

Town of Berkshire

2026 MANUFACTURED HOUSING LOCAL LAW

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SECTION I: PURPOSE AND INTENT

Be it enacted by the Town of Berkshire to declare the intent of the local law to be as follows:

- Promote community health, safety, and general welfare
- Preserve and protect the Town of Berkshire's character
- Establish rules and regulations, as per New York State legal requirements, for manufactured and factory manufactured housing and for recreational vehicles.

This Local Law is subject to all related New York State laws and regulations.

SECTION II: DEFINITIONS

CERTIFIED INSTALLER— Individual that is certified per the New York State Executive Law that was enacted to implement the provision of the Federal Manufactured Housing Improvement Act. The certification is to ensure that manufactured homes are installed and serviced in a professional manner to assure the safety and welfare of the user.

FACTORY MANUFACTURED HOME— (Commonly referred to as modular housing/home) A housing unit, constructed off site, prefabricated in sections consisting of more than one segment, transported to the building site then fastened together and placed and anchored on a perimeter foundation to become a fixed part of the real estate.

MANUFACTURED HOME - A manufactured home (previously referred to as mobile home) is a structure which is designed to be transported on its own wheels or those of another vehicle, which is used, designed to be used and capable of being used as a detached residence and which is intended to be occupied as permanent living quarter containing plumbing and electrical connections for attachment to outside systems. This definition of a manufactured home includes single or double wide and all additions which are added hereto or additions made after installation.

RECREATIONAL VEHICLE (RV) – (often referred to as RV, travel trailer, camper, fifth wheeler, motor home, toy hauler, pop-up camper, tiny house on wheels) A temporary leisure home that is on wheels and is either under its own power or towed behind another vehicle. Use of these vehicles is not intended to be permanent living quarters and is typically for recreational or seasonal purposes.

SECTION III: PROVISIONS AND REQUIREMENTS

A. No person, being the owner or occupant of any land within the Town of Berkshire, shall use or allow the use of such land for the installation of a manufactured home, or factory manufactured home, unless the following conditions are met:

1. A building permit is required prior to any work being performed, including site preparation, toward installation of a manufactured home or factory manufactured home. A permit is also required when replacing a manufactured home.
2. Along with the building permit application, two (2) sets of plans must be submitted that outline the lot preparation and how the home will be situated.
3. Site preparation must meet the standards set by the Town of Berkshire Building Construction and Enforcement Law including, but not limited to, excavation,

driveways, address number, potable water, septic, lot size, fuel storage, and setbacks.

4. Homes--including manufactured/factory manufactured home stand, foundation, and lot-- must comply to all construction and safety standards as set forth by the New York State Uniform Fire Prevention and Building Code and must be installed or removed by a New York State Certified Installer.
5. If in a flood plain, lot and buildings usage must conform to Flood Damage Prevention Local Law.
6. A certificate of occupancy or compliance must be obtained prior to living in/occupying the home

B. Other requirements

1. The gross floor area of the manufactured home, not including garage or accessory building, shall not be less than 900 square feet. Manufactured homes must have a DMV title.
2. For manufactured or factory manufactured home installations that do not have perimeter foundations from ground to home, skirting that encloses the underside of the home must be securely fastened to the home and extends from the home to the ground level around the entire perimeter of the home within 30 days of installation. The skirting shall be constructed of sturdy wood, plastic, masonry, or metal material capable of withstanding extreme weather conditions over extended periods of time.
3. Homes shall have an entry or landing that provides a safe entrance or exit that is a minimum width of door served and at least 36" in direction of travel with a solid foundation, steps and railings.
4. Any accessory buildings and garages require a separate building permit if square footage is greater than 144'.
5. Manufactured homes may not be used as a storage shed, garage, or shelter for any animal or any purpose except for human living quarters.
6. New building lots must be a minimum of 1 acre. Only one manufactured home shall be allowed on a single lot.
7. Recreational vehicles are not allowed for permanent housing. Recreational vehicles used for temporary living may not exceed 30 days.
8. No manufactured home or recreational vehicle shall be parked or allowed to remain upon any street, highway, or other public place, except for emergency stopping or parking when caused by mechanical failure, in which case shall be permitted upon the shoulder or other public place for a period of not more than 72 hours, subject, however, to any prohibition imposed by other regulations or laws.
9. All homes must be equipped with appropriate smoke and carbon monoxide detectors.

10. If a manufactured home is no longer occupied, or being used as its intended use, it will be considered abandoned and must be removed from the site within 90 days. Removal may involve demolition which requires a building permit to be issued by the Town Clerk. A manufactured home may also be transported off the site or replaced. This does not apply however to residents who live in their manufactured homes three months or less per year who may leave for a season and return later.
11. Recreational Vehicles (RVs) that are unregistered and/or unlicensed will be subject to the same regulations as other unregistered vehicles under the Unregistered Vehicle Law.

SECTION IV: EXCLUSIONS

Exclusions to the provisions outlined in this Local Law include:

- A. The business of manufactured home sales, except when the units are used as living quarters.
- B. A manufactured home or recreational vehicle can be used on a construction project, survey project, or other similar professional project when used solely as a field or work house provided it is removed within 30 days after the completion of such project.
- C. A manufactured home or recreational vehicle may be used on a farm for the sole use by farmhands provided they are removed when no longer being used.

