

Town of Mercer
Mobile Home Park Ordinance

Section 1 TITLE

This ordinance shall be known and cited as The Town of Mercer Mobile Home Park Ordinance and will hereafter be referred to as "this ordinance".

Section 2 AUTHORITY

- A. These regulations are adopted pursuant to and are consistent with the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A, MRSA, Section 3001, the state's growth management law, and the state law "Regulation of Manufactured Housing" Title 30-A, MRSA, Section 4358.

Section 3 PURPOSE AND INTENT

- A. The purpose and intent of this Ordinance is to promote the health, safety, and general welfare of the residents of the community; regulate Mobile Home Parks; establish minimum standards for the design, construction, and maintenance of Mobile Home Parks; to make them safe, decent and sanitary; and to determine the minimum responsibilities for owners and operators of Mobile Home Parks.

Section 4 APPLICABILITY

- A. This Ordinance shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

Section 5 MOBILE HOME PARK MINIMUM REQUIREMENTS

A. LOT SIZE, WIDTH, AND DENSITY

- 1. Lots served by Individual Subsurface Sewage Disposal System and Individual Water Supply
 - a. Minimum Lot Area - 20,000 square feet
 - b. Minimum Lot Width - 150 feet

2. Lots served by Central On-Site Subsurface Waste Water Disposal Systems and Individual or Central Water Supply
 - a. Minimum Lot Area - 12,000 square feet
 - b. Minimum Lot Width - 100 feet
 - c. Minimum
3. At this time there is no Public Sewer or Water in the Town of Mercer.
4. Lots within a Shoreland Zoning District shall meet ALL requirements for that district.
5. The minimum overall area of the Mobile Home Park shall be the combined area of:
 - a. The area required for manufactured home lots;
 - b. The area required for road rights-of way;
 - c. The area required for buffer strips;
 - d. The area within the required shoreland zone setback.

B. WATER

1. A safe, adequate, accessible and potable water supply is required for each mobile home in the Mobil Home Park.
2. All elements of the water supply system shall be designed and built in a manner so that surface or underground contamination shall not reach and/or contaminate the water supply.
3. All elements of the water supply system shall be specifically designed and constructed in a manner that will prevent freezing and heaving in the water supply system.

C. SEWER

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots where the limiting factor is identified as being within 24 inches of the surface, a second site with suitable soils shall be reserved for future replacement of the primary disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

2. In no instance shall a disposal area be permitted on soils or on a lot which requires a new system variance from the Subsurface Wastewater Disposal Rules.
3. The location of sewage disposal facilities in areas of significant sand and gravel aquifers and primary and secondary aquifer recharge areas as identified on Map #31, "Hydrogeological Data for Significant Sand and Gravel Aquifers", published by the Maine Geological Survey, as amended, shall require the submission of written certification from a licensed Site Evaluator or Registered Maine Geologist, that the cumulative impact of on-site disposal system(s) will not adversely affect ground water quality.

D. BUFFER STRIPS

1. A 50 foot Buffer Strip is required along all property boundaries that abut residential land with a density of development one half or less than the Mobile Home Park.
2. No structures, streets, or utilities may be placed in the buffer strip except that utilities may cross a buffer strip to provide services to a Mobile Home Park and entrance and exit roads may also cross a buffer strip.

E. LOT SETBACKS

1. The following Lot Setbacks shall apply to all manufactured housing structures and accessory structures located on an individual mobile home site:
 - a. Frontyard Setback (Private Road) - 20 feet
 - b. Sideyard Setback - 20 feet
 - c. Rearyard Setback - 10 feet

Structures located within a Shoreland Zoning District shall meet the setback requirements for that district.

F. FOUNDATIONS

1. All units shall be provided with foundation systems that meet or exceed the requirements of the standards developed by the State of Maine Manufactured Housing Board.

G. UNIT SEPARATION

A minimum of twenty (20) feet shall be maintained between all units in all directions.

H. SKIRTING

Skirting shall be provided, where applicable, and installed on each manufactured housing unit in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to minimize possible frost heave. Access opening(s) not less than 18 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured housing unit are accessible for inspection. Such access panel(s) or door(s) shall not be fastened in a manner requiring the use of a special tool to remove or open same. On-site fabrication of skirting shall meet the objectives cited herein.

I. ROADS

1. All roads shall have a right of way of not less than 23 feet, with not less than 20 feet paved.
2. All roads shall be built in accordance with the standards of construction developed by the State of Maine Manufactured Housing Board and according to acceptable engineering standards and with a professional engineers seal as required by the Manufactured Housing Board.
3. Roads which intersect with public roads shall meet the following standards:
 - a. Angle of Intersection- The desired angle of intersection shall be 90 degrees. The minimum angle of intersections shall be 75 degrees.
 - b. Grade- The maximum grade within 75 feet of the intersection shall be 2 percent.
 - c. Sight Distance - The minimum sight distance shall be 10 times the posted speed limit on the existing public road. Sight distances shall be measured from the drivers's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/4 feet.

