

Ordinance # 431 MOBILE HOME

MEYERSDALE BOROUGH ORDINANCE

NO. 431

MEYERSDALE BOROUGH
SOMERSET COUNTY
COMMONWEALTH OF PENNSYLVANIA

MOBILE HOME, MOBILE HOME LOT AND MOBILE HOME PARK
ESTABLISHMENT, INSTALLATION, PLACEMENT AND OPERATION
ORDINANCE

AN ORDINANCE RELATING TO THE ESTABLISHMENT, INSTALLATION,
PLACEMENT AND OPERATION OF MOBILE HOME LOTS, MOBILE HOMES AND
MOBILE HOME PARKS WITHIN THE MEYERSDALE BOROUGH BOUNDARIES
AND JURSDICTION FOR THE PROMOTION OF PUBLIC HEALTH AND SAFETY:

- A. REGULATING THE ESTABLISHMENT, INSTALLATION, LOCATION AND
PLACEMENT OF MOBLIE HOMES WITHIN THE BOROUGH;
- B. REGULATING THE ESTABLISHMENT, INSTALLATION, LOCATION AND
PLACEMENT OF MOBLIE HOME LOTS WITHIN THE BOROUGH;
- C. REGULATING THE ESTABLISHMENT, INSTALLATION, LOCATION AND
PLACEMENT OF MOBLIE HOME PARKS WITHIN THE BOROUGH;
- D. REGULATING THE OPERATION OF MOBLIE HOMES WITHIN THE
BOROUGH;

- E. REGULATING THE OPERATION OF MOBLIE HOME LOTS WITHIN THE BOROUGH;
- F. REGULATING THE OPERATION OF MOBLIE HOME PARKS WITHIN THE BOROUGH;
- G. AUTHORIZING THE BOROUGH COUNCIL TO MAKE ADDITIONAL REGULATIONS RELATING THERETO AND THEREIN;
- H. REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES THEREOF THAT ARE INCONSISTENT HEREWITH AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND THEREFORE, EXCEPT AS EXPRESSLY STATED WITHIN THIS ORDINANCE.

WHERE AS, The Meyersdale Borough having already established several Mobile Home Parks under prior approval and regulation, does not intend to nor does revoke the charter and establishment of the same;

WHEREAS, any preexisting Mobile Home Park must comply with this ordinance in regards to the expansion, renovation and or material changes to the Mobile Home Park as subject to this Ordinance;

WHEREAS, this Ordinance is not intended to prevent the future establishment of new Mobile Home Parks or the expansion, renovation and or material changes to existing Mobile Home Parks;

WHEREAS, the Borough Council has enacted this Ordinance as requested by numerous Meyersdale Borough Residents concerning the placement of Mobile Homes on lot(s) not previously containing the same;

WHEREAS, the Borough Council has enacted this Ordinance as requested by numerous Meyersdale Borough Residents concerning the placement of Mobile Homes on lot(s) that did previously contain the same;

WHEREAS, the Borough Council has enacted this Ordinance as requested by numerous Meyersdale Borough Residents concerning the Operation of Mobile Home Parks and Mobile Home Lots;

WHEREAS, this Ordinance is intended to protect the real estate values within the Borough, promote the health and safety of the residents, prevent nuisance and hazards of a physical and aesthetic nature while promoting affordable and safe housing within the Borough;

BE IT ORDAINED AND ENACTED by the Council of the Borough of Meyersdale, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Purpose:

- A. To regulate the placement, location, establishment, construction and operation of Mobile Homes, Mobile Home Lots and Mobile Home Parks within the Borough;
- B. To require all, unless exempted specifically in this Ordinance, non-preexisting Mobile Homes to be placed in a Mobile Home Park to prevent the degradation of real estate values of the properties within the Borough and the health and safety of the Borough residents;

- C. To ensure that the Mobile Homes in the Borough are placed, constructed and operated in a manner that protects the general public, land owners, owners and residents of the Mobile Homes and surrounding property owners and residents.
- D. To ensure the proper placement of Mobile Homes and Mobile Home Parks with respect to the Flood Plain Ordinances, State and Federal Laws and Regulations.

