s) of the land on which the mobile home park is located shall be ultimately responsible for compliance with this Ordinance, and shall remain responsible therefor regardless of the fact that this Ordinance may also place certain responsibilities on the license holder, or mobile home owners and/or occupants. This shall be so regardless of any agreements between the owners of the land and the license holder or owner/occupants of mobile homes as to which parties shall assume such responsibility.

ARTICLE 7

OBLIGATIONS OF MOBILE HOME OWNERS OR OCCUPANTS.

7.1. It shall be the duty of the owners or occupants of mobile homes in a mobile home park to give the Code Enforcement Officer access to the mobile homes at reasonable times for the purpose of conducting an inspection thereof to determine satisfactory compliance with the requirements of this Ordinance.

7.2. The owners or occupants of mobile homes in a mobile home park shall comply with all applicable requirements of this Ordinance, and shall maintain his/her mobile home, mobile home lot, and any facilities, improvements, or equipment, in good repair and in a clean and sanitary condition. The home owner or occupant shall not cause or permit the

presence or accumulation of the items specified in Article 6.6 on his/her mobile home lot, or at any other location within the mobile home park.

7.3. No home owner or occupant shall allow animals in his/her custody to run at large, or commit any nuisance, within the mobile home park.

7.4. No home owner or occupant shall permit his/her mobile home to be occupied by a greater number of persons than that for which it was designed.

7.5. The space directly beneath each mobile home shall be kept clean and free from refuse, or other combustible materials.

7.6. No home owner or occupant shall permit the parking of vehicles or the storage of personal property so as to interfere with access to the lots or mobile homes in the mobile home park by other owners or occupants, or especially with access by emergency vehicles or personnel.

7.7. No home owner or occupant shall locate or use a utility structure on his/her lot unless it is located no closer than 10 feet to any mobile home or other utility structure, and is made of noncombustible materials. In addition, said structure shall not exceed 150 square feet in area and 10 feet in height.

7.8. No home owner or occupant shall dispose of any garbage or refuse except by first bagging the garbage or refuse into a plastic garbage bag and the placing them into provided facilities in a clean and sanitary manner.

7.9. The individual owner of a non-certified mobile home shall be responsible for bringing the mobile home into compliance with the safety standards set forth in Article 8. The Code Enforcement Officer is authorized to enter into a schedule of compliance with such a home owner.

ARTICLE 8

RESTRICTIONS ON THE SALE, LEASE, TRANSFER, OCCUPANCY OR LOCATION OF MOBILE HOMES IN A MOBILE HOME PARK.

8.1. No person may sell, transfer, or otherwise convey a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that:

- (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or,
- (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance. The provisions hereof shall not apply to a mobile home that is being removed from the mobile home park.

8.2. No person shall locate, move from one mobile home lot to another mobile home lot, or replace a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that:

- (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or,
- (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance.

8.3. No person shall permit or allow the occupancy of a mobile home in a mobile home park for dwelling purposes without a prior Certificate of Compliance from the Code Enforcement Officer stating that:

- (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or
- (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article 8 of this Ordinance, and that the mobile home is properly placed on a mobile home stand and properly connected to water, sewer, and electrical utilities. The Park Owner shall be responsible for the proper installation of all utility connections, which shall be accomplished by duly qualified and licensed persons.

8.4. The placement of a mobile home that is not (1) a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws, or regulations, including the requirements of Article 8 of this Ordinance in or near the mobile home park is strictly prohibited. The area of the mobile home park and any of Park Owner's land in the vicinity shall not be used as a staging area for the rehabilitation of non-certified mobile homes. The foregoing shall not preclude the rehabilitation of mobile homes that existed in a park as of the date of adoption of this Ordinance.

ARTICLE 9

SAFETY STANDARDS.

9.1. The purpose of this Article is to establish minimum standards to attain a condition of safety that will allow a non-certified mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

9.2. These standards shall apply to all non-certified mobile homes located in mobile home parks.

9.3. Standards.

9.3.1. Light and Ventilation

1. Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 9 percent of the gross floor area.

2. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

9.3.2. Ceiling Height. Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

9.3.3. Exit Facilities – Exterior Doors

1. Homes shall have a minimum of two exterior doors located remote from each other.
2. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
3. Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.
4. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
5. All exterior swinging doors in mobile homes shall provide a minimum door leaf dimension of 28 inches wide by 74 inches high. Notwithstanding this regulation replacement swinging doors that were installed prior to adoption of this ordinance measuring at least 28 inches in width by 72 inches in height shall not require replacement. All exterior sliding glass doors shall provide a clear opening of at least 28 inches wide by 72 inches high. Locks shall not require the use of a key for operation from the inside.

9.3.4. Exit Facilities – Egress Windows and Devices. Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.

1. Exception. In lieu of this regulation, an approved automatic sprinkler system may be installed in accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

9.3.5. Interior – Doors. Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

9.3.6. Room Requirements

1. Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.
2. Every home shall have at least one common area with no less than 150 square feet of gross floor area.
3. All bedrooms shall have at least 50 square feet of floor area.
4. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.
5. Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with rod and shelf.
6. Bedrooms shall have an operable door with a latch to separate the room from the common area.
7. Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.
8. Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

9.3.7. Fire Detection Equipment: All homes, regardless of the date of manufacture, shall meet the following requirements. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.

4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.

5. Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of the detector shall be located 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connector by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the over current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

9.3.8. Cooking Unit Separation. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

9.3.9. Kitchen Cabinet Protectors. All homes, regardless of the date of manufacture, shall meet the following requirements.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or

equivalent material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsumboard or equivalent material. The hood shall be at least as wide as the cooking range.

2. The metal hood will not be required if there is an oven installed between the cabinet and the range.

3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

9.3.10. Carpeting. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

9.3.11. Roof Loads. Prior to construction of an addition or alteration of the roof of a mobile home design plans bearing the seal of a State of Maine registered professional engineer shall be submitted. Said plans shall demonstrate that the roof design can withstand any snow loads or wind uplifts that may occur. Building Inspector shall inspect the roof framing and supporting members prior to sheathing.

9.3.12. Floors. All floors shall be of a solid construction to protect users of the mobile home from the hazard of an unsafe floor.

9.3.13. Exterior Coverings. Exterior coverings shall be of moisture and weather resistant materials to resist wind, snow, sleet, or rain.

9.3.14. Plumbing Systems. A person holding a master license issued by the State of Maine Plumbers Examining Board shall inspect and certify that the plumbing system is in conformance with the requirements of the Maine State Plumbing Code, is safe and verify that the following conditions are met:

1. The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.

2. Water closets are adjusted to use a minimum quantity of water consistent with proper performance and cleaning.

3. All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.

4. All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing under normal occupancy. To prevent freezing, a modern technological designed heat cable should be used.

5. All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine.
6. Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
7. Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl.
8. Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
9. Water supply plumbing systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.
10. Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.
11. No part of a water system shall be connected to any drainage or vent piping.
12. All new plumbing after the effective date of these standards shall be lead free with solders and flux containing not more than 0.2 percent lead and pipes and pipe fittings containing not more than 8.0 percent lead.

9.3.15. Heating and Fuel Burning Systems

1. A person holding a master license issued by the State of Maine Oil and Solid Fuel Technicians, Board of Licensure and/or a person holding a master license issued by the State of Maine Propane and Natural Gas Technicians, Board of Licensure shall inspect and certify that the heating and fuel system is in a safe condition and meets all current State of Maine laws and rules as adopted by said boards.
2. Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

9.3.16. Electrical System. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system that is accessible, including the wiring of the smoke detector, is safe and meets the National Electrical Code in effect at the time the mobile home was constructed.

1. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory (UL) requirements for connecting to branch circuits of 30 amps or less. (Note: The intent of this is not to require the mobile home to be rewired, but only to require that U. L. Listed conductors be affixed to receptacle switches and light fixtures. There are several methods of doing this. The most preferred is the "pig tail" method.)

9.3.17. Minimum Separation Requirements.

No mobile home shall be located closer than twenty (20) feet from another mobile home or ten (10) feet from a utility structure. Notwithstanding this regulation mobile homes placed end to end shall ensure a minimum separation of ten (10) feet. Any mobile home that was not in compliance with the prescribed separation requirements as of the date of adoption of this Ordinance may remain at that location, but any replacement for such a mobile home shall meet the separation requirements to the greatest practical extent as determined by the Code Enforcement Officer, and in no event shall the replacement mobile home be located so as to make the separation distances more nonconforming. Provided, however, that the replacement of a non-certified mobile home with a certified mobile home shall be permitted if the following conditions are met:

- (1) the separation requirements are met to the greatest practical extent as determined by the Code Enforcement Officer,
- (2) the replacement mobile home is no wider than twelve (12) feet,
- (3) all mobile homes adjacent to the replacement mobile home (side to side) are certified mobile homes,

(4) the replacement mobile home shall be located no less than fifteen (15) feet (side to side) and ten (10) feet (end to end) from another mobile home or ten (10) feet from a utility structure, and
(5) the area necessary to comply with this reduced separation provision is not created by moving or replacing an existing mobile home so as to make it more nonconforming with the requirements of Section 4.13.3.3.1. of the Zoning Ordinance, the foregoing reduced separation provision shall prevail. For purposes of this section, any addition to a mobile home, including carports, decks, porches, living spaces, sunrooms, etc. (but excluding steps) shall be considered to be part of the mobile home, and shall be subject to the minimum separation requirements.

ARTICLE 10

VIOLATIONS AND ENFORCEMENT

10.1. Any condition existing in violation of this Ordinance is deemed to be a nuisance.

10.2. The Code Enforcement Officer shall provide written notice of any violation to the Park Owner and/or operator of the mobile home park. In addition, if the violation involves a violation by the home owner or occupant of a mobile home, written notice shall also be given to the home owner or occupant. The notice shall be mailed to the last known address according to records maintained by the Town. The notice shall describe the violations, and shall state the corrective action necessary. The giving of notice hereunder shall not be a prerequisite to the commencement of an enforcement action.

10.3. The Code Enforcement Officer, with the advice and consent of the Town Manager, is authorized to institute, or cause to be instituted by the Town Attorney, in the name of the Town of Newburgh, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

10.4. Any person, firm or corporation, being the owner or operator of, or having control or use of any mobile home, mobile home lot or mobile home park, who violates any provision of this Ordinance shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452. Each violation, and each day of each violation, shall constitute a separate offense.

ARTICLE 11

APPEALS.

11.1. **Appeals.** All appeals shall be subject to the Town of Newburgh Board of Appeals. Any appeal from the Code Enforcement Officer's approval, approval with conditions, or denial of a license application, or the revocation of a license, shall be made to the Board of Appeals within 30 days of the rendering of such a decision.

11.2 **Appellate Review** The review by the Board of Appeals shall be limited to an appellate review of the Code Enforcement Officer's decision, and said decision may be overturned only if the officer committed an error of law, abused his/her discretion, or made findings that are not supported by substantial evidence on the record. No appeal may be taken from a violation determination or enforcement action taken by the Code Enforcement Officer, except to the extent that said determination or action forms the basis of a revocation of a license by the Code Enforcement Officer.

11.3 **Basis of the Appeal.** The appellant must demonstrate that the decision of the Code Enforcement Officer: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record.

11.4 **Modification or Reversal of the Decision.** The Board of Appeals may modify or reverse the decision of the Code Enforcement Officer if they determine that he: (1) committed an error of law, (2) abused his/her discretion, or (3) made findings that are not supported by substantial evidence on the record.