SECTION V: ADMINISTRATION AND ENFORCEMENT

- A. The Town Board hereby appoints the Code Enforcement Officer (CEO) to enforce this local law pursuant to Berkshire Local Law - Administration and Enforcement of New York State Uniform Fire Prevention and Building Code. The CEO's duties shall include the inspection of manufactured or factory manufactured homes and sites as well as investigations of complaints filed with respect to violations of this local law.
- B. Administration/Application Process:
 1. A Building Permit application (in multiple copy form) shall be obtained from the Town Clerk or CEO. Said form shall be completed by the individual and returned to the CEO. Upon approval from the CEO and payment of appropriate fees made to the town, the permit and any attachments will be filed with the Town Clerk. The Town Clerk shall retain a copy as well the CEO and the applicant.
 2. The CEO shall review the application for compliance with the minimum requirements of this Local Law and other appropriate Town Laws. Incomplete applications shall be returned to the applicant indicating that additional information or material is required. If the application is deemed to be complete, the CEO shall review the design of the manufactured or factory manufactured home installation and shall issue or reject the permit within ten (10) business days. If approved, the Building Permit is effective from the day of issuance to and including one year from the date of issue.
 3. The Permit shall not be transferable or assignable.

4. Permit fees are established by the Town Board and can be found in the Town Fee Schedule. Permits, and the Fee Schedule, can be obtained from the Town Clerk.

SECTION VI: ENFORCEMENT PROCEDURES, APPEALS, VARIANCES

- A. In the case of any violation or threatened violation of any of the provisions of this local law, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful installation, occupancy, or removal of a manufactured or factory manufactured home.
- B. The CEO will attempt to gain voluntary compliance with this local law if there is a violation noted or reported. The CEO is hereby granted administrative authority and responsibility to terminate any violation of this local law by posting a Stop Work Order on the premises wherein the violation has occurred. The Stop Work Order shall serve notice to the owner, installer, builder, developer, agent and/or any other individual or business on the premises that all such action specified on the Stop Work Order must be terminated immediately. If all provisions of this local law together with other conditions specified by the CEO are met, the Town Board or CEO may authorize the termination of the Stop Work Order.
- C. Within 30 days of issuance of the Stop Work Order, the operator has the following three options available:
 1. Remediation: Remediation must include a written notification to the CEO of planned actions or actions taken to bring the situation into compliance with this local law.
 2. Appeal: Appeal/protest allows the operator to contend that the cited condition does not violate requirements of Section III. The CEO will investigate the situation and inform the property owner in writing that the appeal has been upheld and the case dropped or the appeal has been rejected, in which case another 10 days is provided to remediate the violation.
 3. Request Variance: Variances are exception requests to the strict interpretation of this local law that the violator must submit to the Town Board and the CEO. An explanation of why a variance should be granted must be clearly documented and demonstrate reasonable cause for the request. The Town Board will review the request for reasonableness and either schedule a public hearing or deny the variance within 62 days. The requester will be notified of the date and time of that hearing or that the variance was denied. A ruling will be made on the request within 31 days of the public hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the violator and the Town Board. If the variance is not granted, the CEO will notify the requestor that he/she is still in violation but will be granted an additional 10 days to remediate the situation. If granted, the meeting minutes shall record the reason as:
 - a. granting the variance would be keeping with the intent and spirit of this Local Law and is in the best interest of the community; or
 - b. there are special circumstances involved in the case; or
 - c. denying the variance would result in undue hardship to the applicant, provided that such hardship has not been self-imposed.

- D. No written response or remedial action by the violator within 30 days of issuance of the Stop Work Order, or within 10 days after an appeal or variance is denied, is deemed to be an admission that they are in violation of this local law, and the CEO will present the violator with an appearance ticket pursuant to Criminal Procedure Law section 150.20 to appear in Town Court.
- E. Upon conviction and failure to remedy a violation of this local law within the time period imposed by the court, the Town Board may hire or contract the remediation at the expense of the property owner. Should the property owner fail to pay the costs, the cost will be added to the Town of Berkshire tax on that property in the following year.

SECTION VII: REFERENCE MATERIAL

This local law repeals any local law or ordinance regulations previously recorded for mobile homes, manufactured homes, factory manufactures homes or recreational vehicles.

Refer to New York State Uniform Code, New York State Municipal Regulation of Manufactured Homes, and New York State Title 19 (NYCRR) Part 1210 Manufactured Home Regulations.

SECTION VIII: SEVERABILITY/INVALID SEGMENT

Should any section or provision of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so declared to be invalid.

SECTION IX: PENALTIES

- A. Any person, firm or corporation which violates, disobeys, neglects, or refuses to comply with, or which resists the enforcement of any of the provisions of this local law shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine of not more than \$250, up to 15 days' imprisonment, or both.
- B. Each week a violation is continued shall be deemed a separate offense.
- C. The penalties provided herein shall be cumulative and shall be in addition to any other penalties provided by law.

SECTION X: EFFECTIVE DATE

This local law shall take effect upon acknowledgement by the Secretary of State of the State of New York that said Local Law has been correctly filed with said office. Upon receipt, that letter shall be attached as an appendix to this local law.