**TOWN OF OAKLAND**
**MOBILE HOME PARK ORDINANCE**

## SECTION 1. TITLE; PURPOSE; AUTHORITY

This Ordinance shall be known and may be cited as the "Town of Oakland Mobile Home Park Ordinance," and is referred to herein as this "Ordinance." The purpose of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the Town of Oakland (the "Town") and promote the development of an economically sound and stable community. This Ordinance is enacted pursuant to Section 102 of the Oakland Town Charter; Article VIII, Part Second, of the Maine Constitution; 30-A M.R.S.A. § 3001, 30-A M.R.S.A. § 4358(3); and any other enabling statutes.

## SECTION 2. DEFINITIONS

The following terms shall have the following meanings:

**Applicant –** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, that undertakes the activities governed by this Ordinance.

**License –** Municipal authorization granted annually pursuant to Section 4 of this Ordinance for the operation of a mobile home park.

**Mobile Home –** A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels, or on a flat bed or other trailer or on detachable wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for location of jacks or other temporary or permanent foundations and connection to approved utilities of a mobile home park. "Mobile home" includes "manufactured housing" or "manufactured home," as those terms are used and defined in 30-A M.R.S.A. § 4358(1)(A).

**Mobile Home Park –** A parcel of land under unified ownership containing 5 or more mobile homes.

**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 mobile home.

**Mobile Home Stand –** That part of an mobile home park lot which has been reserved for the placement of a mobile home and other structures.

**Mobile Home Subdivision** – A parcel of land approved by the Planning Board pursuant to this Ordinance for the placement of 3 or more mobile homes on individually owned lots or the placement of 5 or more mobile homes on a parcel of land under unified ownership within a 5-year period.

**Patio** – An outdoor living space surfaced with asphalt or other durable material and designed to supplement the mobile home living area.

## SECTION 3. ADMINISTRATION

**A. Administration.** The provisions of this Ordinance shall be administered by the Planning Board and enforced by the Code Enforcement Officer.

**B. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the Town Council.

**D. Applicability.** This Ordinance applies to all existing mobile home parks, any new mobile home parks, and any expansions of mobile home parks that are located within the Town. To continue to operate, the

owner or operator of any mobile home park in existence as of the effective date of this Ordinance must obtain a license pursuant to Section 4 no later than January 1, 2027.

**SECTION 4. LICENSE REQUIREMENT FOR MOBILE HOME PARKS**

The provisions of this Section 4 shall apply to all existing and proposed mobile home parks.

**A. License Required; Fee.** No person, firm, or corporation shall own or operate a mobile home park within the Town unless such person, firm, or corporation shall first obtain a license for such purposes, as follows:

**1. Application.** Application shall be made by the owner or operator of a mobile home park annually before the first day of January of each year to the Town Clerk for a license to operate and maintain a mobile home park. The applicant shall submit:

(a) A license application on forms provided by the Town.

(b) Evidence of right, title, or interest in the property. Such proof may include, but is not limited to, a deed to the premises or a lease to operate a mobile home park on the premises.

(c) Such other information as may be required by the Code Enforcement Officer to determine conformance with the provisions of this Ordinance.

**2. Completeness Review; Inspection; Certification.** The Code Enforcement Officer shall review the license application for completeness. Upon receiving a complete application, the Code Enforcement Officer shall inspect the premises and shall thereafter provide a written certificate of approval to the Town Clerk certifying that:

(a) The licensee has complied with the requirements of subsection B, below;

(b) The licensee has complied with the requirements in the Town of Oakland Property Maintenance Ordinance;

(c) The mobile home park complies with the Maine Subsurface Wastewater Disposal Rules;

(d) The mobile home park complies with all applicable fire protection and prevention standards; and

(e) The licensee has paid all Town property taxes, solid waste fees, or any other obligations owed to the Town by the licensee, including arrearages owed by a prior owners of the premises.

(f) The mobile home park complies with the terms and conditions of approval as specified in any other licenses, permits, or approvals granted under the Town's ordinances, including building permits and development permits. Additionally, for license renewal applications, the licensee has complied with the terms and conditions of the prior license.

The Code Enforcement Officer may, in the written certificate of approval, impose conditions on any license reasonably necessary to ensure the protection of the public health, safety, and welfare, including conditions relating to insurance, parking, health and sanitation, hours of operation, permissible noise levels, and other public safety concerns.

3. **License Issuance.** The Town Clerk shall not issue or renew such license until written certificate of approval has been received from the Code Enforcement Officer stating that the mobile home park meets all requirements of this Ordinance.

