

**Town of Appleton
Mobile Home Park Ordinance
Appleton, Maine**

Adopted by the Town of Appleton **JUNE 13, 2007**

Mobile Home Park Ordinance
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Article I Title and Purpose

§1 Title: This Ordinance shall be known as the Town of Appleton Mobile Home Park Ordinance and will be referred to herein as "This Ordinance".

§2 Purpose: The purpose of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the Town of Appleton, Maine, to protect the environment and to promote the development of an economically sound and stable community; to establish standards for mobile homes parks & the mobile homes in mobile home parks.

Article II Authority

This ordinance is enacted under the authority granted to the Town by the constitution and statutes of the State of Maine and pursuant to Title 30-A, M.R.S.A. sec. 3001 and Title 30-A, M.R.S.A. sec. 4358.

Article III Administration, Applicability and Fees

§1 Administration: This Ordinance shall be administered by the Town of Appleton Planning Board, and enforced by the Town of Appleton Code Enforcement Officer and the Selectmen. The requirements of this Ordinance shall be in addition to the requirements of any other applicable statute, ordinance or regulation, including but not limited to subdivision law.

§2 Applicability: The provisions of this Ordinance shall apply to all mobile home parks, and the mobile homes located within mobile home parks, and the expansion of any existing mobile home parks, as defined by this Ordinance, located within the town of Appleton.

§3 Fees: The Selectmen and the Planning Board shall be responsible for setting the appropriate fees.

Article IV Severability & Conflict

§1 Severability: Should any article 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 article or provision of this Ordinance.

§2 Conflict with Other Ordinances: Whenever the requirements of this Ordinance are in conflict with the requirements of any other rule, regulation, ordinance or statute, the more restrictive requirement shall prevail, unless otherwise prohibited by state law or expressly provided for in this Ordinance.

Article V Pre-Application

§1 Pre-Application Meeting

- A. Prior to formal submission of a Mobile Home Park application, the applicant shall appear informally to discuss the proposed Mobile Home Park at the regular meeting of the

Planning Board.

- B. At this meeting the applicant shall submit:
 - 1. Proof of standing
 - 2. The Pre-Application Sketch Plan: This sketch may be a free hand drawing based on the Town Tax Map.
- C. On-site Inspection: At the pre-application meeting, the Planning Board Chairman shall schedule an on-site inspection of the land to be subdivided. The date set shall be scheduled so that at least a majority of the board members and the applicant will be in attendance. In addition the chairman may also request that the code enforcement officer attend the on-site inspection. The Board or its designated agent shall, at its earliest convenience and normally within 45 days, make an on-site inspection. If any conditions such as snow exist to prevent an adequate inspection, in the opinion of the Board, the applicant shall be notified in writing. Any time limits for review shall be extended accordingly until an on-site inspection can be made. The applicant shall place "flagging" at the center line of any proposed roads prior to the on-site inspection.
- D. Purpose of Pre-application Meeting and On-site Inspection: The purpose of both the pre-application meeting and on-site inspection is to give the Planning Board a clear understanding of what is proposed. Subsequent filing of a formal Mobile Home Park Application must be within twelve (12) months of the pre-application meeting.
- E. Applicants Rights not vested: Submissions and attendance at the pre-application meeting shall create no binding commitments between the applicant and the Planning Board. It shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., §302.

Article VI -Mobile Home Park Review

§1 Provisions: No mobile home park or any expansion or enlargement or modification of an existing park shall be approved or used for a mobile home park unless the provisions of this Article and the other provisions contained in this ordinance are fully complied with. The applicant must prove that the proposed mobile home park or expansion will meet the ordinance provisions.

The proposed Mobile Home Park:

- A. Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to flood plains; the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable state and local health and waste resource regulations;
- B. Will not result in unhealthful or unsafe conditions or erosion or sedimentation to any point down gradient from said park;
- C. Has sufficient water available for the reasonable foreseeable needs of the Mobile Home Park; Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- D. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- E. Will provide for adequate solid and sewage waste disposal;
- F. Will not have an undue adverse effect on the scenic or natural beauty of the area,

- aesthetical, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- G. Is in conformance with the Comprehensive Plan.
 - H. Applicant must demonstrate that he has adequate financial and technical capability to meet the ordinance review and operational standards and to construct and maintain all the improvements to the property as shown by the application and site plan as required by the board;
 - I. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water either on or down gradient from the property proposed to be developed;
 - J. Will not be situated, in whole or in part, within 250 feet of any pond, lake, or river.
 - K. Will not be situated in a flood-prone area as described and based on the Federal Emergency Management Agency's Flood Boundary and Flood-way Maps and Flood Insurance Rate Maps;

