

HONEY BROOK TOWNSHIP
ORDINANCE NO. 98- 79

AN ORDINANCE REGULATING THE OPERATION OF MOBILE HOME PARKS IN THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA; PURSUANT TO THE AUTHORITY SET FORTH IN THE PENNSYLVANIA SECOND CLASS TOWNSHIP CODES, ACT NO. 1995-60, SECTIONS 1506, 1517, 1529 AND 1533 (953 P.S. §66506, §66517, §66529, §55533); REQUIRING A PERMIT FOR THE MAINTENANCE AND OPERATION OF SUCH MOBILE HOME PARKS; PROHIBITING UNSAFE AND UNSANITARY CONDITIONS; PROVIDING FOR INSPECTIONS, PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING CERTAIN ORDINANCES.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Honey Brook, situated in the County of Chester and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

Section 1. Definitions.

- A. Anchoring. as per applicable requirements of BOCA Code as adopted from time to time by Honey Brook Township.
- B. Hitch. A device which is part of the frame or attaches to the frame of a mobile home and connects it to a power source for the purpose of transporting the unit.
- C. Landowner. The owner of a legal or equitable interest in land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.
- D. Mobile Home. A transportable, single family detached dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at the site complete and ready for occupancy except for minor incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile Homes shall be constructed in accordance with Safety and Construction Standards of the U.S. Department of Housing and Urban Development. The term "Mobile Home" shall not be deemed to include "Recreation Vehicle" nor a "Modular Home" placed on a permanent perimeter foundation.
- E. Mobile Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile homes lots for the placement thereon of mobile homes.

- F. Mobile Home Park Permit. A written permit issued by the Zoning Officer and subject to annual renewal, permitting the mobile home park to operate under this Ordinance and other pertinent Ordinances and regulations.
- G. Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
- H. Person. An individual, partnership, organization, association, trust, or corporation. When used in penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.
- I. Skirt. A panel specifically designed for the purpose of the screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.
- J. Township. The Township of Honey Brook.
- K. Zoning Officer. The Zoning Officer appointed by the Board of Supervisors of Honey Brook Township.

Section 2. Mobile Home Park Permit Required.

- A. Two or more inhabited mobile homes located upon the same parcel of real property shall be located only within a permitted mobile home park.
- B. It shall be unlawful for any person to maintain or operate within the limits of the Township any mobile home park unless such person shall first obtain a Mobile Home Park Permit.
- C. In addition to the initial permits, the operator of a mobile home park shall apply to the Chester County Health Department and to the Township Zoning Officer on or before the first day of December of each year for an annual Mobile Home Park Permit to continue operation of the mobile home park. The Zoning Officer shall issue the annual Mobile Home Park Permit upon satisfactory proof, submitted by the Landowner, that the park continues to meet the standards prescribed by state and county agencies having jurisdiction and the standards of this Ordinance. The Mobile Home Park Permit so issued shall be valid for one year from the date of issuance.
- D. Fees
 - 1. Fees for the initial application, and the annual Mobile Home Park Permit shall be prescribed by resolution of the Board of Supervisors.

2. The fee for the annual Mobile Home Park Permit shall be submitted to the Zoning Officer with the application for the annual Mobile Home Park Permit.

E. Appeal of Mobile Home Park Permit Denial

Where the applicant or permittee feels that the Zoning Officer has failed to follow procedures or has misinterpreted or misapplied any provision of this Ordinance in the review of an application for Mobile Home Park Permit or an annual Mobile Home Park Permit renewal, he may appeal such action to the Board of Supervisors.

F. Transfer or Change in Terms of Permit

No Mobile Home Park Permit issued under this Ordinance shall be transferable to a different location. No person holding a Mobile Home Park Permit under this Ordinance shall extend or reduce the area of any mobile home park, add any new facility or structure, or eliminate any existing facility or structure until notice of such proposed change shall have been given to the Zoning Officer, and the Zoning Officer shall ascertain, after investigation as in the case of an original application for a permit, that such proposed change is in accordance with all requirements of these Ordinances: Honey Brook Township Subdivision and Land Development Ordinance, the Honey Brook Township Zoning Ordinance, and this Ordinance, and shall have signified that fact by his written approval or issuance of a building permit.

G. Revocation or Suspension of Mobile Home Park Permit.

Any Mobile Home Park Permit granted by the Zoning Officer under the provisions of this Ordinance shall be revocable or subject to suspension at any time, upon determination by the Zoning Officer that the Landowner has failed to remedy the violation or violations within thirty (30) days of the mailing of written notice from the Township Zoning Officer or, where the violation cannot be reasonably remedied within thirty (30) days, remedial measures have not been instituted within said thirty (30) day period and that the mobile home park or mobile home park site:

1. is, or has been conducted in violation of this or any other ordinance of the Township, any rule or regulation of the County of Chester or any statute, rule or regulation of the Commonwealth of Pennsylvania or any agency thereof; or
2. is creating a public nuisance; or
3. is creating a potential hazard to the public health, safety and welfare; or

4. adversely affects the environment.

