

PART 17

MOBILE HOME PARKS

(Statutory authority: Public Health Law, Section 225)

Section 17.1 Definitions. As used in this Part, the following words and terms shall have the indicated meaning:

(a) Adequate shall mean sufficient to accomplish the purpose intended, and to such a degree that no unreasonable risk is presented to health or safety. Within the meaning of this Part, an item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with recognized generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession shall be considered adequate.

(b) Anchoring system shall mean a combination of ties, anchoring equipment and ground anchors that will, when properly designed and installed, resist overturning and lateral movements of the mobile home from wind forces.

(c) Drinking water shall mean water provided or used for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.

(d) Feeder assembly shall mean the overhead or under chassis electrical feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord listed for mobile home use, designed for the purpose of delivering the electrical supply from the source to the distribution panel within the home.

(e) Generally accepted standards shall mean those referenced in the New York State Building Construction Codes and Fire Prevention Code (9 NYCRR), or their successor(s), or any other standards filed with the Secretary of State.

(f) Home shall mean a mobile or manufactured home in a mobile home park.

(g) Manufactured home shall mean a structure, transportable in one or more sections with or without a permanent foundation, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(h) Mobile home shall mean a structure, which is eight feet or more in width and 32 feet or more in length, transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(i) Mobile home accessory building or structure shall mean a building or structure which is an addition to or supplements the facilities provided a mobile home. It is not a self-contained, separate, and habitable building or structure.

(j) Mobile home park (hereafter also known as park) shall mean a property consisting of a tract of land maintained by an operator for mobile homes and/or manufactured homes,

and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property.

(k) Mobile home site (hereafter also known as site) shall mean a designated parcel of land in a mobile home park provided by the operator and designed for accommodating one mobile or manufactured home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.

(l) Mobile home stand shall mean that area of a site which has been reserved for the placement of the home.

(m) Operator shall mean the owner, lessee or any other person designated as responsible for the maintenance and operation of the park and such services and facilities as are provided and/or necessary for the use of such property.

(n) Permit-issuing official shall mean the health commissioner or health officer of a city of 50,000 population or over, the health commissioner or health officer of a county or part-county health district, the State regional health director or area director having jurisdiction, a grade I or grade II public health administrator qualified and appointed pursuant to Part 11 of this Title, or any county health director having all the powers and duties prescribed in section 352 of the Public Health Law. The health commissioner or health officer of a city of 50,000 population or over, or the health commissioner or health officer of a county or part-county health district, or such grade I or grade II public health administrator or county health director may designate the director of environmental health of the health district; and, the State regional health director or area director may designate the district sanitary engineer or district administrator as additional persons authorized to issue the permits required by this Part.

(o) Person shall mean an individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, industry, estate or any legal entity whatever.

(p) Refuse shall mean all putrescible and non-putrescible solid waste including, but not limited to garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial wastes.

(q) Service equipment shall mean the electrical equipment containing the disconnecting means, overcurrent protection devices, and receptacles or other means for connecting a mobile home feeder assembly.

(r) Sewage shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dishwashing, or laundry machine or the water-carried waste from any other fixture or equipment or machine.

17.2 Application. (a) The requirements of this part shall apply to a mobile home park maintained for the placement of five or more mobile and/or manufactured homes except;

(1) a mobile home park at which the owner/operator receives no remuneration for any occupancy thereof; or

(2) any mobile home park operation determined by the State Commissioner of Health as not being within the intent or regulation of this Part.

(b) The requirements of this Part shall not apply to a migrant labor camp as defined in Part 15 of this Title or to a temporary residence as defined in Subpart 7-1 of this Title.

17.3 Notice of construction, enlargement, development, improvement or conversion required; prior approval. No person shall construct or enlarge for occupancy or use a mobile home park or any portion or facility thereof, or develop and improve a property for occupancy and use as a mobile home park, or convert a property for use or occupancy as a mobile home park, without giving notice in writing of his intent to do so to the permit-issuing official, at least 30 days before the proposed date of beginning of such construction, enlargement, development, improvement or conversion. The notice shall give the name of the city, village or town in which the property is located, the construction, enlargement, development, improvement or conversion, and the name and mail address of the person giving the notice and his telephone number, if any. The notice shall be supplemented by such further information, plans or specifications as may be required by the permit-issuing official. Such plans or specifications must be approved by the permit-issuing official prior to the commencement of any such construction, enlargement, improvement or conversion.

17.4 Permit to operate a mobile home park required; application, issuance, revocation, posting. (a) No person shall operate any mobile home park or cause or allow the same to be occupied without a permit to do so from the permit-issuing official.

(b) Application for a permit to operate a mobile home park shall be made to the permit-issuing official, on a form and in a manner prescribed by the State Commissioner of Health, by the person who will operate the mobile home park. Application for a permit to operate a mobile home park shall be made at least 30 days before the first day of proposed operation of such mobile home park. In the event of an intended change of the operator of a mobile home park, the new operator shall apply for a permit before the change is effected. The operator shall notify, in writing, the permit-issuing official of any change in the name of a mobile home park within 30 days after such change.