§2 Preliminary Plan Procedure

A. Procedure

1. Within twelve months of the pre-application meeting the applicant shall submit a formal application for approval of a preliminary plan with proof of the appropriate fee paid. If any application is not submitted within this period of time the Planning Board shall require a new pre-application meeting.
2. Upon receiving an application for preliminary plan approval, at a regularly scheduled Planning Board meeting, the Planning Board shall issue the applicant a dated receipt.
3. Within forty five (45) days from the receipt of an application by the Planning Board at a regularly scheduled Planning Board meeting the Planning Board shall notify the applicant in writing that the application is either complete or incomplete. If the application is incomplete the Planning Board shall notify the applicant, in writing, of the specific steps necessary to make a complete application. This paragraph shall not, however, preclude the Board from later requiring further information as reasonably requested by the Board during its review process.
4. Within forty five (45) days from the receipt of an application by the Planning Board at a regularly scheduled Planning Board meeting, the applicant shall notify all property owners located within five hundred (500) feet of any bound of the property upon which the mobile home park is proposed to be located. The notification shall specify the location and general description of the project. The notification shall involve notification by mail with return receipt showing proof of notification which said return receipt shall be provided to the Board. The burden shall fall to the applicant to determine persons who are entitled to notification under this ordinance and to assure and demonstrate that notification has occurred. No hearing relative to any pending application shall be undertaken until at least ten days have passed from the receipt of written notification by such said property owners.
5. A public hearing shall be held within forty-five (45) days of a complete preliminary plan application together with proof of notification to abutters as herein above set forth. The Planning Board shall give notice of the date, time and place of such a hearing to be published twice in a local newspaper with the date of the first publication at least seven (7) days prior to the hearing. The Board may delay the public hearing as herein provided in order to comply with the time limits hereby established.
6. Within forty five (45) days after a public hearing, the Planning Board shall approve, approve with conditions, or disapprove the preliminary plan. In issuing its decision the Planning Board shall state in writing the conditions of such approval, specifically:
 - a. The changes it will require in the final plan.

- b. The amount of the performance guarantee that the Planning Board will require for Final Plan Approval.
7. Approval of a preliminary plan shall not constitute approval of a Final Plan, rather it shall be viewed as a guide in the preparation of the Final Plan.
8. Prior to the approval of a Final Plan, the Planning Board may require additional changes in the Final Plan as the result of substantial new information.
9. The Planning Board may request an additional site inspection to view the location of lot markers, test pits and proposed roads prior to Final Plan Approval.
10. The Applicant shall notify the Road Commissioner and the Fire Chief of the proposed Mobile Home Park including the number of lots proposed and length of roadways. The Planning Board shall require written comments from these officials (to be obtained by the applicant) on the facilities to service the proposed mobile home park.

B. Preliminary Plan Submission Requirements

The complete preliminary plan submission requirements shall consist of the following information:

1. **THE MOBILE HOME PARK APPLICATION:** The applicant shall complete and sign seven (7) copies of the Mobile Home Park Application.
2. **FEE:** The applicant shall submit proof of the appropriate preliminary plan fees paid.
3. **MAP:** The preliminary plan shall be accompanied by seven (7) copies of a map showing the relationship of the proposed Mobile Home Park to adjacent properties and the surrounding area. The map shall show all the area within five hundred (500) feet of any property line of the proposed Mobile Home Park. The map shall show:
 - a. Names of existing and proposed roads.
 - b. Names of all owners of property abutting or directly across a road from the proposed Mobile Home Park.
 - c. The outline of the proposed Mobile Home Park together with its probable access and an indication of the future street system.
4. **PRELIMINARY PLAT PLAN:** The preliminary plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Where practical the sheet size of the drawings shall be 24" x 36" (inches) or as required by the Knox County Registry of Deeds. In addition, seven (7) copies of a plan reduced to a size of 11" x 14" (inches) shall be submitted. The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval.
 - a. Proposed name of mobile home park along with name, address and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant.
 - b. The date the plan was prepared with the name, address and telephone number of the person or company that prepared such.
 - c. Scale of the drawings submitted and compass rose; all dimensions to be marked in feet or decimals of a foot.
 - d. Contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled.

- e. Boundaries of the tract of land showing lot lines, abutting lots as illustrated on the Town of Appleton Tax Assessor's Maps, with total acreage indicated and the Town of Appleton Tax Assessor's map and lot number(s). The Planning Board may require a survey by a licensed surveyor.
- f. Verification of right, Title or interest the applicant has in the property.
- g. A copy of the deed or deeds of the property together with copies of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- h. Location of existing and proposed mobile homes and other structures.
- i. Location of buildings or other structures on abutting properties within 500 feet of the property lines of the proposed park including names and addresses of abutters.
- j. Location of existing public and private streets, roadways and rights-of-way.
- k. Location of proposed access roads to the mobile home park from public streets or roadways.
- l. The following disclaimers shall be attached to the plan to be recorded at the Registry of Deeds and filed with the municipality as well as any other notes or conditions of approval:
 - 1. "The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred."
 - 2. "No dwelling unit other than a mobile home shall be located within the park."
 - 3. To any plan showing existing or proposed private roads: "All roads in this mobile home park so marked shall remain private roads to be maintained by the owner of the Mobile Home Park."
- m. An estimate of the average daily traffic projected to be generated by the park and a traffic impact analysis.
- n. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
- o. Location of existing and proposed pedestrian walkways.
- p. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water supply, and electricity.
- q. Location, intensity, type, size and direction of all outdoor lighting.
- r. Location and size of signs and all permanent outdoor fixtures.
- s. Location and use of areas proposed for outdoor recreation or for reserved open space.
- t. Location and type of existing and proposed fences, hedges and other screening.
- u. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, and pipes.
- v. An analysis of ground water impact as required by Article VII, §7 of this Ordinance.
- w. Information about Soils Conditions on the site of the proposed mobile home park. For subsurface sewage disposal, the information shall include evidence of soil suitability. The Site Plan shall show the location of soil test pit areas and natural wet areas located by a certified hydrologist.
- x. A soil erosion and sedimentation control plan.
- y. Natural and Historic Features as defined by the Comprehensive Plan.
- z. Projects require a phosphorus control analysis and plan to be submitted for review and approval.