- d. Distance From Other Intersections - The centerline of any street within a manufactured housing park intersecting with an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

J. DRIVEWAYS

Driveways shall have a minimum width of 10 feet and shall have a 5' foot radius or shall flare to a 14 foot width at street entrance.

K. PARKING

Each manufactured home lot shall be provided with at least two (2) off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. The Planning Board may waive this requirement if an equivalent number of spaces are provided by an on-street parking lane.

In addition, one off-street guest or service parking shall be provided within the boundaries of the park at a ratio of one space for each four manufactured housing lots. The Planning Board may waive this requirement if an equivalent number of spaces are provided by on-street parking lane.

L. UTILITIES

All utilities shall be designed and installed in accordance with applicable state rules and regulations. A Utility Plan shall be submitted indicating location of existing utilities and location, size and type of all new utilities.

M. FIRE PROTECTION

Water supplies for fire department operations shall be provided for each mobile home park. Hydrants shall be located along the community streets or public ways readily accessible for fire department use and located within 500 feet of all homes and structures. Hydrants shall have a minimum yield of 1000 gpm, with 25 psi residual pressure. Where a community water supply is not available, the mobile home park shall provide a reservoir or water supply with a source of not less than 3,000 gallons accessible for fire department drafting operations.

All fire protection measures shall be reviewed and approved by the Norridgewock Fire Chief and the Maine Forest Service (when applicable).

N. EXPANSIONS

All expansions, additions, or further development of the Mobile Home Park must be designed and described in the original application. No subsequent additions or expansions are allowed under this Ordinance.

O. STORM WATER DRAINAGE

All new mobile home parks or expansions to existing parks, whether or not served by an existing storm water collection system, shall be designed to control and manage storm water in accordance with the following guidelines:

1. A storm water management system shall be designed to infiltrate, detain or retain water falling on the site during a design storm such that the post-development peak discharge and runoff will not exceed the peak discharge and runoff from the site prior to any development activities;
2. Storm water transportation systems shall be designed to pass the peak discharge of a twenty-four hour (24-hour), twenty-five year (25-year) storm frequency. Open channel systems will be designed to contain the design storm. In addition, areas expected to be flooded by the design storm will be indicated on the plans and be considered part of the drainage and storm water management system.
3. The storm water management system shall take into consideration the upstream discharge and runoff which must pass over or through the development site and will include a surplus design capacity factor of twenty-five percent (25%) for potential increases in upstream runoff;
4. Downstream drainage requirements shall be studied to determine the effect of the proposed storm water management system discharge off-site. The storm water management system will not overload existing or future planned storm drainage systems downstream of the development nor will post-development peak

discharge and runoff exceed pre-development peak discharge runoff;

5. The proposed storm water management system shall be designed by a Professional Engineer experienced in the design of storm water systems. The designer of the system will develop and submit for review, the method of calculation and the hydraulic calculations. These calculations will be based on accepted engineering practices and demonstrate that the requirements of this section will be met;
6. Rights-of-way or easements will be designated for all components of the storm water management system lying outside the established public street lines;
7. The applicant shall certify in writing that all components of the storm water management system will be maintained until the system is placed under the jurisdiction of a legally created association or formally accepted by the town, which will then be responsible for the maintenance of the system; and
8. When construction of the development is to occur in phases, the planning of the storm water management system shall encompass the entire site which may ultimately be developed, and shall not be limited to an initial or limited phase of the development.

P. EROSION AND SEDIMENTATION CONTROL

Adequate measures shall be provided to control erosion and sedimentation during the construction phase and after the completion of the project. These should include but are not limited to the following:

1. Description and location of the limits of all proposed earth movement;
2. Description and location of all existing and proposed drainage features including the size of any culverts and cross-section of drainage ditches;
3. Description, location, and details of all temporary erosion and sedimentation control measures;

4. Description, location, and details of all permanent erosion and sedimentation control measures, including:
 - a. Areas to be riprapped;
 - b. Areas to be seeded, with specifications for seed mixture (%), type of fertilizer, and application rates of lime, fertilizer and seed (lb./1000 sq. ft.);
 - c. Areas to be mulched, including type of mulch and application rate;
 - d. Sedimentation ponds with engineering design data;
 - e. Timing and sequence of the above erosion and sedimentation control measures; and
 - f. Provisions for maintenance of all erosion and sedimentation control facilities which will remain after the project is completed, including designation of responsible parties.

Q. ACCESSORY STRUCTURES

The following requirements shall apply to any accessory structures located on a mobile home park site and accessory to the mobile home unit. The accessory structure shall:

1. Not exceed a width of 24 feet or length of 26 feet.
2. Not obstruct required openings for light and ventilation of the mobile home unit
nor prevent inspection of any mobile home unit equipment or utility connection.

