

## TOWN OF APPLETON

### Manufactured Housing and Mobile Home Park Ordinance

#### SECTION I - TITLE & PURPOSE

°1. **Title**

This Ordinance shall be known and may be cited as *the Town of Appleton, Maine Manufactured Housing and Mobile Home Park Ordinance* and will be referred to herein as this Ordinance.

°2. **Purpose**

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The purposes of this ordinance are to establish minimum standards for the placement of manufactured housing and mobile homes within parks in accordance with the provisions of Title 30 M.R.S.A, Section 4358, "Regulation of Manufactured Housing", to provide opportunities for the location of affordable and safe housing within the Town, and to assure a safe and healthful environment for residents of mobile home parks.

#### SECTION II - AUTHORITY, APPLICABILITY & ADMINISTRATION

°1. **Authority**

This ordinance is adopted as amended pursuant to the home rule powers provided for in Articles VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001, and Title 30 M.R.S.A., Section 4358, "Regulation of Manufactured Housing".

°2. **Applicability & Effective Date**

This Ordinance shall apply to all land proposed for subdivision into parks for manufactured housing or mobile homes within the boundaries of the Town of Appleton.

This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Appleton in town meeting retroactively to January 1, 1991.

°3. **Administration**

The provisions of this Ordinance shall be administered by the Town of Appleton Planning Board and enforced by the Town of Appleton Code Enforcement Officer.

#### SECTION III - SEVERABILITY & CONFLICT

°1. **Severability**

Should any section of this Ordinance be declared by the courts of the State of Maine or by the courts of the United States to be invalid, such decisions shall not invalidate any other section or provision of this Ordinance.

°2. **Conflict**

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

#### **SECTION IV - AMENDMENT OF THIS ORDINANCE**

°1. **Initiation of Amendment**

This Ordinance may be amended by a majority vote at a regular or special town meeting. An amendment to this Ordinance may be initiated by:

- A. A majority vote of the Planning Board;
- B. By request of the Board of Selectman to the Planning Board; or
- C. By petition directed to the Selectmen containing a number of signatures at least equal to 10% of the votes cast in the last gubernatorial election in the town.

°2 **Adoption of Amendment**

All proposed amendments to this Ordinance shall be referred to the Planning Board for their recommendation. The Planning Board shall conduct a public hearing on any proposed amendment at least fourteen (14) days in advance of the town meeting and shall make their recommendations known to the Selectmen and the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of Appleton, Maine at a Town Meeting, a majority vote being required for adoption.

#### **SECTION V-REVIEW & MINIMUM DESIGN & PERFORMANCE STANDARDS**

°1. **Permit Requirements**

No person, firm, corporation, or other legal entity shall locate a manufactured home or mobile home in the Town of Appleton or move a manufactured home or mobile home from one lot or parcel of land to another without a permit from the Code Enforcement Officer. The Code Enforcement Officer shall issue the permit within seven days of receipt of a written application. The permit shall specify that unless the unit is brought into compliance with the requirements of Section 5, °3 hereinafter within two months of the date of its issuance, the permit will be automatically revoked.

°2. **Non-Conforming Structures**

Any mobile home or house trailer which fails to meet any of the definitions in Section 10, °3 as amended which was lawfully established prior to the effective date of this Ordinance (January 1, 1991) shall be considered a non-conforming

structure and may continue to be maintained, repaired, improved, expanded, or relocated on another portion of the same lot.

°3. **Manufactured Housing and Mobile Home Standards**

All manufactured housing located on individually owned lots in the Town of Appleton shall comply with the same requirements set for any type of single family house in Appleton. The size requirement shall be that required at the time of manufacture, whether before or after June 15, 1976.

°4. **Location of Manufactured Housing and Mobile Homes**

Manufactured housing and mobile homes may be located within the Town of Appleton in accordance with the standards applicable to one-family dwellings.

°5. **Mobile Home Parks**

Mobile Home Parks or their extensions shall be reviewed by the Appleton Planning Board under the Subdivision Ordinance for the Town of Appleton. Mobile Home Parks shall conform with all State laws and local ordinances or regulations. Mobile Home Parks shall further conform to the following requirements.