§3 Final Plan Review Procedures

A. Procedure

1. Within six (6) months after approval of a preliminary plan, the applicant shall submit the Final Plan and supporting documentation for Final Plan Review. If the final plan and the performance guarantees provided in Article XVI are not provided within six months after the approval of the preliminary plan, the application shall be null and void without prejudice and require the applicant to resubmit and to pay all application fees anew.
2. Fee: The applicant shall submit proof of the appropriate Final Plan fees paid.
3. Prior to submittal of the Final Plan application, the following approvals shall be obtained, in writing, where appropriate.
 - a. Maine Department of Human Services, if the applicant proposes to provide a central water supply system.
 - b. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system is to be utilized.
 - c. Maine Manufactured Housing Board (If Applicable)
 - d. Department of Environmental Protection (If Applicable)
4. The applicant, or his duly authorized representative, shall attend a regularly scheduled meeting of the Planning Board to discuss the Final Plan.
5. Upon determination that a complete application has been submitted for review, the Planning Board shall issue a dated receipt to the applicant.

B. Submission Requirements –Final Plan

The Final Plan shall be submitted in two (2) reproducible, stable based transparent originals, and three (3) copies. After Planning Board approval, one original will be recorded at the registry of deeds and one filed at the Town Office. The plans shall be drawn to a scale of not more than one hundred (100) feet to the inch. Where practical the sheet size of the drawings shall be 24" x 36" (inches). Space shall be reserved on the drawing for the conditions the Planning Board may impose, and the endorsement of the Planning Board. In addition, seven (7) copies of the Final Plan reduced to a size of 11" x 14" (inches) shall be submitted. The application for Final Plan approval shall include the following:

1. All of the information presented on the preliminary plan and location map and any amendments thereto as required by the Planning Board.
2. The name, registration number and seal of the land surveyor, architect, engineer, or planning consultant who prepared the plan.
3. Road names, pedestrian ways, lot easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership.
4. Sufficient data acceptable to the Code Enforcement Officer to readily determine the location, bearing and length of every street line, lot line, easement, and boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.
5. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract.
6. Construction drawings showing a cross section of proposed roads and storm drains shall be included as required by the Planning Board.
7. Lots and blocks within the subdivision numbered in accordance with Article X.
8. Permanent monuments at all outside corners of the tract and referenced in the Final

Plan. In addition, the outside perimeter of the property is to be clearly marked for complete identification of land boundaries.

9. A performance bond or guarantee in a form and amount meeting the requirements of Article XVI to secure the completion of all improvements required by the Planning Board, and written evidence that the Board of Selectmen has approved the bond or guarantee.

C. Final Plan Approval and Filing

1. No Final Plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan.
2. Upon findings of fact and determination that all standards in 30A M.R.S.A., § 4404 and all pertinent regulations have been met, and upon voting to approve the Mobile Home Park, the Planning Board shall sign the Final Plan. The Planning Board shall specify in writing its findings of facts and reason for any conditions or denial. Any Mobile Home Park not recorded in the Registry of Deeds, by the applicant, within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall be deemed void and shall require re-submission, review and approval.
3. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted to, and the Planning Board approves any modifications. Plan revisions after approval shall be made as further provided for in Article XV, §3 of this Ordinance. The Planning Board shall make findings that the revised plan meets the standards of 30A M.R.S.A. §4404, and these regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Code Enforcement Officer shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds
4. The approval by the Planning Board of a Mobile Home Park plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Town, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and Title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
5. Failure to commence construction of the required roads and other improvements within the Mobile Home Park within one (1) year of the date of approval and signing of the Plan or failure to complete all work within two (2) years of the date of approval shall render the Plan null and void and a new application must be made. The board may extend, for good cause, by 6 months the time limits set forth in this subsection on a _ majority vote. Upon determining that a Mobile Home Park's approval has expired under this paragraph, the Code Enforcement Officer shall have a notice placed in the Registry of Deeds to that effect. Construction of the proposed mobile home park is subject to the provisions of Article XV, §3 of this Ordinance.
6. Limitation on Units. After the effective date of this Ordinance as stipulated in Article XX of this Ordinance, mobile homes as defined by Article XIX of this Ordinance, and mobile homes meeting the safety standards contained in Article VII of this

Ordinance, may be located in a mobile home park sited within the Town of Appleton, Maine. Excepting any units legally sited as of the effective date of this Ordinance as stipulated in Article XX of this Ordinance, no mobile home which fails to meet the definition of mobile contained in Article XIX of this Ordinance, or which otherwise fails to meet the safety standards contained in Article VII of this Ordinance, travel trailers, units not suitable for year-round occupancy, or site built home shall be located in a mobile home park situated within the Town of Appleton, Maine.

7. Expert Witnesses and Opinions. The Planning Board shall retain the right to call, cite, reference, examine, cross-examine, quote, or question any authority, expert, professional, or experienced individual of their choice whom, in their sole opinion, may have pertinent information regarding the proposed mobile home park, at any time during the approval process or during the construction process; all costs of such shall be borne by the developer of the proposed mobile home park. Consultation shall be sought first from sources without fees.

Article VII -Minimum Design & Performance Standards

§1 General Requirements

- A. Where a developer elects to create a mobile home park, the park plan shall show lots, and the developer shall demonstrate that the development standards described herein are met.
- B. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all infrastructures, structures and their sites, including snow removal from all park roads and walkways and sanding where required. Park management shall conform to Maine State Laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- C. No mobile home may be sited in an approved mobile home park within the Town of Appleton, Maine without either 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 such housing in this Town; or evidence of certification of payment of the sales tax in accordance with Title 36, M.R.S.A., Section 1760, Subsection 40 and Title 36, Article VIII, Sec 1. M.R.S.A., Section 1952-B. A copy of each document required for each housing unit shall be filed with the Code Enforcement Officer prior to the siting of said unit.
- D. Mobile Home parks shall be located in areas defined by the comprehensive plan

§2 Lot width and lot coverage requirements.