4. **License, Location Non-Transferable.** No license issued under this Ordinance is assignable or transferable. No license shall apply to any location other than the location designated in the license application. When ownership of a mobile home park is transferred, the prior owner's license shall automatically terminate and the new owner must apply for a license in accordance with this Section 4 within 30 days of the transfer.

**B. Responsibilities of Licensee.**

1. The licensee is responsible for ensuring that the mobile home park operates in compliance with the provisions of this Ordinance and the Town of Oakland Property Maintenance Ordinance.

2. The licensee shall maintain a register containing the names of all mobile home park occupants. Such register will be available to any civil authority inspecting the mobile home park.

3. The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

4. The licensee shall be responsible for notifying the Town Assessor of the arrival or impending departure of any mobile home or change of ownership that occurs within the mobile home park.

5. A mobile home within a mobile home park shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewer, and electrical utilities. The licensee shall be responsible for the proper placement of each mobile home stand and for proper installation of all utility connections. The licensee shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home.

6. The licensee shall provide adequate supervision to maintain the mobile home park, including its common facilities and equipment, in good repair and in clean and sanitary condition. Without limiting the foregoing sentence, the licensee shall:

   (a) Maintain all common areas of the mobile home park in a clean and safe condition and provide access to common areas, including improvements and buildings, at reasonable times for the benefit of the mobile home park residents and their guests.

   (b) Maintain in good working order streetlights, entry lights and common area lighting, if any.

   (c) Maintain in good working order all electrical, plumbing, sanitary, heating, ventilation and air conditioning units and appliances and recreational facilities that the mobile home park furnishes.

   (d) Maintain in good working order all driveways and parking areas on leased lots that are furnished by the owner or operator of the mobile home park for the benefit of the mobile home park residents and their guests.

   (e) Maintain in good working order all subsurface wastewater disposal systems serving the mobile home park.

   (f) Maintain in good working order all common utilities, water lines, and sewer lines.

(g) Maintain in a safe and secure location individual mailboxes for each mobile home within the mobile home park.

(h) Provide for the removal of garbage, rubbish, and other waste incidental to the occupancy of a mobile home within the mobile home park.

(i) Provide, at least twice yearly with one occurrence being after the final spring snowmelt and one occurrence being after leaf drop in the fall, for the removal and proper disposal of brush, leaves, and other natural debris from all roads, walkways, and common areas within the mobile home park.

7. The licensee shall annually notify all occupants of the mobile home park of the licensee's responsibilities under this Section 4.B.

**SECTION 5. SUBDIVISION PERMIT REQUIREMENT FOR NEW MOBILE HOME PARKS**

Prior to dividing a tract or parcel of land into 3 or more individually owned lots for the purpose of placing mobile homes thereon or placing 5 or more mobile homes on a parcel of land under unified ownership within a 5-year period, an applicant must obtain a mobile home subdivision permit from the Planning Board, which shall be reviewed pursuant to the procedures in Sections 4, 5, 6, and 7 of the Town of Oakland Subdivision Ordinance (the "Subdivision Ordinance"), and which shall comply with the performance standards in Section 8 of the Subdivision Ordinance and the following additional standards:

**A. Statutory Requirements Control.** To the extent of any conflict between the requirements of the Subdivision Ordinance and 30-A M.R.S.A. § 4358, the statutory provisions shall control.

**B. Mobile Home Manufacturing Standard**. No mobile home shall be moved into a mobile home park unless it (i) bears a certification label issued by the U.S. Department of Housing and Urban Development (HUD) demonstrating compliance with the Federal Manufactured Home Construction and Safety Standards, 24 C.F.R. Part 3280; or (ii) is otherwise approved in accordance with applicable standards and regulations of the Maine Manufactured Housing Board. All mobile homes shall comply with applicable federal and state standards governing construction, design, plumbing, heating, and electrical systems.

**C. New Mobile Home Park Design Criteria.**

1. **Minimum Premises Size.** The minimum area of any tract or parcel of land to be used as a mobile home park shall be **15 acres.**

2. **Location.** A mobile home park may be constructed or enlarged only where such use is permitted. A mobile home park shall be reasonably accessible to essential community services, such as shopping areas, schools, and police and fire protection.

3. **Adaptation to Site.** A mobile home park shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features shall be preserved to the extent practicable to avoid a monotonous layout.

4. **Layout.** A mobile home park shall be laid out so that those areas that will be served by both public water and sewer can readily be converted to a conventional subdivision of privately owned, single family lots of 20,000 square feet.

5. **Space for Recreation.** At least 10% of the area of the mobile home park shall be reserved for recreational facilities, such as a playground, swimming pool, or park for the use of the occupants of the mobile home park.

