

TOWN OF SMITHFIELD MOBILE HOME PARK ORDINANCE

March 13, 1999, March 12, 2016

SECTION 1. TITLE

This Ordinance shall be known as the “Mobile Home Park Ordinance of the Town of Smithfield”, 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, Section 2001, Home Rule; Section 4401-4407, Shoreland Zoning; and Section 4358, Manufactured Housing.

SECTION 3. PURPOSE

The purpose of this Ordinance is to promote the health, safety and general welfare of the residents of the Town of Smithfield 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

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.

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

This Ordinance may be amended by a majority vote of the legally constituted municipal governing body. Amendments may be initiated by the municipal officers, a majority vote of the Planning Board, or written petition by a number of voters equal to at least 10% of the number of votes cast on the municipality in the last gubernatorial election.

SECTION 8. APPEALS

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

Having been adopted by the voters on March 13, 1999, the effective date of this Ordinance shall be March 13, 1999. As of March 13, 1999, the former mobile home park ordinance adopted on March 7, 1970 is repealed and replaced with this Ordinance.

SECTION 10. DEFINITIONS

A. 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, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called “newer mobile homes”, which the manufacturer certified 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

2. Those units commonly called “modular homes”, which the manufacturer certifies are constructed in compliance with Title 9, chapter 51, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

B. MOBILE HOME PARK

Mobile Home Park means a parcel of land under unified ownership (meaning all land is under one deed) approved by the municipality for the placement of three (3) or more manufactured homes.

C. MOBILE HOME PARK LOT

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

D. PERMANENT FOUNDATION

Permanent Foundation means all of the following:

1. A full, poured concrete or masonry foundation,

2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
3. 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.

E. 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, but specifically excludes corrugated metal roofing material.

SECTION 11. APPLICATION PROCEDURE AND FEES

A. PERMITS

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

1. All mobile home parks applications shall be reviewed under the Town's Subdivision Ordinance and shall be considered a subdivision for the purposes of this Ordinance.
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.
3. All mobile home park proposals shall obtain all applicable State permits including a license from the Manufactured Housing Board. The Town of Smithfield Mobile Home Park permit shall be issued conditional upon approval of all State permits and licenses.
4. If a developer elects to create a mobile home park where all land is not under one ownership, the park plan shall show lots and the developer shall demonstrate that the development standards described herein are met. The intent of this section is to ensure that condominium-type developments will comply with all required standards.

B. FEES

Fees shall be set, and may be amended, by the Board of Selectmen. The board shall hold a public hearing prior to setting or amending the fee schedule

C. 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, the Planning Board may approve minor modifications that do not involve additional lots. All minor changes approved by the Board shall be noted on the original subdivision plan.

D. CONVERSIONS

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.

E. 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:

1. 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.
2. No dwelling unit other than a manufactured housing unit shall be located within the park.

F. LOCATION

Proposed mobile home parks shall be located in accordance with the General Requirements of the Town of Smithfield Subdivision Regulations.

SECTION 12. DIMENSIONAL REQUIRMENTS

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

A. Lots served by individual subsurface wastewater disposal systems:

Min. lot area:	20,000 square feet
Min. lot width:	100 feet
Structure side setback:	10 feet
Structure rear setback:	10 feet
Structure front setback:	10 feet

* Parking spaces shall not be in a set back area

B. Lots served by a central subsurface waste disposal system:

Min. lot area:	12,000 square feet
Min. lot width:	75 feet
Structure side setback:	10 feet
Structure rear setback:	10 feet
Structure front setback:	10 feet

* Parking spaces shall not be in a set back area

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

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

E. 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.

F. 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:

- A. 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.
- B. All manufactured housing shall comply with the following design standards:
 - 1. All units shall have a pitched roof.
 - 2. All units shall have a permanent foundation.
 - 3. All units shall contain at least one working smoke detector located as recommended by the manufacturer.
 - 4. All units shall have skirting installed and contain at least one access panel.
 - 5. 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.
 - 6. 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 edition of NFPA as adopted by the State of Maine shall be followed.
 - 7. All units shall be provided with at least two off road parking spaces, each 10’ X 20’.
 - 8. All units shall be provided with a lot number that shall be displayed in accordance with the Town of Smithfield Addressing Ordinance.