- A. Lots served by individual on-site (lot) subsurface waste water disposal systems:
Min. lot area: 20,000 square feet
Min. lot width: 100 feet.
- B. Lots served by centralized on-site (park) subsurface waste water disposal systems:
Min. lot area: 12,000 square feet
Min. lot width: 100 feet.
- C. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.
- D. The overall density of the mobile home park shall be the combined area of its mobile home lots plus the sum of the area required for road rights-of-way, the area required for

- buffer strips, the open space area as defined in Article VII, §5 of this Ordinance.
- E. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the mobile home.
 - F. All buildings on the mobile home lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

§3 Unit Setback Requirements

- A. The following minimum unit setbacks shall apply to all homes and accessory buildings located in the mobile home park:

Side setback	20 feet
Front setback	20 feet
Rear setback	10 feet
- B. Where bordering a public road, all structures shall meet the minimum setbacks of the Site Plan review and Lot Specification Ordinances.

§4 Buffering & Screening

A mobile home park shall have a buffer strip not less than 50 feet in width 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. Within 25 feet of any property line, and within the buffer strip, visual screening shall be provided. The visual screening shall consist of fences, berms, landscaping (such as shrubs or trees) and 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.

§5 Open Space Reservation

- A. An area no less than 10% of the total area of the mobile home park lots shall be reserved as open space. The area reserved as open space shall be maintained and used for its stated purpose. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.
- B. At least 50% of the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park.
- C. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted in the approval application.
- D. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted. Plans for these areas shall be submitted in the approval application.
- E. The developer shall submit as part of the application, a copy of that portion of the proposed mobile home park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
- F. Reserved open space shall not be used for future mobile home lots.

§6 Roads

- A. Roads which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for roads as detailed in the street design and

- construction standards as defined in Section VI.-A. of the Subdivision Ordinance.
- B. Road Design, Circulation, Traffic Impacts and Parking Areas within a park shall be designed by a Professional Engineer, registered in the State of Maine.
 - C. Roads which the applicant proposes to remain private ways shall meet the following minimum design standards:
 - 1. Roads: Minimum right of way width: 23 feet and minimum width of traveled way: 20 feet
 - 2. Cul-de-sac turnarounds shall have minimum property line radii of 66 feet and 55 foot outer edge of travel way radii, exclusive of any parking areas.
 - 3. All roads shall be built to acceptable engineering standards and with a professional engineer's seal as required by the Manufactured Housing Board.
 - 4. The park owner or management shall be responsible for snow removal and sanding on all park roads.
 - D. Any mobile home park expected to generate average daily-traffic of 200 trips per day or more shall have at least two road connections with existing public roads. Any road within a park with an average daily traffic of 200 trips per day or more shall have at least two road connections leading to existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.
 - E. No individual lot within a park shall have direct vehicular access onto an existing public road.
 - F. The intersection of any road within a park and an existing public road shall meet the following standards:
 - 1. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.
 - 2. The maximum permissible grade within 75 feet of the intersection shall be 2%.
 - 3. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye $3\frac{1}{2}$ feet above the pavement and the height of object $4\frac{1}{4}$ feet.
 - 4. The center line of any road within a park intersecting an existing public road shall be no less than 125 feet from the center line of any other road intersecting that public road.
 - 5. No connection of a road within a mobile home park shall be made with any public road unless the public road meets or exceeds the standards for roads in Article VII of the Subdivision Ordinance.
 - 6. Where necessary to safeguard against hazards to traffic or pedestrians and to avoid traffic congestion, turning lanes, traffic directional islands, frontage roads, and traffic controls shall be provided on public roads at the developer's expense.
 - G. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a professional engineer registered in the State of Maine with experience in transportation engineering.
 - H. Each lot shall be legibly marked for identification, and easily accessible to emergency vehicles, permitting fire apparatus and emergency vehicles to approach within 100 feet.

- I. All roads within the park and connecting with roads outside the park shall be marked with signs designating their name, appropriate safety and stop signs, and with appropriate lines and markings painted on them, all approved by the Road Commissioner. Proposed road names shall be approved by the Planning Board and be consistent with the Town of Appleton Addressing Ordinance.
- J. On-street parking shall be prohibited within the park unless an eight foot parking lane is provided in addition to the road width requirements of Article VIII, §6-B of this Ordinance, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- K. For each mobile home lot there shall be provided and maintained at least two hard surfaced off-street parking spaces. Each parking space shall contain a minimum of 200 square feet with minimum dimensions of 10 feet by 20 feet. The spaces shall meet the hard surface standards set forth as ‘Sidewalk’ surfaces defined in Section VI.A.4. of the Subdivision Ordinance.

§7 Ground Water Impacts

A. Assessment Submitted

Accompanying the application for approval of any mobile home park shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydro geological assessment shall be prepared by a certified geologist or professional engineer registered in the State of Maine, experienced in hydrology and shall contain at least the following information.

- 1. A map showing the basic soils types.
- 2. The depth to the water table at representative points throughout the mobile home park.
- 3. Drainage conditions throughout the mobile home park.
- 4. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
- 5. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
- 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 300 feet of the mobile home park boundaries.

B. Standards for Acceptable Ground Water Impacts

- 1. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- 2. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- 3. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- 4. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

C. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

§8 Conversion

No development or subdivision which is approved under this Ordinance as a mobile home park may be converted to another use or individual lots sold without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements of the applicable ordinance.

§9 Preservation of Natural and Historic Features

The Planning Board shall require that the proposed park include a landscape and management plan that will show the preservation of scenic, historic or environmentally desirable areas or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable areas.