(c) The permit-issuing official shall issue a permit on a form prescribed by the State Commissioner of Health for the operation of a park if he finds that the park will not be a potential source of danger to the health and safety of the occupants of the park or the general public and if he finds that the park or the proposed operation thereof conforms or will conform to the requirements of this Part. The permit issued for the operation of a mobile home park shall expire upon a change of the owner or operator of the mobile home park or upon the revocation of the permit or upon the date specified on the permit by the permit-issuing official.

(d) A permit shall not be transferable or assignable.

(e) A permit may be revoked by the permit-issuing official or the State Commissioner of Health if he finds that the mobile home park for which the permit was issued is maintained, operated or occupied in violation of law, this Chapter, or the sanitary code of the health district in which the mobile home park is located. A permit shall also be revoked upon request of the permittee or upon abandonment of operation.

(f) A permit issued for the operation of a mobile home park shall be posted in a conspicuous place on the premises or be readily available upon request.

(g) Temporary permit. The permit-issuing official may issue a temporary permit to operate a park that does not or will not comply with the requirements of this Part subject to the following conditions:

(1) the applicant for a permit to operate shall file a statement of intention to comply with the requirements of this Part within 90 days;

(2) there will be no adverse effect on the health and safety of park occupants or any other person during this period;

(3) the temporary permit shall prescribe the terms, requirements or conditions upon which the park may be temporarily operated; and

(4) a temporary permit shall expire on the date designated by the permit-issuing official, but not later than 90 days after the date of issuance.

(h) A separate permit and fee may be required for a children's camp, bathing beach, swimming pool, temporary residence or a service food establishment operated as part of a mobile home park.

(i) The permit-issuing official may establish procedures for the exchange of information with other State or local government agencies having responsibility for making health or safety inspections of buildings, including mobile home parks as defined in this Part, and may utilize the information provided by any such agency in making a determination regarding the issuance of a permit required by this Part.

17.5 Fire safety. (a) Construction.

(1) Park-owned buildings shall be constructed in accordance with the applicable New York State Building Construction Codes and the New York State Fire Prevention Code (9 NYCRR), or their successor(s), including the list of generally accepted standards.

(2) Any mobile home built after January 15, 1974 that does not meet the State Code for Construction and Installation of Mobile Homes (9 NYCRR) shall not be installed in a mobile home park.

(3) Any mobile home built after June 15, 1976 that does not meet the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standard (CFR, Title 24, Part 3280) shall not be installed in a mobile home park.

(b) Spacing. Homes and accessory buildings or structures installed after the effective date of this code shall be situated such that a minimum separation distance of 10 feet exists to any home, building or structure on any other site or parcel of land.

17.6 Utilities. The operator shall be responsible for the installation and maintenance of park utilities, in accordance with applicable State and local regulations or generally accepted standards. The operator shall also be responsible for the proper connection of park utilities to each home.

(a) Water supply. (1) Drinking water shall be adequate in quantity, of a quality which the permit-issuing official approves as complying with the applicable requirements of Part 5 of this Title, and shall be readily available to occupants of the property. Nonpotable water shall not be accessible to park occupants.

(2) A minimum water pressure of 20 pounds per square inch shall be provided at the riser pipe of each site at all times.

(3) A water service connection consisting of a service box with a shut-off valve installed below the frost line and a three-quarter inch riser pipe shall be supplied on each site. Surface drainage shall be diverted from the connection. The park operator shall be responsible for maintaining the shut-off and riser pipe, except where the responsibility for the riser pipe has been transferred to the mobile home occupant by formal written agreement. Such formal written agreement shall be available for review by the permit-issuing official.

(4) The riser pipe shall be provided with a watertight seal when not connected to a home.

(b) Sewage facilities. Facilities shall be provided and maintained for the satisfactory treatment and/or disposal of sewage.

(1) All sewage facilities shall be designed, constructed, and maintained in accordance with the appropriate standards of the Departments of Health or Environmental Conservation.

(2) No construction of new or modified facilities shall commence until approval from the agency having jurisdiction in writing has been received by the operator. All construction shall be in accordance with approved plans.

(3) Each site shall be provided with a minimum four-inch sewer pipe below the ground surface and a four-inch rise pipe.

(4) The connecting pipe (minimum of three-inch diameter) from the mobile home to the riser pipe shall be noncollapsible and semirigid. All connections shall be watertight.

(5) The riser pipe shall be provided with a watertight seal when not connected to a mobile home.

(6) Inadequately treated sewage on the surface of the ground shall be prohibited.

