MOBILE HOME PARK ORDINANCE
FOR
THE TOWN OF HUDSON, MAINE

ADOPTED: March 21, 1992
EFFECTIVE: March 21, 1992
AMENDED: March 26, 1994

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I. TITLE AND PURPOSE

This Ordinance shall be known as the "Mobile Home Park Ordinance" and will be referred to hereinafter as the "Ordinance".

This Ordinance is enacted by the inhabitants of the Town of Hudson to promote the health, safety, convenience, welfare and property values of said inhabitants by requiring all new mobile home parks and all reconstruction and/or expansion of existing mobile home parks to meet minimum state standards as defined in this ordinance.

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II. AUTHORITY

This ordinance is enacted pursuant to the authority granted the municipality by the MAINE LEGISLATURE In Title 30-A, Chapter 141, Section 3001 [Home Rule Provisions], and Title 30-A, Chapter 191, Section 4358 [Regulation of Manufactured Housing].

The effective date of this ordinance shall be the date it is enacted by vote of the legislative body of the Town of Hudson.

This ordinance shall in no way impair or remove the necessity for complying with any other ordinance, rule, regulation, by-law, permit or provision of law, except as provided for in 5.A. of this ordinance.

This ordinance shall apply to all mobile home parks within the Town of Hudson, except that mobile home parks existing at the time of the adoption of this ordinance need not comply until such time as reconstruction and/or expansion of the existing mobile home park is proposed, except where noted.

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III. DEFINITIONS

CARPORT:

a freestanding roof, covering a small portion of a mobile home lot, intended for sheltering a motor vehicle.

MANUFACTURED HOUSING:

a structure or structural unit designed for occupancy as a single family dwelling and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a site where it is to be used for housing and may be purchased or sold by a dealer in the interim.

MOBILE HOME:

a structure manufactured as a single family dwelling, transported in one or more sections, which in the traveling mode are 10 x 65 and are 550 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained within the unit.

MODULAR HOME:

a single family dwelling manufactured to be transported in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained within the unit, certified by the manufacturer to be in full compliance with Title 10, Chapter 957 and rules adopted under that chapter.

MOBILE HOME PARK:

a parcel of land under unified ownership approved by the Town of Hudson Planning Board for the placement of three or more units of manufactured housing pursuant to the "Subdivision ordinances for the Town of Hudson" and Title 30-A MRSA Section 4401 et seq.

MOBILE HOME PARK LOT:

the area of land on which an individual manufactured home is situated within a mobile home park and which is reserved for use by the occupants of that home.

MOBILE HOME SUBDIVISION (includes Mobile Home Development):

a parcel of land approved by the Town of Hudson Planning Board for the placement of manufactured housing on individually owned lots pursuant to the "Subdivision Ordinance for the Town of Hudson" and Title 30-A MRSA Section 4401 et. Seq.

M.R.S.A.:

abbreviation for "Maine Revised Statutes Annotated" which is the standard citation for the codification of public laws of the State Of Maine published by West Publishing Company of St. Paul, Minnesota.

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IV. ADMINISTRATION

A. Administrative Procedure

1. Purpose:

   The purpose of the Administrative Procedure is to guide the Board and the applicant in the process of applying, so that each party can follow through the proceedings in an orderly manner

2. Agenda:

   In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be put on the agenda at least 14 days prior to the next scheduled meeting. Applicants who attend but are not on the agenda may be heard but only after all the agenda items have been completed, and then only if a majority of the Board so votes.

   The applicant shall provide copies of submitted materials for the applicant, The Code Enforcement Officer and the selectmen. The Planning Board should receive two copies, one for permanent record and one for a working copy.

B. Preapplication

1. Purpose:

   Sketch Plan Review - the purpose for the sketch plan review phase is for the Board to understand what is proposed and to inform the applicant of the requirements of the State Subdivision Law, of these regulations, and any other known laws, ordinances, or regulations.

2. Submission:

   The applicant shall submit at least 10 copies of a sketch plan on 8 1/2 x 11 paper for mailing to each Board member. Application to the Code Enforcement Officer and to the Board shall be at least 14 days prior to a regularly scheduled meeting at which he/she wishes to be considered. The applicant or authorized agent thereof shall be present at the meeting to discuss the proposal with the Planning Board.