Article VIII Safety Standards

The standards in Article VIII shall apply to all mobile homes built before June 15, 1976, Certified Mobile Homes, or any mobile homes not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park in the Town of Appleton, Maine. The park owner shall have the burden of proving to the Code Enforcement Officer that these standards are met.

§1 Building Standards

A. Exit Facilities -Exterior Doors

1. Homes shall have a minimum of two exterior doors located remote from each other.
2. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
3. Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.
4. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
5. All exterior swinging doors in mobile homes shall provide a minimum door leaf dimension of 28 inches wide by 74 inches high. Notwithstanding this regulation replacement swinging doors that were installed prior to adoption of this ordinance measuring at least 28 inches in width by 72 inches in height shall not require replacement. All exterior sliding glass doors shall provide a clear opening of at least 28 inches wide by 72 inches high. Locks shall not require the use of a key for operation from the inside.

B. Exit Facilities -Egress Windows and Devices

Mobile homes shall have the following emergency egress facilities: Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.

Exception. In lieu of this regulation, an approved automatic sprinkler system may be installed in accordance with NFPA 13D, Standard for the Installation of Sprinkler

Systems in One- and Two- Family Dwellings and Manufactured Homes.

C. Interior Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

D. Room Requirements:

1. Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a mobile home.
2. Every home shall have at least one common area with no less than 150 square feet of gross floor area.
3. All bedrooms shall have at least 50 square feet of floor area.
4. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.
5. Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with rod and shelf.
6. Bedrooms shall have an operable door with a latch to separate the room from the common area.
7. Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.
8. Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

E. Light and Ventilation

1. Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area.
2. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1_ square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

F. Ceiling Height.

Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

G. Fire Detection Equipment.

All homes, regardless of the date of manufacture, shall meet the following requirements. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming to the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing on a wall or

ceiling. If installed on a wall, the top of the detector shall be located 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connector by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

H. Flame Spread

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, counter tops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than twelve horizontal inches to a window or an exterior door.

I. Kitchen Cabinet Protectors

The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of six inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a three inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent limited combustible material which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent limited combustible material. The hood shall be at least as wide as the cooking range.

1. The metal hood will not be required if there is an oven at least as wide as the cooking range installed between the cabinet and the range, centered above the range.
2. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

J. Carpeting

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located underneath the furnace or water heater.

K. Heating and Fuel Burning System

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify in writing that the heating and fuel system meets the requirements of NFPA-31 -Installation of Oil Burning Equipment as adopted by that Board.

L. Electrical Systems

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify in writing that the electrical system is safe and meets the National Electrical code in effect at the time the home was manufactured.

§2 Sanitary Standards

A. Plumbing Systems:

A person holding a master license issued by the State of Maine Plumbers Examining Board shall inspect and certify that the plumbing system is in conformance with the requirements of the Maine State Plumbing Code, is safe and verify that the following conditions are met.

1. The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.
2. Water closets are adjusted to use a minimum quantity of water consistent with proper performance and cleaning.
3. All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.
4. All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing under normal occupancy. To prevent freezing, a modern technological designed heat cable should be used.
5. All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine.
6. Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
7. Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl.
8. Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
9. Water supply plumbing systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.

B. Sewage Disposal

All subsurface sewage systems shall be located on soils approved by the local Plumbing Inspector and licensed Soil Evaluator. All water carried sewage shall be disposed of by means of one of the following:

1. A centralized private sewer system approved by the State of Maine Department of Human Services, serving each mobile home lot in the mobile home park.
2. Individual subsurface sewage systems meeting the requirements of the State of Maine Plumbing Code.

C. Refuse Collection and Disposal

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.

D. Storm Drainage

A storm drainage plan shall be prepared by a professional engineer licensed by the State of Maine showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 100 year storm. Said storm drainage construction shall conform to the standards for storm water design and construction as set forth in Section VI.-B. of the Subdivision Ordinance.

§3. Fire Protection

- A. If the mobile home park is to contain 20 living units or more and the park is not served by a piped central or public water supply then the developer shall construct a pond or ponds with suitable dry hydrant(s) within 1/2 mile of the proposed park to provide adequate water storage for fire-fighting purposes. An easement shall be granted to the Town of Appleton, Maine granting access to and maintenance of the dry hydrant(s) where necessary. The Planning Board may waive this requirement only upon submittal of evidence that there is an existing pond with dry hydrant(s) within 1/2 mile of the proposed mobile home park or that the soil types within 1/2 mile of the proposed mobile home park will not permit their construction: The burden of proving this rests solely with the developer.
- B. If the park is served by a piped central or public water supply then the developer shall install fire hydrants within the park at the rate of one hydrant for every six units or less.

§4 Miscellaneous

- A. Utility Requirements: At least 294 cubic feet (for example, a utility building measuring approximately 6' wide by 7' long by 7' high or equivalent) of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations. State rules and regulations shall take precedence over local rules and regulations in the event there is a conflict.
- B. Signs: Signs and advertising devices shall be prohibited in the mobile home park except:
 - 1. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.
 - 2. One identifying sign at each entrance of the mobile home park no larger than 18 square feet which may be indirectly lit, but not flashing.
 - 3. Mobile home "for sale" signs, provided that such signs that face a public road shall be no more than 10 square feet and shall be limited to one sign per mobile home.
 - 4. Mobile home address signs.
- C. Numbers: Each mobile home shall have a number on it for identification purposes, The styles and location of the identifying sign shall not interfere with vehicle sight distance.