Section 2. Definitions:

The following words and terms as used in this Ordinance shall have the meaning herein described thereto, unless the context clearly indicates a different meaning. Any term not defined in this Ordinance will defer in the first instance to the Commonwealth of Pennsylvania Borough Code Definitions, if not defined within this Ordinance and the Borough Code, the Ordinance adopts the common usage of the terms within the context and usage that promotes the purposes of this Ordinance:

- A. **License** – a written approval, as issued by the Meyersdale Borough Council annually, authorizing a person to operate and maintain a mobile home park, install, establish, construct or operate a Mobile Home and or Mobile Home Park within the Borough.
- B. **Mobile Home** – a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor or incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Includes camping or other trailers in which persons intend or are or will be living within the Borough. **Specifically excluding the following:**
 - 1. Doublewides placed on a foundation and intended to be a permanent dwelling;

2. Manufactured Homes placed on a foundation and not contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing;
 3. All conventional construction homes and structures.
- C. **Mobile Home Lot** – a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single Mobile Home, which is leased by the park owner to the occupants of the Mobile Home erected on the lot.
- D. **Mobile Home Park** – a parcel or parcels of land under single ownership which has been planned and improved for the placement of Mobile Homes for non-transient use, consisting of two or more Mobile Home Lots. A Mobile Home Park contains two or more Mobile Homes in which the real estate and or Mobile Homes are operated by a common owner, developer, user or other entity or person or operated for a common purpose whether or not intended, implied or expressed by the same. The relationship of the parties with respect to leases, family relationship, employer and employee relationship, rental, lease or charitable agreements does not change the Mobile Home Park status. A Mobile Park and a Mobile Home subdivision as be defined herein as a Mobile Home Park.
- E. **Person** – any individual, firm, trust, partnership, public or private association or corporation, or other entity.
- F. **Recreation Vehicle** – a vehicle which is designed for human occupancy under transient circumstances, such as camping, travel, or other recreation, sometimes variously known as a “travel trailer” or a “camping trailer.” Self-propelled and towable recreational vehicles are included in this definition.

- G. **Service or Recreational Building** – a structure housing an operational office, recreational, park maintenance, and other facilities built to conform to required local standards.

Section 3: Placement and Construction of Mobile Homes

- A. All Mobile Homes must be placed or constructed in a designated and Borough licensed Mobile Home Park or Subdivision unless expressly exempted in this Ordinance.
- B. Any lot or property that currently contains an occupied Mobile Home may not be prevented from replacing the current Mobile Home on the property but no additional Mobile Homes may be added beyond the original number of Mobile Homes therein.
- a. Replacement must be approved in writing by the Borough Council on a case by case basis, based solely on the following criteria and all criteria must be met:
- i. Any Mobile Home that has not been continuously occupied for residential purposes during the prior year cannot be considered a replacement mobile home exemption nor can the Borough Council approve the same and;
 - ii. Any Mobile Home that is replaced must be replaced with a newer and better condition Mobile Home than the replaced model, the same must be evidenced by photos, a written affidavit signed by the requesting party and a photo copy of the Title as issued to the current owner, and;
 - iii. The replacement must meet the setback requirements, as evidenced by a written plan signed by the requesting party detailing the lot dimensions and the dimensions of the replacement Mobile Home evidencing compliance with the setbacks and;
 - iv. The replacement must be the same or lesser dimensions evidenced by written plans and photos signed by the requesting party, meaning if the

replacement is longer, wider, or higher than the replaced Mobile Home, the said replacement cannot be approved by the Borough Council and;

- v. The requesting party must prove to the Borough that the replacement Mobile Home is able to be reasonably and readily occupied prior to placement in the Borough and;
- vi. The requesting party must prove to the Borough that the Mobile Home is fully sided with a consistent siding color and style, there are no exposed portions of the Mobile Home exterior, the roofing is a consistent color and style and no portions of the roof are missing or otherwise not attached and;
- vii. The requesting party must prove to the Borough that the Mobile Home has attached prior to being placed in the Borough, all functional and non-damaged doors, windows and vents as were present when said Mobile Home was manufactured and said components must be components manufactured for use on Mobile Homes and;
- viii. The fuel source for the furnace or other heating unit must be located in a safe proximity from neighboring properties, lots and residents and any liquid fuel tanks will be in new condition and be placed in a concrete, plastic or other approved impermeable containment unit to prevent the leaking, depositing or discharging of any liquids therein contained into or onto the ground, soils, or waters of the Commonwealth.