3. Procedure:

   The preapplication procedure is for the following purposes:

   a. To provide an opportunity for the subdivider and the Planning Board to informally review the park builder's ideas for the use of the land;

   b. To discuss procedures for park's review and approval;

   c. If road construction is involved in the proposal, to classify the road either as minor or collector;

   d. To discuss any apparent potential problems associated with the park; and

   e. To arrange on site inspection of the park site

   Note:

   Acceptance of any variances from this standard ordinance procedure will be at the sole discretion of the Planning Board.

4. Sketch Plan:

   The sketch shall consist of an outline of the proposed park, it may be a free hand sketch, it may be superimposed on a tax map. For ease of reference the sketch shall have a consistent scale throughout. The map shall show:

   a. proposed layout of streets

   b. proposed lots

c. proposed buildings

d. any other features of the site in relation to existing conditions, such potential open area, natural or historic features to be considered for preservation

e. direction of North shown by arrow

5. Application:

Accompanying the sketch plan shall be a written application which includes:

a. proof of ownership, right of title, and documentation of existing covenants and easements.

b. existing zoning

c. medium intensity soils survey information(obtainable from Penobscot County Soil conservation Service)

d. information about community facilities and utilities on or near the site

e. lot information; the number of lots, typical lot width, and depth

f. plans for sewer and water service and road construction

g. any proposed non-residential area, such as open space, playing fields

h. any proposed land clearing, recontouring or landscaping that may take place in the construction process

i. Notify abutting property owners within 1000 yards of the proposed mobile home park

j. Notification of a public hearing within 60 days of application

6. On Site Inspection:

Within 30 days, the Board shall hold a Preliminary on-site inspection. The park builder shall arrange an inspection with the Code Enforcement Officer and the Planning Board member(s) or individual(s) appointed by the Chairman to act as the Board's representative for the inspection. The on-site inspection must be conducted before the Board will consider the next step in the park review process.

This being the State of Maine, consideration will be given to the amount of snow cover on the site on the day of the on-site inspection. Any amount over 4-6" shall be enough to delay the inspection until snow cover is such that the inspection can be made and the features of the site are easily discernible.

Before the on-site inspection the applicant shall place "flagging" at the:

a. centerline of any proposed streets

b. approximate intersections of the street centerlines

c. lot corners

d. proposed septic system(s) and proposed well(s)

7. Contour Interval:

   The Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan or the Final Plan.

8. Rights not Vested:

   The submittal of the preapplication sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of title 30-A M.R.S.A. Section 302.

   No person, firm, corporation or legal entity may sell, lease, develop, build upon or convey for consideration, any land in the park which has not been approved by the Hudson Planning Board and recorded in the Penobscot County Registry of Deeds.

   No park lot shall be recorded by the registry of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plot or plan. No public utility, water district, sanitary district or any utility company of any kind shall install services to the park or any of the lots for which a plan has not been approved.

9. Final inspection:

   a final on site inspection to be conducted within 90 days of preliminary inspection.

C. Fees:

Fees pertaining to this Mobile Home Park Ordinance shall be set forth below.

Fees	
Initial mobile home park application	$20.00
Preliminary plan and Private MHP roads review	$100.00 plus $5.00 per lot
MPH roads to be offered as town ways	$25.00 plus actual engineering expenses that are incurred
Final plan review	$100.00
Appeals	$50.00/application plus all expenses incurred over the $50.00

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V. CONFLICTS WITH OTHER ORDINANCES, VALIDITY AND SEVERABILITY

Where provisions of this ordinance conflict with any other ordinances the more stringent shall apply.

Should any section or provision of this ordinance be declared invalid, such invalidity shall not void or make invalid any other portion of this ordinance.

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VI. MINIMUM DESIGN STANDARDS FOR APPROVAL OF MOBILE HOME PARKS

A. Mobile home parks shall meet all the requirements for a residential subdivision using the minimum standards specified below.