Article IX Mobile Home Park Inspection

It is required that the Code Enforcement Officer shall be responsible to perform an annual inspection. The applicant has the burden to demonstrate that the mobile home park complies with the provisions of this Ordinance, as well as all applicable laws, ordinances, statutes, or

regulations. The inspection will take place on the yearly anniversary of the project completion. The Code Enforcement Officer is hereby authorized and directed to make inspections of mobile home parks and the mobile homes located therein to determine the condition of the parks and mobile homes in order to safeguard the health and safety of the occupants of mobile home parks. The Code Enforcement Officer, or a duly authorized representative, shall have the authority to enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the administration or enforcement of this Ordinance.

- A. A register containing the record of all mobile home owners and occupants located within the park shall be provided to the Town of Appleton and the Code Enforcement Officer. The register shall contain the following information:
 - 1. The name of the owner of each mobile home in the park.
 - 2. The manufacturer's name, model number, year, and serial number of each mobile home.
 - 3. If not owner-occupied, the names of the occupants of each mobile home.
 - 4. The lot location by number of each mobile home.
 - 5. The Park Owner shall keep the register up to date and available for inspection at all times by law enforcement officers, emergency services personnel, code enforcement officials, and other officials whose duties necessitate acquisition of the information contained in the register.
 - 6. A park management plan, including a 24 hour contact person, rules of the park, and schedule for park maintenance, trash removal, and road maintenance for the park.

- B. The Code Enforcement Officer shall issue a written report for a mobile home park inspection which will include the following:
 - 1. That the mobile home park is in compliance with all applicable laws, ordinances, regulations, and has received all necessary approvals from the Town of Appleton and the State of Maine.
 - 2. That the mobile home park, and all of the mobile homes and mobile home lots located therein, are in compliance with all of the requirements of this Ordinance, including the safety standards set forth in Article VIII.

Article X Mobile Home Lot Identification

- A. Each mobile home lot shall have a number supplied by the Park Owner, and the lots shall be numbered in an orderly, consecutive fashion. Even numbers shall be on one side of the street and odd numbers shall be on the opposite side of the street.
- B. Each mobile home shall be numbered in a manner consistent with the number assigned to the lot. The mobile home lot number shall be at least three inches high, and the Park Owner shall be responsible for the placement and maintenance of the numbers on each mobile home in a prominent place so that they may be readily observable by emergency services personnel.
- C. The Park Owner shall be responsible for the placement and maintenance of the lot numbers on the electrical service (i.e., meter junction box) for each mobile home.

Article XI Mobile Home Park Street Identification

The Park Owner shall cooperate with the Planning Board and Code Enforcement Officer to establish names, consistent with the Town of Appleton Addressing Ordinance for streets within the mobile home park. Said street names shall be substantially different than existing street names within the Town of Appleton so as not to be confused in sound or spelling. In general, said streets shall have names, not numbers or letters.

The Park Owner shall erect and maintain street name signs at all street intersections, which signs shall contain lettering that is reflectorized.

Article XII Obligations of Park Owners

- A. The Park Owner shall provide the occupants of the mobile home park with a copy of this Ordinance, and inform the occupants of their duties and responsibilities under this Ordinance.
- B. The Park Owner shall operate the mobile home park, or cause the same to be operated, in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities, improvements, and equipment in good repair and in a clean and sanitary condition, as well as in compliance with all state and local laws, regulations, or ordinances.
- C. The Park Owner shall maintain all streets, roadways and driveways in the mobile home park in good repair, and shall keep the same clear of snow, ice, standing water, and debris. In addition, the streets and roadways in the mobile home park shall be constructed and maintained so as to comply with the "Fire Lane" requirements of the Town of Appleton Fire Prevention Code.
- D. The Park Owner shall maintain the mobile home park in a clean, orderly, safe and sanitary condition at all times.
- E. The Park Owner shall not permit the presence or any accumulation of any:
 1. abandoned, unregistered or un-inspected motor vehicles, or parts thereof, or
 2. discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment; household appliances; furniture; discarded, scrap or junked lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or scrap iron, steel or other scrap ferrous or nonferrous material, or other solid waste or debris in the mobile home park, whether on the streets or other common areas under the control of the Park Owner or on the individual mobile home lots.
- F. The Park Owner shall remove any abandoned, burned, dilapidated, or abandoned mobile home from the mobile home park within ten business days of a notice from the Code Enforcement Officer.
- G. The Park Owner shall be responsible for the proper placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections. Owner shall also be responsible for the disconnection of all utilities prior to the departure of a mobile home from the park. The Park Owner shall conspicuously post a copy of the license in Park Owner's office or on the premises of the mobile home park at all times.
- H. The Park Owner shall notify the Code Enforcement Officer and Tax Assessor, in writing, of the arrival or impending departure of any mobile home or any change of ownership that occurs within the park.
- I. The Park Owner shall make adequate provision for the storage, collection, and lawful disposal of all refuse from the mobile home park, and shall take adequate measures to prevent the creation of health hazards, rodent harborage, insect breeding areas, accident hazards, or air, water, or ground pollution. All refuse and garbage shall be bagged in plastic garbage bags by the homeowner or occupant for storage in fully and tightly enclosed, watertight, rodent-proof containers, which shall be provided by Owner in sufficient number and capacity to prevent any refuse or garbage from overflowing.

Satisfactory container racks or holders shall be provided by the Park Owner and shall be located not more than 150 feet from any mobile home lot, or the Park Owner shall cooperate with the Code Enforcement Officer to establish mutually agreed upon locations.