A. **Location.** Mobile Home Parks shall be located only in environmentally suitable locations. Environmentally sensitive locations include, but are not limited to:

- a. Wildlife habitat areas
- b. Wetlands or swamps
- c. Prime agricultural lands
- d. Areas with steep slopes
- e. Areas with soils unsuitable for septic systems
- f. Flood plain Areas
- g. Shoreland Zone

B. **Access.** The Park shall have at least one access road with a right-of-way width of not less than 23 feet, a traveled-way width of not less than 20 feet, and unobstructed access to a public road. A Mobile Home Park containing more than 20 mobile home sites shall have a second exit to a public road.

C. **Service Roads.** The Park shall be provided with service roads with well-drained, stabilized, or paved surfaces maintained in good repair, and well illuminated at night. The travelled-way width shall be not less than 18 feet; and, where parallel parking is permitted on one side of the street only, the total width of such street shall be not less than 26 feet; and where parking is permitted on both sides of the street, the total width of such street shall be not less than 32 feet. The travelled portion of a cul-de-sac shall have a minimum outside radius of 50 feet. No mobile home lot may have vehicular access directly onto a main road.

D. **Size of Park.** The Park shall have an area consisting of the total of:

- (1) The area required for the road rights of way.
- (2) The area required for the buffer zone.
- (3) The area required for lot size.
- (4) Area required for open area if required.

- E. Individual Mobile Home Lot.** Each mobile home lot shall contain a minimum area of:
- (1) 20,000 square feet if the lot is served by an on-site (lot) subsurfaced septic system and the soils are suitable.
  - (2) 12,000 square feet if the lot is served by a central on-site (park) subsurface septic system approved by the Dept. of Human Services and the overall density of the mobile home park is 20,000 square feet per home.
  - (3) Lots located within any shoreland zoning district shall meet all lot area, width, shore frontage, and requirements for that district.
- F. Mobile Home Lot Frontage.** An individual lot frontage shall have not less than a 60-foot frontage on a service road, except that a site fronting on a cul-de-sac shall have not less than 30-foot frontage, measured clearly marked, and the site shall be well-surfaced or seeded to provide adequate drainage beneath and adjacent to any mobile home parked thereon.
- G. Motor Vehicle Parking Space.** Off-street parking for two vehicles per mobile home shall be provided and all such spaces shall have a well-drained, stabilized, or paved surface maintained in good repair.
- H. Garbage Receptacles.** Garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.
- I. Sale of Mobile Homes in Mobile Home Park.** Sale of new mobile homes located in a Mobile Home Park shall be limited to the sale of such homes that are intended for placement within the Park.
- J. Placement of Mobile Homes.** No mobile home shall be placed less than ten feet from the side of any individual mobile home site and there shall be not less than 35 feet between any two mobile homes. No mobile home shall be placed less than 100 feet from any house located on any adjacent lot, nor less than 50 feet from the right-of-way of any public road. Shoreland zoning setbacks apply to any unit within the shoreland zone.

- K. Buffer Strips.** A 50' buffer strip shall be provided along all property boundaries. No structures, streets, or utilities may be placed in the buffer strip except, that they may cross a buffer strip to provide services to the park. It is requested that within 25' of any property line and within the buffer strip visual screening and/or landscaping be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural vegetation. This screening shall effectively screen at least 80% of the homes from view of the adjacent property and shall be maintained throughout the life of the project.
- L. Conversion of Park.** No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board and any such lot sold or conveyed shall meet the minimum lot size, set-back, width, and other requirements for individual lot size. The land within the park shall remain in unified ownership and the fee to lots or portions of lots shall not be transferred.
- M. Storm Drainage.** A storm drainage and erosion control plan shall be prepared by a licensed professional engineer showing: ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.
- N. Groundwater.** An assessment of the impact of the park development on ground water quantity and quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or licensed Professional Engineer and shall include the following:
- (a) A map showing the basic soil types.
  - (b) The depth to the water table at representative points throughout the mobile home park
  - (c) Drainage conditions throughout the mobile home park.
  - (d) Data on existing ground water quality and quantity either from test wells or existing wells on neighboring property
  - (e) An analysis and evaluation of the effect of the mobile home park on the ground water resources. The evaluation shall at a minimum include a projection of post development nitrate-nitrogen concentrations at any wells within the park, at park boundaries, and at a distance of 1000 ft. from the potential contamination sources whichever is a shorter distance. For mobile home parks within a lake watershed, projections of the developments impact on groundwater phosphate concentrations shall also be provided.
  - (f) A map showing the location of any subsurface wastewater systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
  - (g) An analysis and evaluation of significant aquifers
  - (h) Effect on natural surface waterways