B. Mobile home parks, expansion of existing and proposed, located wholly or partially within the Shoreland Zone of the Town of Hudson shall comply with the standards for lot size, shore frontage, minimum set-backs and density (lot coverage) for the portion of the mobile home park within the Shoreland Zone.

C. Mobile home parks, expansion of existing and proposed, shall meet the minimum size standards set forth below. No variance or reduction in lot size, area, coverage or setbacks shall be granted except in strict conformance with Title 30-A MRSA Section 4353 [4]

D. Lots served by Central Engineered System

Lots in mobile home parks served by central, on-site, subsurface wastewater disposal system (Engineered System) shall have a minimum of twelve thousand five hundred (12,500) square feet, provided the overall density shall be no more than one home for every twenty thousand (20,000) square feet with a minimum lot width of seventy five (75) feet.

E. Lot served by individual system

Lots served by individual, on-site subsurface wastewater disposal systems serving no more than one (1) lot shall have a minimum of twenty thousand (20,000) square feet per lot with a minimum lot width of one hundred (100) feet.

Lots served by a public sewer system may have a minimum of sixty five hundred (6500) square feet.

F. The minimum area for a mobile home park shall be the combined area of its mobile home park lots plus:

1. the area required for road right-of way; and
2. the area of any setbacks required under Title 38 or any ordinance adopted pursuant to Title 38 (Mandatory Shoreland Zoning Ordinance).

G. Mobile Home Park Roads

1. Mobile Home Park roads which the developer intends to offer to the municipality for acceptance as town ways shall be constructed to the standards found in table 6.71 below using the specifications for "minor streets", excepting through streets which join public roads, which shall be constructed to "collector street" specifications.

MOBILE HOME PARK PUBLIC ROAD STANDARDS		
DESCRIPTION	**MINOR**	**COLLECTOR**
minimum right-of- way width	60 feet	66 feet
min. pavement width	24 feet	26 feet
min. sidewalk width,if installed	5 feet	5 feet
min. grade	0.5%	0.5%
max grade within 100' of the intersection of a private way with a public way measured from the centerline of the public way	1.0%	1.5%
max grade	8.0%	6.0%
min. centerline radius	150 feet	230 feet
min tangent between curves of reverse radius	50 feet	100 feet
roadway crown, minimum	1/4" per foot	1/4" per foot
roadway crown, maximum	1/2" per foot	3/8" per foot
min angle of street intersections	75 degrees	90 degrees
min curb radii at street intersections	15 feet	20 feet
min right-of-way radii at intersections	10 feet	10 feet
min width of shoulders without sidewalks (each side)	3 feet	5 feet
cul-de-sac & turn around radii		
a. property line	65 feet	65 feet
b. outer edge of pavement	50 feet	50 feet
c. inner edge of pavement	26 feet	24 feet
d. in areas originally wooded, a stand of original or similar trees shall be maintained within the center of the cul-de-sac.(Amend 1, 3-26-94)		

2. Mobile home park roads which the developer intends to retain in private ownership shall be designed in accordance with accepted engineering practices by a licensed professional engineer using the minimum

standards indicated below and stamped with a professional engineer's seal in accordance with the requirements of the Manufactured Housing Board and constructed in accordance with the minimum standards in Table 6.8.2 below:

MOBILE HOME PARK PRIVATE ROAD STANDARDS	
Description	**Standard**
minimum right-of-way width	23 feet
min. pavement width	20 feet
min. sidewalk width, if installed	5 feet
min. grade	0.5%
max. grade within 100' of the intersection of a private way with a public way measured from the centerline of the public way	0.5%
max. grade	8.0%
minimum centerline radius	100 feet
min. tangent between curves of reverse radius	50 feet
roadway crown, minimum	1/8" /ft
roadway crown, maximum	1/2" /ft
minimum angle of street intersections	75 degrees
minimum curb radii at street intersections	20 feet
minimum right-of-way radii at intersections	10 feet
minimum width of shoulders without sidewalks (each side)	3 ft
cul-de-sac & turn around radii	
a. property line	65 feet
b. outer edge of pavement	50 feet
c. inner edge of pavement	30 feet

3. Road construction standards

a. Minimum thickness of material after compaction

Road materials	**minimum requirements**		
	minor	collector	private MHP roads
aggregate sub-base course (max. sized stones 4")	18"	18"	12"
crushed aggregate base course	3"	3"	3"
hot bituminous pavement			
total thickness	2.50"	3.0"	1.5"
surface course	1.0"	1.25"	combined in
base course	1.5"	1.75"	one layer

b. Preparation

(1) Before any clearing has been started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at every fifty foot intervals.