- J. The Park Owner shall bring all nonconforming non-certified mobile homes into compliance with the safety standards of Article VIII. The Code Enforcement Officer may, as part of a conditional license, enter into a schedule of compliance with the Owner.
- K. The Park Owner shall provide adequate supervision to ensure that the mobile home park, mobile home lot, mobile homes, and the owners or occupants of mobile homes comply with the provisions of this Ordinance. The Park Owner shall include provisions in rental agreements requiring that individual owners or occupants of mobile homes shall comply with the provisions of this Ordinance, and the Park Owner shall be obligated to pursue legal remedies for any breach of those requirements.
- L. The Park Owner shall cooperate fully with the Code Enforcement Officer in the administration and enforcement of this Ordinance, including providing assistance in gaining access to mobile homes for the required inspections.
- M. The Park Owner shall not assign or transfer the license without the prior approval of the Code Enforcement Officer. Any assignment or transfer shall be subject to the condition that the transferee agrees in writing to abide by the terms and conditions of the license and this Ordinance.
- N. The owner(s) of the land on which the mobile home park is located shall be ultimately responsible for compliance with this Ordinance, and shall remain responsible therefore regardless of the fact that this Ordinance may also place certain responsibilities on the license holder, or mobile home owners and/or occupants. This shall be so regardless of any agreements between the owners of the land and the license holder or owner/occupants of mobile homes as to which parties shall assume such responsibility.

Article XIII Obligations of Mobile Home Owners or Occupants

- A. It shall be the duty of the owners or occupants of mobile homes in a mobile home park to give the Code Enforcement Officer access to the mobile homes at reasonable times for the purpose of conducting an inspection thereof to determine satisfactory compliance with the requirements of this Ordinance.
- B. The owners or occupants of mobile homes in a mobile home park shall comply with all applicable requirements of this Ordinance, and shall maintain his/her mobile home, mobile home lot, and any facilities, improvements, or equipment, in good repair and in a clean and sanitary condition. The home owner or occupant shall not cause or permit the presence or accumulation of the items specified in Article XII-A on his/her mobile home lot, or at any other location within the mobile home park.
- C. No home owner or occupant shall allow animals in his/her custody to run at large, or commit any nuisance, within the mobile home park.
- D. No home owner or occupant shall permit his/her mobile home to be occupied by a greater number of persons than that for which it was designed.
- E. The space directly beneath each mobile home shall be kept clean and free from refuse, or other combustible materials.
- F. No home owner or occupant shall permit the parking of vehicles or the storage of personal property so as to interfere with access to the lots or mobile homes in the mobile home park by other owners or occupants, or especially with access by emergency vehicles or personnel.
- G. No home owner or occupant shall locate or use a utility structure on his/her lot unless it is located no closer than 10 feet to any mobile home or other utility structure, and is made of noncombustible materials. In addition, said structure shall not exceed 150 square feet in

area and 10 feet in height.

- H. No home owner or occupant shall dispose of any garbage or refuse except by first bagging the garbage or refuse into a plastic garbage bag and then placing them into provided facilities in a clean and sanitary manner.
- I. The individual owner of a non-certified mobile home shall be responsible for bringing the mobile home into compliance with the safety standards set forth in Article VIII. The Code Enforcement Officer is authorized to enter into a schedule of compliance with such a home owner.

Article XIV Restrictions on the Sale, Lease, Transfer, Occupancy or Location of Mobile Homes in a Mobile Home Park

- A. No person may sell, transfer, or otherwise convey a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article VIII of this Ordinance. The provisions hereof shall not apply to a mobile home that is being removed from the mobile home park.
- B. No person shall locate, move from one mobile home lot to another mobile home lot, or replace a mobile home in a mobile home park without a prior written determination from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article VIII of this Ordinance.
- C. No person shall permit or allow the occupancy of a mobile home in a mobile home park for dwelling purposes without a prior Certificate of Compliance from the Code Enforcement Officer stating that: (1) the mobile home is a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) is a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations, including the requirements of Article VIII of this Ordinance, and that the mobile home is properly placed on a mobile home stand and properly connected to water, sewer, and electrical utilities. The Park Owner shall be responsible for the proper installation of all utility connections, which shall be accomplished by duly qualified and licensed persons.
- D. The placement of a mobile home that is not (1) a certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws or regulations or (2) a non-certified mobile home that is in a good state of repair and is in compliance with all applicable codes, ordinances, laws, or regulations, including the requirements of Article VIII of this Ordinance in or near the mobile home park is strictly prohibited. The area of the mobile home park and any of Park Owner's land in the vicinity shall not be used as a staging area for the rehabilitation of non-certified mobile homes. The foregoing shall not preclude the rehabilitation of mobile homes that existed in a park as of the date of adoption of this Ordinance.

Article XV Enforcement

§1 Construction Inspection

- A. At least five days prior to completing each major phase of construction of required

improvements, the developer or builder shall notify the Code Enforcement Officer in writing of the time when it is proposed to complete construction of the following phases of construction so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board:

1. Roads and Walkways
 2. Septic and Drainage
 3. Utilities, Lighting and Signs
 4. Fire Pond and Open Space, if required
 5. Unit Siting, Buffers, and Utility Building Siting
- B. If the inspecting official finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and specifications filed for the mobile home park, it shall be so reported in writing to the Selectmen, Planning Board, developer and owner of the mobile home park. The Selectmen shall take any steps necessary to preserve the rights of the Town of Appleton, Maine.
- C. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this article in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Chairman of the Planning Board. For major modifications, such as relocation of rights-of-way, property or lot boundaries, changes of grade by more than 1 %, etc., the developer or owner shall obtain permission in writing from the Planning Board to modify the plans.
- D. Upon completion of road construction, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Chairman of the Planning Board at a regular scheduled Planning Board meeting, at the expense of the applicant, certifying that the road(s) meet or exceed the design and construction requirements of this Ordinance.