Section 4: Rules and Regulations

Mobile Home Parks and Subdivisions; Mobile Homes, Mobile Home Parks and Mobile Home Subdivisions are subject to the following Rules and Regulations :

- A. A Mobile Home intended to be used for dwelling or other purposes must be located within a planned Mobile Home Park or Mobile Home Subdivision as indicated on the official zoning map or other records of the same;
- B. A Mobile Home not intended to be used for residential dwelling purposes may not be placed within the Borough without written license from the Borough Council and cannot be licensed for more than one year on a temporary basis only, unless said Mobile Home is located in a Mobile Home Park and or Subdivision;
- C. Mobile Home Parks and Subdivisions as a unit shall not be located on parcels or tracts of land less than 5 contiguous acres in size;
- D. All driveways, exits, entrances, roadways, and walkways shall be lighted and paved in accordance with the standards set forth in the Building Code Zoning Regulations and the Meyersdale Borough Outdoor Lighting Ordinance;
- E. Each Mobile Home Park shall have access to public or local streets or to a collector or arterial highway;
- F. All roadways must be constructed to the Building Code Requirements and the Emergency Management Requirements;

- G. Individual Mobile Home Lots within the park shall contain not less than 5,000 ft.² of contiguous lot area;
- H. The minimum width shall be 24 feet and the minimum length shall be no less than 50 feet except that at least 20% of the stated shall have minimum dimensions of 24' x 70';
- I. All Mobile Home Lots shall conform to the setback requirements with respect to all Mobile Homes and Structures in the Mobile Home Park and adjacent properties and lands;
- J. Every Mobile Home Lot shall be supplied with a potable water source and shall be connected to a sanitary sewer or an approved sewage disposal system in accordance with the requirements of the Pennsylvania Department of Environmental Protection and PA Clean Streams Law. If the Meyersdale Municipal Authority (MMA) is able and willing to service said units, each unit must use the MMA services and comply with the same;
- K. Within such Mobile Home Park, space for recreational uses shall be provided at the rate of no less than 200 ft.² for each Mobile Home, but no less than a minimum of 5,000 ft.² of total area;
- L. Each Mobile Home shall be located no less than 30 feet from any building or other Mobile Home and no less than 20 feet from any lot or property line;
- M. Provisions shall be made for the temporary parking of Mobile Home tow vehicles;
- N. There shall not be less than two off-street parking spaces, no less than 10 feet wide and 20 feet long, per parking space for each Mobile Home Lot in the Mobile Home Park;

- O. The Mobile Home Park shall be permanently and perpetually landscaped, groomed, and maintained in a good condition;
- P. Any Nuisance Violations from failures to adhere to the Requirements of the Nuisance and other respective Ordinances, Codes, Rules, Regulations and Laws with respect to the above referenced Paragraph O, shall be jointly and severally liable for all cost, fines, and fees by the renter/ leaser of the Mobile Home Lot and the Mobile Home Park owner and operator;
- Q. The land of any proposed development for a Mobile Home Park shall be submitted to the Meyersdale Borough for the review by the Zoning officer, the Borough Council, Borough Engineer, Meyersdale Municipal Authority and all other required County, State, Federal and Local Government Agencies for the review and/or approval of said plans prior to any excavation, construction, or other activities commencing;
- R. All Mobile Home Parks shall be designed by a registered professional engineer that is considered to be in good standing and qualified under the laws, regulations, rules, and requirements of the Commonwealth of Pennsylvania and after the aforementioned has been established to the Borough Council, approval by the Borough Council. The Borough may reject any said professional for established facts and reasons upon which the Borough Council does not believe said Professional may conduct said services for said purpose;
- S. Insurance must be maintained on the Mobile Homes and other structures to provide for the full cleanup, removal and disposal of any of the same in the case of fire and/or any other incident and/or occurrence;
- T. The payment and past due payments and liens for the removal and disposal of refuse through the Borough Refuse Contractor, and sewage and water payments and liens to the

Meyersdale Municipal Authority shall be jointly and severally liable and owing by the renter/ leaser of the Mobile Home Lot and the Mobile Home Park owner and operator.