(2) Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

(3) All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town's Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

(4) Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal, to one foot vertical, and shall be graded, loamed, limed, fertilized and seeded according to the specifications of the erosion and sedimentation control plan submitted with the proposed roadway design. Where a cut results in exposed ledge a side slope no steeper than tow feet horizontal to one foot vertical is permitted.

(5) All underground utilities (if any) shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement

(1) Bases:

(b) The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay or other deleterious substances. the gradation of part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

SIEVE DESIGNATION	**PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE**
1/4 inch	25 - 75%
no 40	0 - 30%
no 200	0 – 7%

NOTE:

aggregate for the subbase shall contain no particles of rock exceeding four (4) inches in any dimension.

(b) The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay or other deleterious substances. The gradation of part that passes a three (3) inch square mesh sieve shall meet the following requirements:

SIEVE DESIGNATION	**PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVES**
1/2 INCH	45 - 70%
1/4 INCH	30 - 55%
NO 40	0 - 20%
NO 200	0 – 5%

NOTE:

Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

a. Pavement joints:

where pavement joins an existing pavement, the existing pavement shall be cut along a smooth, straight line and form a neat, even vertical joint.

b. Pavements mix standards:

(1) minimum standards for the base layer of pavement shall be Maine Department of Transportation (M.D.O.T.) specifications for plant mix Grade B with aggregate size no more than one (1) inch maximum.

(2) Minimum standards for the surface layer of pavement shall meet M.D.O.T. specifications for plant mix Grade C; with an aggregate size of no more than three quarters (3/4) inch maximum.

H. Conversion of Park

1. No lot in a mobile park may be sold or otherwise conveyed without prior written approval of the Planning Board.
2. Any lot to be sold or conveyed shall meet the lot size requirements of the district in which it is located.

I. Setback Requirements

1. All structures to be located on a lot within a mobile home park (excluding lots partially or wholly within the Shoreland Zone Districts or on a public street) shall comply with the following setbacks:

a. Front setback 20 feet

b. side line setback 20 feet

c. rear line setback 10 feet

2. No variance may be granted for new or expanded mobile home park lots for area, width or setbacks within the Shoreland Zone Districts.
3. Carports constructed of non-combustible materials are not subject to side setback requirements. One carport may serve a maximum of two lots in a mobile home park.
4. The Planning Board may allow a waiver of lot side setback to be reduced to five (5) feet, provided a distance of twenty (20) feet is maintained between units for the purpose of providing more useable yard space on one side of the home. But, no waiver for the shoreland zone: see 6.10.2. Such a waiver shall be requested in writing prior to submission of the final plan for approval. If such a waiver is granted by the Planning Board, the waiver shall be identified as a condition of approval in the findings of fact regarding the application for

Mobile Home Park approval made by the Board and the location of the mobile homes upon such lots shall be indicated on the final plan.

5. A minimum of twenty (20) feet separation distance shall be maintained between all manufactured homes in all directions to reduce the risk of exposure from fire in an adjacent unit.
6. Lot coverage: All structures on the lot, including accessory buildings and structures, shall not cover more than 50% of the lot area.

J. Additional Road Standards

1. The centerline of the roadway shall be the centerline of the right-of-way
2. Dead end streets ending in cul-de-sacs which are intended to be offered to the Town as Town ways shall be required to provide for the reservation of an easement equal to that required for the type of street (either 60 or 66 feet) to extend in line with the street to provide continuation of the road where future subdivision is possible.
3. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized, while maintaining the grade standards in 6. G. above.
4. All changes in the grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on street design speed in miles per hour using the factors below:

Design speed (mph)	Stopping sight distance (ft)
20	125
25	150

The stopping sight distance shall be calculated with a height of the eye at 3.5 feet and the height of the object at 0.5 feet (the average height of the eye of an average driver in an average automobile sighting an object with a spherical diameter of six inches, such as a ball, a child's head, etc.).