When a Mobile Home Park Permit is denied, suspended or revoke, a hearing shall be held thereon before the Board of Supervisors within thirty (30) days after request therefor is made by the person or business entity whose Mobile Home Park Permit is denied, suspended or revoked. Within thirty (30) days following the date of such hearing, the Board of Supervisors shall notify all parties in writing of the determination of said hearing and the reasons therefor.

Section 3. Mobile Home Park Permit Application Procedure.

- A. An application for a new mobile home park or the expansion or change of an existing mobile home park shall be made under the provisions of The Honey Brook Township Subdivision And Land Development Ordinance as amended.
- B. Existing mobile home parks shall submit the following plans and information when applying for the Mobile Home Park Permit required by this Ordinance:
 1. A sketch of the mobile home park showing:
 - a. location of site relative to public roads;
 - b. location of all improvements within the mobile home park site;
 - c. layout of mobile home lots and streets;
 - d. tract boundaries and mobile home lot boundaries dimensioned in bearings and distances or, at a minimum, distances;
 - e. location of fire fighting equipment and facilities;
 - f. a description of the water and sanitary sewer systems;
 - g. the assigned mobile home lot number.
 2. The names and current addresses of any and all persons who own any interest, real or equitable, in the real estate which is subject of the application.
 3. The names and current addresses of any and all persons having any interest in the operation, maintenance and use of the real estate in question to the mobile home park.
 4. A copy of the Register of Occupants.

5. A list containing the mobile home lot number, owner's name, mobile home manufacturer, dimensions and description of the mobile home occupying the mobile home lot.

Section 4. Inspections

- A. Upon notification to the Landowner holding the Mobile Home Park Permit, operator, or other person in charge of a mobile home park, the Zoning Officer or Building Inspector may inspect a mobile home park at any reasonable time to determine compliance with this Ordinance.
- B. Upon receipt of the application for the annual Mobile Home Park Permit and before issuing such annual permit, the Zoning Officer or Building Inspector of the Township shall make an inspection of the mobile home park to determine compliance with this Ordinance. The Zoning Officer or Building Inspector shall thereafter notify the permittee of any instances of non-compliance with the Ordinance and shall not issue the annual Mobile Home Park Permit until the permittee has corrected all such violations.

Section 5. Register of Occupants

The Landowner or park operator shall maintain a register containing the number of occupied mobile home lots and the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The operator shall notify the appropriate offices, in accordance with the state and local taxation laws, of the arrival and departure of each mobile home. The register shall be submitted to the Township as part of the application for renewal of the mobile home park's annual permit.

Section 6. Removal of Mobile Homes

No mobile home shall be removed from the Township without first obtaining a removal permit from the Township Tax Collector as required by Act No. 54 of 1969 of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee as set by resolution from time to time and real estate taxes assessed against the home and unpaid at the time the permit is requested.

Section 7. Maintenance.

- A. Maintenance of Common Facilities.

The Landowner of a mobile home park shall be responsible for maintaining all common facilities including, but not limited to roads, parking areas, sidewalks or pathways, common open space, buffering, screening, landscaping, water supply and sewage disposal systems and service buildings. If upon inspection by the Zoning Officer or Building Inspector, it is determined that the mobile home park is not in compliance with this Ordinance, the Zoning Ordinance and adopted

building codes, the Landowner shall be considered to be in violation of this Ordinance and the Zoning Officer shall notify the Landowner and mobile home park operator of the particulars of any such violation.

B. Maintenance of Mobile Home Lots.

The Landowner of the mobile home park shall be responsible for maintaining the mobile home lots in a condition of proper repair and maintenance. If, upon inspection by the Zoning Officer or Building Inspector, it is determined that the mobile home lot is not in compliance with the Honey Brook Township Zoning Ordinance and/or other Ordinances and building codes adopted by the Township and this Ordinance, the Landowner of the mobile home park shall be considered to be in violation of this Ordinance and the Zoning Officer shall notify the Landowner and mobile home park operator of the particulars of any such violation.

C. Failure to Maintain.

The Landowner shall thereafter have 30 days in which to correct any such violations, except that if the violation is determined by the Zoning Officer or Building Inspector to constitute a hazard to the health or safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

Section 8. Fuel Supply and Storage.

A. Liquefied Petroleum Gas System

1. The design, installation, and construction of containers and pertinent equipment for the storage and handling of liquified petroleum gasses shall conform to the Act of the Pennsylvania Legislature of December 27, 1951, P.L. 1793, as it may be amended; and to the regulations therefor promulgated by the Pennsylvania Department of Labor and Industry, or its successor and Township adopted building codes.
2. Liquified petroleum gas systems provided for mobile homes, service buildings or other structures, when installed, shall be maintained in conformance with the rules and regulations of the Pennsylvania Department of Labor and Industry and the Township adopted building codes and shall include, but not be limited, to the following:
 - a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at the safe location.