6. **Drainage.** Adequate provisions shall be made for the collection and disposal of surface and subsurface water to protect all mobile home stands and to provide safe and convenient use of the mobile home park. Drainage ditches shall be protected effectively from erosion by the use of ground cover, riprap, or other means, and shall not hold standing water. The diameter of any culvert shall be not less than 12 inches.

7. **Screening.** Fences, hedges, shrubbery or free-standing walls shall be installed where necessary to provide screening around laundry yards, refuse collection points, and playgrounds. The Planning Board may require additional screening where it is needed as a buffer between the mobile home park and adjoining uses in order to avoid nuisance conditions.

8. **Water.** All lots shall be supplied with potable water for a domestic use, either from mains belonging to a public utility or from a private system approved by the Health Officer. The water supply system shall be capable of supplying a minimum of 150 gallons per day per mobile home and of maintaining a pressure of at least 40 pounds per square inch with normal demand. Where a public water supply is available, hydrants shall be installed in accordance with the standards of the New England Fire Rating Association.

**C. Privately Owned Roads within the Mobile Home Park.**

1. **Street Plan.** The applicant shall prepare an interior street plan that provides for convenient extension of streets into adjacent properties. The layout of privately owned roads within the mobile home park shall conform to the standards concerning grades, alignment, intersection, circles and backing spaces set forth in the Subdivision Ordinance. The proposed mobile home park shall be designed so that every lot has access to a public, private or dedicated street. Streets shall be constructed and paved in accordance with the provisions for public streets set forth in Chapter 23, Oakland Street Requirement, Oakland Revised Ordinances, or any such successor ordinance. The street pavement shall be at least 20 feet in width and shall lie within the middle of the right-of-way.

2. **Rights of Way.** The right-of-way of every interior street shall be not less than 50 feet in width.

3. **Common Walkways.** The applicant shall install and maintain a system of common walkways for the convenience of pedestrian traffic. Walkways shall be provided on at least one side of each interior street within the mobile home park. The Planning Board may require walkways on both sides where necessary for public safety. Common walkways shall be at least 3½ feet per side and shall be separated from the street pavement by at least 5 feet. The surface shall be durable and easy to maintain.

4. **Access.** The mobile home park shall contain safe and convenient vehicular access from a public street. The Planning Board may, in its discretion, require two access streets for a mobile home park containing 40 or more mobile home park lots.

**D. Mobile Home Park Lots.**

1. **Markers.** The limits of each mobile home lot shall be clearly marked using durable markers.

2. **Setbacks.** No part of a mobile home shall be located nearer than 12 feet to the boundary of its mobile home park lot, or nearer than 50 feet to the right-of-way of any public street.

3. **Mobile Home Stand.** The mobile home stand shall be made of appropriate material, properly graded, placed, and compacted so as to remain durable and adequate for the support of the maximum anticipated loads during all seasons. Convenient access shall be provided to each mobile home stand by means of an accessway reserved for maneuvering the mobile home into position and kept free from trees and other immovable obstructions. The minimum width of the accessway shall be 12 feet.

4. **Patio.** A patio, containing not less than 180 square feet, shall be provided for each stand as outdoor living space to supplement the interior space of a mobile home except that a patio may be omitted if its equivalent is provided by the mobile home itself. The patio shall be appropriately placed and fitted to the terrain.

5. **Parking.** At least 2 off-street parking spaces shall be provided for each mobile home park lot, either upon the lot itself or within 1,000 feet of it.

6. **Private Walkway.** Each mobile home stand shall be connected by a private walkway, not less than 3 feet in width, to a common walkway or public street, or to a paved driveway or parking bay leading off a paved road.

**E. Common Facilities.**

1. **Laundry.** Facilities for the outdoor drying clothes shall be provided for each mobile home park lot or within a common area conveniently located for the use of the occupants of the mobile home park. Such areas shall be well drained.

2. **Storage.** At least 100 cubic feet of storage space shall be provided for each mobile home park lot. Such storage shall be provided on each mobile home park lot or in compounds located within a reasonable distance from each mobile home park lot. Storage facilities shall be designed to enhance the appearance of the mobile home park and shall be constructed of suitable weather resistant materials. The space immediately underneath a mobile home may be used for storage to satisfy this requirement, subject to the following conditions: (i) The storage area shall be provided with a base of impervious material; (ii) stored items shall be located so as not to interfere with convenient inspection of the undersides and connections of the mobile home; and (iii) the storage area shall be enclosed by skirting.