§2 Violations

- A. No mobile home park plan shall be recorded in the Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with this Ordinance.
- B. No person, corporation or other legal entity may rent or offer to rent any land in a mobile home park which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- C. No development of the infrastructure of a mobile home park may begin until Final Plan approval by the Planning Board and recording in the Registry of Deeds. Development includes the grading and construction of roads, the grading of lots, utility installations, siting of mobile homes, and construction of buildings.
- D. No development of infrastructure of a mobile home park may begin and no mobile home park plan shall be approved by the Board or recorded in the Registry of Deeds until the financial performance guarantee as set forth in Article XVI has been complied with.

§3 Park Plan Amendments after Approval

No changes, erasures, or modifications shall be made in a Final Plan after approval has been given by the Planning Board unless the plan is first resubmitted and the Planning Board approves any modifications. The applicant is not required to go through the complete review process of an amendment to an existing mobile home park, unless, in the judgment of the Planning Board the amendment substantially alters the character of the original mobile home

park, or unless the change constitutes a new mobile home park. If an amended Final Plan is recorded without complying with this requirement, it shall be null and void. The Code Enforcement Officer may institute proceedings to have the plan stricken from the Registry of Deeds.

§4 Enforcement

The Code Enforcement Officer or the Selectmen of the Town of Appleton, Maine, upon finding that any provisions of this Ordinance or the conditions of any approval(s) is being violated, are authorized to institute legal proceedings to enjoin violations of this Ordinance.

§5 Penalties

Any person, firm or corporation being the owner or having control or use of any residential building or infrastructure constructed or placed in violation of any of the provisions of this Ordinance shall be fined in accordance with the penalty provisions of Title 30-A M.R.S.A. Section 4452, along with any other pertinent civil penalties.

Article XVI Performance Guarantees

§1. Types of Performance Guarantees

With submittal of the application for Final Plan approval, the developer shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account; or
- B. A performance bond payable to the Town issued by a surety company, approved by the Selectmen; or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the mobile home park, from which the Town may draw if construction is inadequate, approved by the Selectmen.
- D. The conditions and amount of the guarantee shall be determined by the Board with advice of the Code Enforcement Officer, Road Commissioner, Selectmen, and/or Town Attorney.

§2 Contents of Guarantee:

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

- A. Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the developer and the

amount withdrawn to complete the required improvements.

B. Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the municipality. The bond documents shall specifically reference the mobile home park for which approval is sought.

C. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction and completion of the mobile home park and may not be used for any other project or loan.

§3. Release of guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the inspecting official and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

§4. Default

If, upon inspection, the inspecting official finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the developer or builder. The Municipal Officers shall take any steps necessary to preserve the Town's right.

Article XVII Appeals

Any aggrieved party having proper standing may within thirty (30) days, appeal any decision of the Planning Board under these regulations to the Superior Court of Knox County.

Article XVIII Amendment of this Ordinance

An amendment to this Ordinance may be initiated by:

- A. A Majority vote of the Planning Board
- B. Request of the Selectmen to the Planning Board
- C. Written petition to the Selectmen bearing signatures of registered voters of the Town of Appleton, Maine numbering at least ten percent of the number who voted in the last gubernatorial election.

All proposed amendments to this Ordinance shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within forty five days of receiving a proposed amendment, the Planning Board shall make known their recommendation to the Selectmen and to the Town. After receiving the recommendation of the Planning Board, the amendment shall be voted on by the voters of the Town of Appleton, Maine at a Town Meeting, a majority vote being required for adoption.

Article XIX Definitions

For the purposes of this Ordinance, the following definitions shall apply:

Accessory Structure: A structure of a nature customarily incidental or subordinate to the principal structure.

Board: The Appleton Planning Board

Code Enforcement Officer: A person or persons appointed by the Selectmen to administer and enforce Town Ordinances. The term shall also include Building Inspector, Fire Inspector, Local Plumbing Inspector and the like, if applicable.

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.

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

Environmentally sensitive areas: Wetlands, swamps, wildlife habitat areas, prime agricultural areas, areas with steep slopes, areas with poorly drained soils ,and flood plain areas (subject to a 100 year flood).

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

Licensee: The mobile home park owner or the applicant for a mobile home park license.

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.

Mobile Home: Two types of mobile homes are included in this definition:

1. Certified mobile home. Those units constructed after June 15, 1976, 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, that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and that 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. This term shall also include any structure that 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 Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards

Act of 1974, 42 United States Codes 5401, et seq.

2. Non-certified mobile homes: Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Mobile Home Owner: A person having ownership and/or legal control of a mobile home herein after referred to as home owner.

Mobile Home Park: A parcel of land under unified ownership approved by the Town for the placement thereon of three or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that mobile home.

Mobile Home Park Owner: An individual, partnership, corporation, limited liability company, limited liability partnership, trust or any other form of legal entity recognized under the laws of the State of Maine having ownership and/or legal control of a mobile home park herein after referred to as Park Owner.

Mobile Home Stand: The part of an individual mobile home lot which has been constructed and reserved for the placement thereon of a mobile home.

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

Structure: Anything constructed or erected, the use of which requires a location on the ground or attachment to something located on the ground, including, but not limited to, buildings and mobile homes.

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

Utility Structure: A structure located on a mobile home lot which is designated and used for the storage and use of personal property of the mobile home occupants.

Article XX Certification of Adoption

I hereby attest that this is a true copy of the Town of Appleton Mobile Home Park Ordinance duly adopted on **June 13, 2007**

Appleton Town Clerk, Pamela J. Tibert

June 13, 2007