Section 5: Plan for Approval for Mobile Home Park Construction, Alteration or Extension,

All of the following requirements must be met prior to licensing by the Borough Council and construction, alteration and extension of said Mobile Home Park:

A. Permits and Approvals Required:

- i. It shall be unlawful for any person to construct, alter or extend any Mobile Home Park within the limits of the Borough without first applying to and being approved by the Borough for a license.
- ii. The Applicant must meet all rules, regulations, laws, and applicable requirements of the Building Code, other Borough Ordinances and all applicable other government agencies and regulatory bodies and receive written approval and license from the same in writing to the Borough prior to issuance of said license with respect to this Ordinance by the Borough Council.
- iii. A violation of this Ordinance shall result in a fine equal to the permit fees as required under this Ordinance, attorney fees and other costs of administration of the violation.
- iv. Each thirty-day period of continued violation shall result in a separate violation and fine for the same.
- v. A violation may be corrected without fine, by sole discretion of the Borough Council if said violation is cured by the proper and immediate permitting and licensing as applied and approved under this Ordinance.
- vi. The fine may be levied upon the owner of real estate, operator, owner of lots and units, and renters/lessees of said lots and units jointly and severally.
- vii. A continuous non-corrected violation of this Ordinance shall result in the eviction of all persons living in said park and the loss of license by all parties of other rental units and or Mobile Home Parks in the Borough.
- viii. Mobile Home Parks must comply with the Borough Rental Ordinance.

B. Application to Pennsylvania Department of Environmental Protection:

All applications for a Certificate of Registration shall be made by the owner of the Mobile Home Park's authorized Representative to the Pennsylvania Department of Environmental Protection in accordance with the Department's rules and regulations.

C. Certificate of Financial Surety:

The Applicant must supply to the Borough Council a Certificate of Financing or Financial Surety for the construction and completion of the Mobile Home Park signed by an FDIC Insured and Licensed Lender that is in good standing in the Commonwealth of Pennsylvania and notarized by a licensed Notary Public.

D. Certificate of Insurance Surety

- i. The Applicant must supply to the Borough Council a Certificate of Insurance prior to license approval by the Borough Council and produce in writing the Certificate of Insurance annually to the Borough Council for the purposes of this Ordinance with respect to Section 4 Paragraph S, signed by an Licensed Insurer that is in good standing in the Commonwealth of Pennsylvania and notarized by a licensed Notary Public.
- ii. Violation of this section is subject to the aforementioned fines and penalties to the aforementioned parties severally and jointly.
- iii. Violation of this section resulting in the non-removal, disposal and/or cleanup of said incident, fire, or occurrence shall result in the landowner and other parties of ownership or operation forfeiting the said and other real estate in said Borough owned by the same as required to make the Borough whole unless the Borough is reimbursed in full within thirty days for the removal, disposal, and/or cleanup of said incident, fire, or occurrence by the Borough.

- iv. The said aforementioned parties hereby agree by license to a default judgment as to liability and damages by applying for and accepting said license under this Ordinance.
- v. Violation of this paragraph shall result in the immediate revocation of the license under this Ordinance.

E. Application to the Borough Council for a Mobile Home Park License:

- i. Three (3) complete and accurate copies of all applications and supporting documents submitted to PA DEP and any other government agencies, bodies, or other Borough Ordinances and/or Building Code Requirements shall be concurrently filed with the Borough Secretary in writing within three days of the mailing date or the hand delivered receipt date as filed to and with the PA DEP and any other government agencies, bodies, or other Borough Ordinances and/or Building Code requirements.
- ii. Such application(s) shall be accompanied by a plan at a scale not smaller than 1 inch equal to 40 feet and contain the following information:
 - a. All information as required by PA DEP and any other government agencies, bodies, or other Borough Ordinances and or Building Code requirements;
 - b. Name of the Mobile Home Park;
 - c. 911 physical address of the Mobile Home Park;
 - d. Name and address of the owner of record of the proposed Mobile Home Park;
 - e. Name and address of the applicant of the proposed Mobile Home Park;