3. **Consolidated Location.** Management, laundry and other common facilities may be consolidated in a single building or area so long as the location will adequately serve all mobile home park occupants.

**F. Mobile Home Park Management.**

1. Mobile home park management shall maintain all common areas, and mobile home park occupants shall maintain their lots and accessory facilities in a clean, sanitary, and neat condition.

2. The mobile home park shall be kept free of litter, rubbish and other combustible material, and free of accumulations of debris which may provide harborage of rodents or breeding places for flies and other pests.

3. The collection and disposal of trash and garbage shall satisfy the requirements of the Health Officer and shall comply with state and municipal laws and regulations. Until properly disposed, refuse shall be stored in tight containers.

4. Exposed ground surfaces in all parts of the mobile home park, other than streets and walkways, shall be covered either with a hard, durable surface such as flagstones or concrete, or with grass or other vegetation.

5. Skirtings, porches, awnings, and other additions shall be maintained in good repair.

**G. Certification of Payment of Sales Tax.** No mobile home may be constructed or located within the Town by any person other than a dealer licensed by the State with a sales tax certificate unless (i) a bill of sale indicating the name, address, dealer registration number, and sales tax certificate number of the person who sold or provided the mobile home to the buyer locating the mobile home in the municipality; or (ii) if no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with 36 M.R.S.A. § 1760(40) and § 1952-B.

## SECTION 6. ENFORCEMENT; VIOLATIONS AND PENALTIES

**A. Violations**. Any violation of this Ordinance is deemed to be a nuisance.

1. A mobile home park shall not be advertised, promoted, operated, or maintained unless a license therefor has issued in accordance with Section 4 herein.

2. No plan of a division of land or placement of mobile homes within the Town which would constitute a mobile home subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance and the Subdivision Ordinance.

3. A person shall not convey, offer to convey any land in a mobile home subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds. A person shall not sell, lease, offer or otherwise convey any land in an approved mobile home subdivision which is not shown on the plan as a separate lot.

4. No public utility, water district, sanitary district, or any utility company of any kind shall serve any mobile home park lot in a mobile home subdivision for which a final plan has not been approved by the Planning Board.

5. Development of a mobile home subdivision without Planning Board approval is a violation of this Ordinance. Development includes but is not limited to: grading or construction of roads, grading of land or lots, construction of buildings, or installation of mobile homes.

6. No lot in a mobile home subdivision may be sold, leased, or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance.

**B. Enforcement Authority**. The Code Enforcement Officer is responsible for enforcing the provisions of this Ordinance and the terms and conditions of any permit, license, or approval issued pursuant to this Ordinance. The Code Enforcement Officer is appointed or reappointed annually and, if certified in accordance with 30-A M.R.S.A. § 4451, has all of the powers and authorities described in 30-A M.R.S.A. § 4452.

**C. Inspections; Investigation of Complaints**. The Code Enforcement Officer may conduct site inspections to ensure compliance with all applicable laws and all terms and conditions attached to permits, licenses, and approvals under this Ordinance. The Code Enforcement Officer may also investigate all complaints of alleged violations of this Ordinance. The Code Enforcement Officer has a right to enter any property or enter any building pursuant to 30-A M.R.S.A. § 4452(1) or any other applicable authority.

**D. Notice of Violation**. If, after investigation, the Code Enforcement Officer finds that any provision of this Ordinance or any terms or condition of a permit, license, or approval issued under this Ordinance has been violated, the Code Enforcement Officer must give written notice of the violation, in person or by certified mail return receipt requested, to the owner or occupant of the premises and to any other person responsible for the violation, indicating the nature of the violation, a citation to the provisions of this Ordinance that has been violated, and ordering any action necessary to correct it (including discontinuance of illegal use of structures or lots; discontinuance of work being done; removal or relocation of illegal structures; and abatement of nuisance conditions) within a designated reasonable time. A copy of each such notice of violation must be submitted to the Town Manager.

**E**. **Suspension and Revocation of Permits, Licenses, and Approvals.** A permit, license, or approval granted under this Ordinance may be suspended or revoked by the Code Enforcement Officer if the Code Enforcement Officer determines that:

1. The permit, license, or approval was issued on materially incomplete or false or fraudulent information;

2. Continuation of the work or activities authorized under the permit, license, or approval would result in a violation of federal or state law, this Ordinance, or any other Town ordinances, regulations, or rules;

3. Continuation of the work or activities authorized under the permit, license, or approval is endangering or may endanger the public health, safety, or welfare;

4. The licensee or permit holder exceeded the scope of the work or activities authorized under the permit, license, or approval;

5. A term, condition, or requirement of the permit, license, or approval issued under this Ordinance has been violated; or

6. The Code Enforcement Officer is unable to determine the continued validity of a permit, license, or approval.

A permit, license, or approval granted under this Ordinance may also be suspended or revoked by the Code Enforcement Officer if there is a judicial finding that the permit holder conducted work or activities in an unlawful manner or in such a manner as to constitute a breach of the peace or endanger the public health, safety, or welfare.