SECTION 14. PARK BUFFER STRIPS

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 the buffer is to protect abutting land uses and structures from the dense development pattern in a mobile home park. Any mobile home park that is designed in conformance with the lot size requirements in effect for residential development shall not be required to meet the buffer standards contained in this section.

A. BUFFER STRIPS ALONG PUBLIC WAYS

All mobile home parks that have frontage along an existing Town, or State public way shall contain a 50 foot wide buffer strip along the entire length of the public way. A strip within the buffer shall contain natural or landscaped vegetation that provides a screen of at least six (6) feet in height. The buffer strip shall remain free from development except that access roads and utility easements shall be allowed to cross the buffer.

B. BUFFER STRIPS ALONG PROPERTY LINES

All mobile home parks shall provide a minimum 10-foot wide buffer strip along the property lines of the park. The buffer strip shall consist of natural or landscaped vegetation. Buffer Strips shall be in place before the first unit is rented in the mobile home park.

SECTION 15. ROAD STANDARDS

A. MINIMUM STANDARDS FOR STREET DESIGN AND CONSTRUCTION

1. Minor streets shall be designed to discourage through traffic.
2. Width of right-of-ways shall be a minimum of 50 feet with 66 feet desirable and the Planning Board may require additional width where the street may reasonably expect heavy usage.
3. The width of traveled ways shall be a minimum of two 10 foot traffic lanes plus 2 feet shoulder on each side and 2 to 1 foot slope to the ditch. Planning Board may require that additional width be required for streets, which will receive heavy usage.
4. The radius of centerline curves shall be 100 feet at the minimum, with streets, which will receive heavy usage up to 500 feet.
5. The angle of street intersections shall be as close to 90 degrees as possible; but in no case less than 60 degrees.
6. Street grades shall be a minimum of 0.5 percent a maximum of 10 percent, which may be varied by the Planning Board in certain cases. Grade at intersections shall be a maximum of 3 percent within 50 feet of the intersection.
7. Cul-de-sac and dead end streets shall have a maximum length of 800 feet with a minimum property line radius of 100 feet and a minimum turning radius of 50 feet at the closed end. Use of a T-shaped turn-around will be permitted as an alternative. In the latter case, the turnaround shall be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street (all dimensions cited for the T-shaped turnaround are for the traveled way).
8. Construction of streets shall conform to the requirements of the Town of Smithfield Road Ordinance or shall meet the following minimum requirements:
 - A. 18 inches of road base bank gravel with no rocks larger than 8 inches shall be required.
 - B. 4 inches of upper base fine bank run gravel (with no stones larger than 2 inches) shall be required.
 - C. Road crown shall be at least 1/4 inch/one foot.
 - D. Bituminous paving 3 inches thick (2 inch base, 1 inch surface) may be required.

All street construction shall conform to good engineering practices and be suitable for the intended usage of the street. The developer will notify the selectmen when the road is completed.

The Road Commissioner and Selectmen will periodically inspect the road during construction

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

- a. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
- b. The maximum 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 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 ½ feet above the pavement and the height of the object 4 ½ 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.

SECTION 16. 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.

SECTION 17. PARK ADMINISTRATION

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park owned structures and their sites, including abandoned or undeveloped lots within the mobile home park. Park management shall conform to all applicable State Laws and Regulations. The park owner shall be responsible for the maintenance and safe operation of the following items: all private roads, solid waste collection, individual and central subsurface wastewater disposal systems, and utility services including water and electric.

SECTION 18. 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 the 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 the 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.