R. ATTACHED STRUCTURES

The following requirements shall apply to any extensions of mobile homes such as porches, decks, and porticos. Such attached structures shall:

1. Not be used for the storage of motor vehicles.
2. Meet all setback requirements of Section 5.E.

S. 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.

T. MOBILE HOME SAFETY STANDARDS

1. All Mobile Homes shall meet or exceed all applicable state and federal fire and safety standards for residential use.
2. Smoke detectors shall be installed in the kitchens, hallways, and bedrooms of all Mobile Homes in the Mobile Home Park as per standard use and practice.
3. Each lot shall be clearly marked for easy identification and access by emergency vehicles.

U. SOLID WASTE

The storage, collection and disposal of refuse in the Mobile Home Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

In addition, the owner and/or operator of the Mobile Home Park shall provide either curbside pickup or a convenient central collection and storage site at their own expense. The Mobile Home Park owner and/or operator shall provide for the disposal of all solid waste generated by the Mobile Home Park either through the Town of Mercer Solid Waste System or under a commercial agreement with a waste disposal facility licensed by the State of Maine. All expense related to disposal of solid waste either through the Town of Mercer Solid Waste System or a commercial agreement shall be borne by the owner/operator of the Mobile Home Park.

Section 6

APPLICATION AND FEES

In addition to the requirements of other ordinances and regulations of the Town of Mercer, the applicant shall apply to the Mercer Planning Board for a permit to develop a Mobile Home Park. Seven copies of the

application and accompanying information shall be submitted to the Planning Board at least one week preceding the regularly scheduled meeting. All applications shall be in writing, signed by the applicant who shall submit with the application, proof of right, title, or interest in the property together with a complete set of plans drawn to an appropriate scale, showing the location of the proposed park, and which shall, at a minimum, include:

- A. Boundary Survey certified by a registered Maine Land Surveyor;
- B. Topographical Survey with contour intervals a minimum of five (5) feet, unless specified otherwise by the Board;
- C. Maximum number, location, and size of all mobile home spaces;
- D. Location of existing and any proposed structures;
- E. Location and width of all roadways, plan, profiles and cross sections;
- F. Location and size of all utilities;
- G. Location and intensity of lighting;
- H. Landscape plan;
- I. Erosion and sedimentation control plan;
- J. Stormwater management plan;
- K. All future expansions or developments;
- L. Construction Schedule;
- M. Solid Waste Disposal Plan; and
- N. Additional information as may be required by the Planning Board.

Section 7

ADMINISTRATION AND ENFORCEMENT

- A. The Town of Mercer Planning Board shall administer this Ordinance.

- B. Enforcement of violations of this Ordinance or conditions of permits issued under this Ordinance shall be the responsibility of the Code Enforcement Officer and the Mercer Board of Selectmen in consultation with the Mercer Planning Board.
- C. The Town of Mercer Planning Board shall draft, print and make available upon request applications to be filled out by applicants regulated by this Ordinance.

D. PERMIT AND FEES

1. Permits issued under this Ordinance shall have an effective life of two (2) years. If construction is not completed at the end of two (2) years, they must be renewed at the current permit fee at that time.
2. The Municipal Officers shall annually set the amount of all fees required by this Ordinance. The fee structure shall take into account the cost of hiring independent consultants to assist the Planning Board in technical review of the application.

All fees collected under this Ordinance shall be used by the Planning Board to help hire independent consultants, engineers, etc. to help review applications and administer this Ordinance.

3. Procedure for Administering Permits

Within 30 days of the date of receiving a written application, the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, the specific additional material needed to make the application complete. After determining a complete application has been filed, the Planning Board shall notify the applicant and begin its full evaluation of the proposed Mobile Home Park. In addition, the Planning Board shall notify by mail all abutting property owners of the proposed Mobile Home Park, specifying the location and a general description of the proposed Mobile Home Park.

In the event the Planning Board determines to hold a public hearing on the application, it shall hold such hearing within 30 days of

receipt of the complete application, and shall cause notice of date, time, and place of such hearing be provided the applicant, abutters, and be published in a newspaper of general circulation in the municipality in which the proposed Mobile Home Park is to be located, at least, 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The Planning Board shall, within 30 days of the public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may otherwise be mutually agreed to, issue an approval or denial of the permit application. Approval shall be made if the proposed Mobile Home Park is found to be in conformance with the provisions of this Ordinance. Permits may be subject to

reasonable conditions to insure conformity with the provisions of this Ordinance and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons as well as the conditions shall be stated in writing. No approval shall be granted for an application which would violate other local ordinances or regulations or any State Law which the municipality is responsible for enforcing.