The Code Enforcement Officer must give written notice of suspension or revocation to the licensee or permit holder stating the reason for the suspension or revocation and, in the case of suspension, the measures that must be taken by a date certain to correct the violation.

A suspension remains in force until the Code Enforcement Officer determines that (i) the licensee or permit holder can and will pursue the work or activity authorized under the permit, license, or approval without continuing, extending, or creating a violation; (ii) the violation has been abated or otherwise

discontinued; or (iii) a new permit, license, or approval has been issued. When cause for a suspension has been removed or corrected, the Code Enforcement Officer must so certify in writing. If, within the time specified for correction, cause for the suspension has not been removed or suspended, the Code Enforcement Officer may continue the suspension or revoke the permit, license, or approval.

No work or activity authorized under a suspended or revoked permit or approval may continue except work or activity that is necessary to protect the public health, safety, and welfare, as authorized in writing by the Code Enforcement Officer.

**F. Fines and Penalties**. Except where stricter penalties are provided for elsewhere in this Ordinance or under state or federal law, any person who violates any term or condition of a permit, license, or approval or who violates or continues to violate any provision of this Ordinance after receiving notice of such violation is subject to such fines, penalties, actions, and orders as are authorized by 30-A M.R.S.A. § 4452. A fine or penalty may be imposed for each violation. Each day that a violation continues constitutes a separate offense.

**G. Legal Prosecution of Violations.** If, after notice and demand, a violation has not been abated within the time specified in the notice of violation, the Code Enforcement Officer may, pursuant to Town Council policy, institute in the name of the Town any and all actions and proceedings, in law or in equity, including seeking injunctions of violations the imposition of fines, and the recovery of any expense, loss, damage, or cost (including attorneys' fees) that the Town Council determines are appropriate or necessary to prevent, correct, restrain, or abate any violation of this Ordinance or to prevent the occupancy of any building, structure, or land where such violation has occurred.

**H. Consent and Settlement Agreements**. The Code Enforcement Officer or the Town Manager may refer any judicial consent agreements and administrative settlement agreements in the name of the Town to the Town Council for the purpose of resolving violations of this Ordinance and recovering fines with or without legal prosecution.

Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. ss.4452.

**SECTION 7. APPEALS**

An aggrieved person may appeal to the Town's Board of Appeals the Town Clerk's licensing decision or the Planning Board's decision of the final subdivision plan within 30 days of the date the Town Clerk issues the licensing decision or the Planning Board issues a written order of its decision.

**A. De Novo Review**. Appeals from decisions made without conducting a public hearing, are de novo. The Board of Appeals must conduct a public hearing, after notice of the hearing is given, at which all persons have the right to present additional testimony and documentary evidence within 30 days of the Board of Appeal's receipt of a complete application, unless this time period is extended by the Board of Appeals for good cause. At the public hearing, any party has the right to cross-examine witnesses. The standard of review is whether, on the basis of the evidence before the Board of Appeals, the application complies with the requirements of this Ordinance. The burden of proof is on the applicant. The Board of Appeals may grant or deny a permit, license, or approval or to remand the matter to the Town Clerk or Planning Board for further proceedings.

**B. Appellate Review**. Appeals from decisions made after conducting a public hearing are purely appellate. The Board of Appeals must conduct a public proceeding at which all persons have the right to present legal argument concerning the decision appealed from within 30 days of the Board of Appeals' receipt of a complete application, unless this time period is extended by the Board of Appeals for good cause.

The Board of Appeals may not permit the introduction of additional testamentary or documentary evidence. The standard of review is whether the decision appealed from was arbitrary or capricious, based on error of law, or based on findings of fact not supported by substantial evidence in the record. The Board of Appeals has authority to sustain or reverse a decision or to remand the matter to the Town Clerk or Planning Board for further proceedings.

**C. Appeal to Superior Court**. Any aggrieved person may appeal a decision of the appellate authority to the Superior Court in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

**SECTION 8. CONFLICTS; SAVINGS CLAUSE**

This Ordinance shall not impair or remove the necessity of compliance with any other ordinance, rule, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings, or structures, the provisions of this Ordinance shall control. If any section or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision of this Ordinance.