- f. Name and address of the operator of the proposed Mobile Home Park;
- g. The name of the engineer, surveyor, or other qualified person preparing plan including said person's Commonwealth of Pennsylvania license number and Certificate of Good Standing in the Commonwealth of Pennsylvania;
- h. The Plan must contain a vivid and noticeable North arrow, scale, legend, and data plan preparation;
- i. A location map;
- j. Applicable Site data;
- k. Number of Mobile Home Lots, the total number of acres, dimension of each Mobile Home Lot, dimension of each recreational area, setbacks and distances between lot lines, Mobile Homes, support structures, utilities, roadways and property lines, dimensions of support structures, utilities, roadways and property lines, zoning district and if required, proof of conditional use approved;
- l. Number of off-street parking spaces per Mobile Home Unit;
- m. Number of off-street parking spaces total serving the Mobile Home park;
- n. Topography showing the existing and improved contours at intervals of 25 feet depending on the elevations and slopes of the land;

- o. Location of any existing bodies of water or water courses, floodplain areas, tree masses, buildings or structures, public facilities, public utilities and any other man-made or natural features within or adjacent to the proposed Mobile Home Park area;
- p. Storm water management plan employing the best management practices;
- q. Existing and proposed property and lot boundary lines, including setback lines, and information concerning lot dimensions, lot areas and locations of all utilities and easements;
- r. Proof that the proposed site has satisfied all County, Borough and School real estate taxes, other Municipal and Borough liens and Meyersdale Municipal Authority sewer and water payments;
- s. The location of all existing and proposed public and private streets, roadways and parking areas, including the width, length, surface type and street name for each;
- t. Topographical cross-section of all streets;
- u. Street centerline profiles;
- v. Location of all off-street parking areas;
- w. Location of existing and proposed pedestrian walkways and sidewalks;
- x. Location of proposed recreational areas;
- y. Location of all landscaping;

- z. Location, dimension, and purpose of all service and accessory structures.
 - aa. Location of any type of fire extinguishers, fire hydrants and waste containers and or receptacles;
 - bb. Location of proposed monument markers;
 - cc. Engineers and surveyors Seal of Certification on each plan document;
 - dd. Block for approval by Planning Commission;
 - ee. Block for approval by the Borough Council.
 - ff. Review of plans and issuance of permits.
 - gg. The Borough Council shall reject incomplete applications.
- iii. With the exception to the preliminary plan specifications and the final plan specifications and procedures and the reviewing of proposed plans which have been submitted to the Borough Council for approval shall be the same as contained in this Ordinance.
 - iv. At the time the final plan is approved, the Borough Council shall authorize the zoning officer to issue permits to the applicant.
- v. **Plan Review Fees**
- i. Each application for preliminary plan approval shall be accompanied by a nonrefundable check or money order payable to the Borough for a Minimum of \$750.00 for a plan containing two Mobile Home Lots and;

- ii. An additional \$150.00 per mobile home lot located within the mobile home park and;
- iii. The Borough may change and or alter the said aforementioned fees by advertising the proposed fee change for 30 days as per the notice requirements for Borough Ordinances, approval by the Borough Council and the attachment of said rate change to this Ordinance;
- iv. The Borough may add additional fees that are just and reasonable in accordance to the aforementioned preceding paragraph with respect to the methods and procedures contained therein.

Section 6: Registration and Licensing

- A. All Mobile Homes and Mobile Home Parks shall be registered and licensed in the Borough.
- B. All existing Mobile Home Lots and Mobile Home Parks are not required to obtain a registration or license until a Mobile Home, Mobile Home Lot and or Mobile Home Park is replaced, removed or added.
- C. All current Mobile Home Parks are not required to obtain a registration or license until any changes, additions or deviations from the original park are proposed.

Section 7: Effective Date

This Ordinance shall take effect immediately upon passage.

ENACTED AND ORDAINED into law by the Borough of Meyersdale, Somerset
County, Pennsylvania, this 23rd day of MARCH, 2012.

ATTEST:

BOROUGH OF MEYERSDALE

Christina A. McKeown

Secretary

BY:

J. J. D. D.

President

(SEAL)

EXAMINED AND APPROVED by me this 13th day of MARCH, 2012.

Michael Bevilacqua

Mayor

I hereby certify that the foregoing Ordinance was advertised in the New Republic, March 1, 2018, a newspaper of general circulation in the Municipality and was duly ENACTED AND APPROVED as set forth at a Regular Meeting of the Borough of Meyersdale held March 13, 2018.



Patricia C. Ackerman
Borough Secretary