The burden of proof that a proposed, enlargement or alteration of a Mobile Home Park is in conformity with the purposes and provisions of this Ordinance shall lie with the applicant.

4. Penalties

Any person, including but not limited to a landowner, a landowner's agent or contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30- A, MRSA, Section 4452.

Section 8

APPEALS

An administrative appeal may be taken to the Board of Appeals, within thirty (30) days from the Planning Board's decision on the application for a Mobile Home Park, where it is alleged that there is an error in any order, requirement, decision, or determination

made by, or failure to act by the Planning Board in the administration of this Ordinance. When errors of administrative procedure or interpretation are found, the case shall be remanded to the Planning Board for correction.

The person filing the appeal shall have the burden of proof.

A decision of the Board of Appeals or the Planning Board may be appealed to court as provided for by State law.

Section 9 VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not affect the validity of any other section or provision of the Ordinance.

Section 10 BOND

Every Mobile Home Park developer shall post a performance bond in an amount equal to one hundred percent (100 %) of the projected construction cost of the Mobile Home Park to ensure full compliance with the requirements of the Town of Mercer Mobile Home Park Ordinance.

The Bond shall remain in effect until the completion and final acceptance of this project. The Bond shall be released following inspection by the Code Enforcement Officer and the Planning Board and a certificate by a majority of the Planning Board that the project has been constructed and operated in compliance with this Ordinance.

Section 11 EFFECTIVE DATE

The effective date of this Ordinance is March 6, 1994.

Section 12 DEFINITIONS

Mobile Home (3 options are available)

1. A structure transportable in one or more sections which is 12 body feet or more in width, 32 body feet or more in length, 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, and electrical systems contained therein.
2. 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 therein; except that the term shall include any structure which 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 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.
 3. Older, (pre - 1976) Mobile Homes as described by Title 30-A M.R.S.A. Section 4358.

Abutter

Any persons, corporation, or other entity legally entitled to hold ownership in land which abuts or is within 1000 feet of the proposed project property lines.

Accessory Building or Structures

A building or structure which is in addition to or supplements the facilities provided by a manufactured housing unit. It is not a self-contained, separate, habitable building or structure.

Board or Planning Board

Board or Planning Board shall mean the Town of Mercer Planning Board.

Buffer Strip

A space which may be occupied only by a fence, landscaping, or natural vegetation.

Building Height

The vertical distance measured between the average finished grade of the ground at the front of the building and the highest point of the roof, not including chimneys or similar accessory structures.

Foundation

Means all of the following: A full, poured concrete or masonry foundation; a poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor; a reinforced, floating concrete pad for which a registered professional engineer's or architect's certification is provided; or any foundation which a registered professional engineer or architect certifies is suitable for placement on soil with high frost susceptibility.

Frontage

The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Landscaping

Landscaping includes, but not limited to grass, shrubs, trees, or other comparable cover and any existing vegetative cover.

Lot Coverage

The percentage of the lot covered by all buildings.

Mobile Home Park

A parcel of land under unified ownership approved by the municipality for the placement of three or more mobile housing units.

Mobile Home Lot

The area of land on which an individual manufactured home is situated within a Mobile Home Park and which is reserved for use by the occupante of the dwelling unit.

Mobile Home Subdlivision

A parcel of land approved by the municipal reviewing authority under subdivision review for the placement of manufactured housing units on individually-owned lots.

Minimum Lot Size

The land area of a parcel not including the area of any land which is: part of a right-of-way for a thoroughfare or easement, such as but not limited to, surface drainage easements or travelled rights-of -way (but not including utility easements servicing that lot); or which is wetlands.

Parking Space

An area of two hundred (200) square feet (10 feet wide by 20 feet long) exclusive of drives or aisles for the parking of vehicles.

Person

Person shall mean any individual, group of individuals firm, corporation, association, partnership, or private or public entlty, including a district, county, city, town or other governmental unit or agent thereof; and, in the case of a corporation, any individual having active and general supervision of the properties of such corporation.

Setback

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

Skirting

Weather-resistant material used to enclose the space from the bottom of the maufactured housing unit to grade.

Structure

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, car ports, decks, and

other building features, but not including signs, sidewalks, fences, patios, driveways, and parking lots.17

Substantial Completion

Seventy-five percent (75 %) of the permitted project is constructed.

Substantial Start

Completion of thirty percent (30 %) of permitted structure or use as a percentage of estimated total cost.

Yard

The area between a structure and the property boundary.

ATTEST: A TRUE COPY

THE MOBILE HOME PARK
ORDINANCE FOR THE
TOWN OF MERCER

SELECTMEN OF MERCER:

Denis Culley
Denis Culley

Christopher Holt

Ralph True
Ralph True

ATTEST: A TRUE COPY:

Ethel M. Springer
Ethel M. Springer
Town Clerk
Mercer