- b. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- c. All liquified petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.
- d. Vessels of at least 12 U.S. gallons and less than 60 U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five feet, and no closer to any window than three feet.
- e. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
- f. All pipe connections shall be of a flare type.

B. Fuel Oil Supply System

- 1. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformance with the rules and regulations of the authority having jurisdiction.
- 2. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- 3. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within five inches of storage tanks.
- 4. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit, and not less than three feet from any window.
- 5. Storage tanks located in areas subject to traffic shall be protected against physical damage.

Section 9. Solid Waste Collection and Disposal

- A. The storage, collection, and disposal of solid waste in any mobile home park shall be managed as to create no health hazard, rodent harborage, insect-breeding area, accident or fire hazard, or air pollution.

- B. All mobile home parks not serviced by curb side solid waste collection shall be provided with solid waste collection stations at convenient but inconspicuous locations and consisting of self-closing containers, with separate containers for garbage and trash, placed on a concrete slab and accessible for truck pick-up, and completely screened from view by solid fencing.

Section 10. Miscellaneous Structural Requirements.

- A. Additions and Alternations

1. No permanent addition shall be built onto or become a part of any mobile home, and no plumbing or electrical alteration or repair shall be made, unless in accordance with all applicable state, county, Township laws, Ordinances, and regulations.
2. Any structure or mobile home placed upon a mobile home site shall be placed only after written permission is received from the Landowner or his Agent and a zoning and building permit has been issued by the Zoning Office pursuant to Township ordinance.

- B. Mobile Home Foundation

A foundation, as defined in §701-C of The Honey Brook Township Subdivision And Land Development Ordinance, with dimensions sufficient to support the intended unit shall be provided for all mobile homes. Such foundation shall be properly placed and constructed in accordance with the Township adopted building codes so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.

- C. Anchoring

Every mobile home placed within a mobile home park shall be anchored in accordance with the applicable requirements of the BOCA Code.

- D. Skirts

Each mobile home placed within a mobile home park shall, prior to occupancy or other use, have a skirt installed.

- E. Hitch

If a hitch or towbar is attached to a mobile home for transport purposes and is removable, it shall be removed and remain removed from the mobile home when it is placed on its mobile home foundation.

F. Wheels

If any wheels are attached to a mobile home for transportation purposes, they shall be removed and remain removed from the mobile home when it is placed on its mobile home foundation.

G. Exception to Sections 10.B Through 10.F

Mobile homes installed on mobile home lots prior to the effective date of this Ordinance are not subject to Sections 10.B through 10.F, however, any mobile home relocated or new mobile home installation on a mobile home lot on or after the adoption effective date of this Ordinance shall comply with Section 10.B through 10.F. This exception does not negate any requirements imposed by Township adopted ordinances or codes in effect at the time the mobile home was installed.

Section 11. Supervision.

A responsible attendant, caretaker, Landowner or operator shall be in charge to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable with the Landowner for any violation of the provisions of this Ordinance.

Section 12. Posting of Mobile Home Park Permit Certificate

The Mobile Home Park Permit Certificate and a copy of this Ordinance shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

Section 13. Violations.

Any person who shall continue to violate any of the provisions of this Ordinance shall (provided that said violation is not cured within thirty (30) days after the mailing of notice thereof by the Township or, where the violation cannot be reasonably cured within thirty (30) days, remedial measures have not been instituted within said thirty (30) days period), upon conviction thereof, by a summary proceeding, be sentenced to pay a fine of not less than Twenty Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) and the cost of prosecution, or sentenced to confinement in the Chester County prison for a period not exceeding thirty (30) days, providing that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

Section 14. Abatement of Nuisances.

In addition to the remedies provided above, any continued violations of this Ordinance which shall constitute a nuisance in fact or which shall, in the opinion of the Board of Supervisors, constitute a nuisance, may be abated by a proceeding against the violator in a court of equity for relief.

Section 15. Access to the Court of Common Pleas.

The provisions of this Ordinance, in addition to being enforceable as aforesaid, shall also be enforceable by the Court of Common Pleas of the County of Chester sitting in equity.

Section 16. Severability of Provisions.

The provisions of this Ordinance are severable and in the event that any provisions thereof shall be declared invalid or unconstitutional, it is hereby declared to be the intent of the Board of Supervisors of the Township of Honey Brook that the remaining portions thereof would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision of provisions in any respect.

Section 17. Conflict of Ordinances.

In case a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance of this Township or state law or regulation, existing on the effective date of this Ordinance, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section 18. Effective Date of Ordinance.

All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, in lawful session, duly assembled this 8th day of Apr, 1998.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF HONEY BROOK,
CHESTER COUNTY, PENNSYLVANIA

BY: Dallas D. Forel
CHAIRMAN, BOARD OF SUPERVISORS

Michel A. Jany
SUPERVISOR

[Signature]
SUPERVISOR

ATTEST:

Ruby M. Kitzman
SECRETARY