**0. Individual Mobile Home lots will each be supplied with:**

- (1) A continuing and potable supply of safe and sanitary water.
- (2) An adequate sewage disposal means.
- (3) An adequate electrical power service.

**P. Extension and Alteration of Mobile Home Parks.** Mobile Home Parks may not be extended or altered except in conformance with the provisions of this Ordinance.

## **SECTION VI - ENFORCEMENT**

It shall be the duty of the Code Enforcement Officer of the Town of Appleton to enforce the requirements of this Ordinance. If this Ordinance is being violated, the Code Enforcement Officer shall notify in writing by registered mail, return receipt requested, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notices and receipts shall be maintained as a permanent record in the Municipal Office by the Code Enforcement Officer.

When above action does not result in the correction or abatement of the violation, the Selectmen of Appleton upon notice from the Code Enforcement Officer are, hereby, authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce provisions of this Ordinance in the name of the Town of Appleton in accordance with the provisions of Title 30, Section 4966. M.R.S.A.

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violations shall be guilty of a misdemeanor subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation. Each day such a violation is continued may be counted as a separate offense.

## **SECTION VII - PERFORMANCE GUARANTEES**

**°1. Guarantee Required**

A. The Final Plan shall be accompanied by a performance guarantee, or, at the sole discretion of the Planning Board, a conditional agreement.

- (1) A performance guarantee may be tendered in the form of a certified check payable to the Town of Appleton, a savings account passbook issued in the name of the Town of Appleton or a faithful performance bond running to the Town of Appleton and issued by a surety company acceptable to the Planning Board. The amount shall be 125 percent of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two (2) years from the date of such check, passbook or bond issuance. In the case of a performance guarantee, building permits may be issued for construction within

the subdivision prior to completion of required improvements, but the required improvements shall be completed and approved prior to any occupancy.

- (2) A conditional agreement, if acceptable in lieu of a performance guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Code Enforcement Officer for any building or any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan.

- B. Completion of required improvements shall be determined by the Planning Board to its satisfaction, which shall receive written and signed certifications by the town Selectmen and Road Commissioner and, if necessary, at the expense of the subdivider, by a professional engineer registered in the State of Maine that all improvements assured by the performance guarantee or conditional agreement have been constructed in accordance with the Final Plan and all applicable codes and ordinances. The engineer's report shall also certify that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.

#### °2. Release of Performance Guarantee

- A. The performance guarantee shall be released by the Planning Board upon the request of the subdivider only after:
  - (1) The Board receives the above certifications of completion,
  - (2) The subdivider has furnished the Town with an accurate record plan and profile (original ink drawings on linen) of all streets including drainage lines and appurtenances, sanitary sewerage lines and appurtenances, water mains and appurtenances, and all other utilities as actually installed with sufficient ties for proper identification:
  - (3) The subdivider has presented to the Selectmen a petition for the laying out and acceptance as a town way of the dedicated streets in the subdivision or portion thereof for which release of the performance guarantee is sought.

### **SECTION VIII - VARIANCES & WAIVERS**

- °1. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map or the Comprehensive Plan.
- °2. Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety and general welfare, or is inappropriate because of inadequate or lack of connecting facilities adjacent or proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

- °3. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.



## SECTION IX - APPEALS

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting land owner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within thirty (30) days of the Planning Board's decision. The Board of Appeals may or may not reverse the Planning Board's decision after holding a public hearing and may or may not grant a variance as defined herein. Public Hearings shall be held in accordance with title 30 M.R.S.A., Section 2411.