(7) The operator shall be responsible for maintaining the sewage system to include the riser pipe. The connecting pipe shall also be the responsibility of the operator unless the responsibility has been transferred to the mobile home occupant by formal written agreement. Such formal written agreement shall be available for review by the permit-issuing official.

(c) Utilities other than water and sewage. Distribution systems for electricity, including the mobile home service equipment and feeder assembly, gas and fuel oil shall be in accordance with applicable State and local regulations or generally accepted standards. The operator shall be responsible for maintaining these systems, including the connection to each home, unless such responsibility has been transferred to the mobile home occupant by formal written agreement. Such formal agreement shall be available for review by the permit-issuing official.

17.7 Site Size. After the effective date of this Part, any site established at a new or existing park shall be a minimum of 5,000 square feet. Additional area shall be provided where needed to meet the requirements of sections 17.5(b) and 17.6(b)(1) of this Part.

17.8 Mobile home stands. The mobile home stand shall be improved to provide adequate support for the placement and anchoring of the mobile home in accordance with generally accepted standards. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. The stand shall inhibit the ponding of water under and around the home.

17.9 Anchoring. Anchoring systems may be required by the permit-issuing official. Anchoring systems shall be installed when required by any other local or State law, rule or regulation. When anchoring is required, the operator shall be responsible for the proper installation of anchoring systems.

17.10 Supervision. It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.

17.11 Miscellaneous. (a) Refuse storage and disposal. Adequate and sanitary facilities shall be provided and maintained for the storage and disposal of refuse. Sanitary methods shall be used for the temporary storage, collection, handling and disposal of refuse. Any on-premise refuse processing, treatment, and disposal facilities shall meet the requirements of the State Commissioner of Environmental Conservation.

(1) The operator shall provide for refuse pickup or central refuse storage.

(2) If refuse pickup is not provided, the occupant shall be responsible for transporting refuse to the central refuse storage.

(3) The occupant shall be responsible for the proper maintenance and storage of refuse on each site.

(b) Insect and rodent control. Grounds, buildings and structures shall be maintained in such a manner as to control noxious insect and rodent infestations. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the agency having jurisdiction.

(c) Weed control. The growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds shall be controlled. Control measures and materials shall conform with requirements of the agency having jurisdiction. The elimination of such weeds where the growth is limited to a single site shall be the responsibility of the occupants.

(d) Toxic materials. Agricultural pesticides and toxic chemicals shall not be stored in an area accessible to park residents. If any pesticides or toxic chemicals are stored or made available, they shall be used as directed on the package and in accordance with any applicable requirements established by the Department of Environmental Conservation, and stored so as not to cause air, surface water or ground water pollution.

(e) Other duties. (1) The operator shall provide a suitable and responsible individual to be in charge of the property and who shall be readily available while the property is occupied.

(2) The operator shall comply with the provisions of this Part and with all conditions stated in the permit, and shall allow the permit-issuing official or his representative to enter the premises at any reasonable time to ascertain compliance with this Part.

(3) The operator shall be responsible for traffic control measures that will preclude hazards to vehicular and pedestrian traffic, and to insure ready access to any and all sites by emergency vehicles at all times.

(4) The operator shall be responsible for immediately reporting the following to the permit-issuing official: interruption in the treatment of supply of drinking water; all fires resulting in a report or call to a fire department or police; the existence of inadequately treated sewage on the surface of the ground.

17.12 Variance; compliance schedule. (a) The permit-issuing official may, on written application and after review, grant a variance from a specific provision of this Part in a specific case subject to appropriate conditions which shall include a time schedule for compliance, where such variance is in harmony with the general purpose and intent of this Part, and where there are practical difficulties or unnecessary hardship in carrying out the strict letter of the provision.

(1) A time schedule for compliance shall not exceed a total of three years.

(2) A variance shall not be issued for more than one calendar year.

(3) If the time schedule for compliance exceeds one calendar year the permit-issuing official may reissue the variance on an annual basis, for not more than three years, if he determines the park is operating in compliance with all other requirements of this Part and the operator is complying with the established time schedule.

(b) A copy of every variance and time schedule for compliance shall be submitted to the State Commissioner of Health at the time of issuance.

17.13 Waiver. (a) The permit-issuing official may, upon written application and after review, grant a waiver from the specific provision of this Part in a specific case subject to the following conditions.

(1) The park, or portion thereof, was operated as a park prior to, and continuously since the effective date of the requirement being waived.

(2) Failure to comply with the specific provisions will not have any adverse effect on the health and safety of the park occupants or any other person.

(3) The waiver shall prescribe the terms, requirements or conditions for operation of the park under which the waiver is being issued.

(4) A waiver shall not be transferable or assignable.

(b) A waiver shall remain in effect until revoked by the permit-issuing official. Failure of the operator to comply with the terms, requirements or conditions for operating specified in the waiver shall constitute sufficient basis for revocation of the waiver.

(c) A copy of every waiver shall be submitted to the State Commissioner of Health at the time of issuance.