## SECTION X - DEFINITIONS

- °1. Construction of Language  
In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.
- °2. Relationship to Other Town Ordinances  
Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of this Ordinance.
- °3. DEFINITIONS

**Board of Appeals:** The Appeals Board of the Town of Appleton as created by 30, M.R.S.A. 4954.

**Body of Water:** Shall include the following:

- A. *Pond or Lake* - any inland impoundment, natural or manmade, which collects and stores surface water.
- B. *Stream or River* - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.
- C. *Tidal* - any area upon which tidal action occurs.

**Code Enforcement Officer:** A person appointed by the Selectmen of the Town of Appleton to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

**Comprehensive Plan:** Any part or element of the overall plan for development of the Town of Appleton as defined in Title 30-A. M.R.S.A. ° 4301 and as the same may be amended from time to time.

**Driveway:** A private vehicular entrance from a road or right-of-way. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

**Environmentally sensitive areas:** Wetlands, swamps, dune areas, wildlife habitat areas, prime agricultural areas, areas with steep slopes, areas with poorly drained soils if not on a public sewer, and flood plain areas (subject to 100 year flood).

**Family:** One or more persons occupying a premise and living as a single housekeeping unit.

**Frontage:** The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- A. A way accepted by or established as belonging to the Town of Appleton, or the State of Maine, provided access is not specifically prohibited.
- B. A road way, whether dedicated to public ownership or not, as shown on an approved mobile home park plan; this road way must have been constructed before consideration for lot access.

**Lot Area:** The total horizontal area within the lot lines.

**Lot Coverage:** The total horizontal area within the lot lines.

**Lot Width:** The distance between the side boundaries of the lot measured at the front setback line or the shortest distance between the side boundaries anywhere along their length, whichever is shortest.

**Manufactured Housing Unit:** 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 a 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 definition, two types of manufactured housing are included, These two types are:

- A. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning, and electrical systems contained in the unit; this term also includes any structure which meets all the requirements

of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United State 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

- B. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including the plumbing, heating, air conditioning, and electrical systems contained in the unit.

**Mobile Home Park Lot:** The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. The Planning Board may require a lot to be designated on a mobile home park plan.

**Mobile Home Park:** A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board designed and/or used to accommodate three or more manufactured housing units on individually owned lots.

**Normal High Water Mark of Inland Waters:** That line of the shores and banks of nontidal water which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerilweed, cattail, wild rice, sedges, rushes and march grasses, and terrestrial vegetation included but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridgeberry, sarsparilla, pines, cedars, oaks, ash, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark shall be estimated from places where it can be determined by the above method.

**Planning Board:** The Planning Board of the Town of Appleton as created by 30, M.S.R.A. 4952.

**Road:** Public and private ways such as alleys, avenues, boulevards, highways, roads, streets, lanes and other rights-of-way, as well as areas on mobile home park plans designated as rights-of-way.

**Road Commissioner:** The elected officer of the Town of Appleton in charge of the roads of said Town.

**Selectmen:** The primary elected officers of the Town of Appleton.

**Setback:** The horizontal distance from a lot line to the nearest part of a structure.

**Setback from Water:** The horizontal distance from the normal high water mark to the nearest part of a structure.

**Subdivision Ordinance:** The Town of Appleton Subdivision Ordinance as adopted Nov. 6th, 1986 by the Town and its subsequent amendments.

°: A symbol used by legislating bodies or entities meaning "subsection."

**Undue Hardship:**

- A. That the land in question cannot yield a reasonable return unless a variance is granted; and
- B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
- C. That the granting of a variance will not alter the essential character of the locality; and
- D. That the hardship is not the result of action taken by the applicant or a prior owner.

**Variance:** A relaxation of the terms of an ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance, The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless all elements are present in the case.

**SECTION XI - CERTIFICATE OF ADOPTION**

I hereby attest that this is a true copy of the Manufactured Housing and Mobile Home Park Ordinance for the Town of Appleton, Maine duly adopted on

\_\_\_\_\_.

\_\_\_\_\_  
Appleton Town Seal

\_\_\_\_\_  
Appleton Town Clerk

\_\_\_\_\_  
Date