5. Where new street intersections or private roadway or driveway are proposed, the sight distances as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit. Sight distances shall be measured from the driver's seat of a vehicle standing on the portion of the exit with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye at 3.5 feet, to the object 4.5 feet above the pavement or finished grade of the roadway.

Posted speed limit (mph)	Sight distance (min. ft.)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

Where necessary, corner lots shall be cleared of vegetative growth and sight obstructions, including ground excavation, to achieve the required visibility.

6. Cross (ie. 4-cornered) street intersections shall be avoided insofar as possible important traffic intersections. A minimum of two hundred fifty (250) feet shall be maintained between the centerline of side streets.
7. The posted speed limit of a mobile home park, for the safety of the inhabitants, will not exceed 25 mph.

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VII. PARKING REQUIREMENTS

A. On-street parking shall be prohibited unless an eight foot wide (8') parking lane is provided, in which case on-street parking on the side of the road where the parking lane is provided.

B. No mobile home park lot may have vehicular access directly onto a State highway.

C. For each mobile home lot there shall be provided and maintained at least two (2) off-street parking spaces. Each parking space shall contain a minimum two hundred square feet (200 sq. ft.) with a minimum dimensions of 10 feet wide by 20 feet long. This requirement may be waived by the Planning Board, upon written request, on private roads only, if an equivalent number of spaces is provided by a parking lane.

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VIII. UTILITY REQUIREMENTS

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.

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IX. SIDEWALKS AND WALKWAYS

A. All mobile home parks shall provide pedestrian walkways that link all units and all service and recreational facilities.

B. All sidewalks/walkways shall meet the design and construction requirements of the Subdivision Ordinances.

C. A portion of the roadway may be reserved for sidewalks or walkways, provided the width of the road is increased accordingly. These walkways shall meet the requirements cited above.

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X. LIGHTING

A. Outdoor lights shall be provided to adequately illuminate all internal streets and pedestrian walkways, lighting for walking/jogging trails is highly recommended but not required.

B. Lights shall be sized and directed (aimed) to avoid adverse impact on adjacent properties.

C. Lights will be shielded to prevent direct illumination above the level of the fixture.

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XI. SIGNS: PROHIBITED, REQUIRED AND EXCEPTIONS

All signs and advertising devices shall be prohibited except;

A. One (1) identifying sign at each entrance not to exceed twenty four (24) square feet in area.

B. Directional and informational signs for the convenience of residents and the public, relative to parking, office, traffic movement and services; no signs larger than three (3) square feet in area; except highway safety signs maybe used where appropriate.

C. One (1) "FOR SALE" sign, no larger than six(6) square feet shall be permitted to be placed on a lot upon which a mobile home is for sale.

   1. One (1) "FOR SALE" sign may be placed at or near the entrance to the park advertising the sale of one or more mobile homes.
   2. One (1) address/lot number sign shall be placed by the resident of a lot, not to exceed three (3) square feet in area; such that the identifying numbers are clearly visible from the road to aid in emergency services in locating a resident in the most expeditious manner.
   3. No sign nay be placed so as to interfere with vehicle/driver sight distance.

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XII. STORM DRAINAGE

A. A storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements.

B. The storm drainage plan shall be based upon mitigating the impact of a 25-year frequency storm with no increases in impact over the conditions of the site prior to development.

C. The storm drainage plan shall be prepared using either:

   1. 15.3.1 TR- 55 URBAN HYDROLOGY for Small Watershed
   2. 15.3.2 The "RATIONAL" method

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XIII. GROUNDWATER

A. All mobile home parks utilizing on-site wastewater disposal systems shall provide an assessment of the impacts of the park's development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer skilled in groundwater assessment and shall include the following:

1. A map showing the basic soil types
2. The depth of the water table at representative points throughout the mobile home park
3. Current drainage patterns and conditions throughout the proposed mobile home park
4. Proposed drainage patterns and conditions throughout the mobile home park after development.
5. Data on the existing groundwater quality, either from test wells on-site or from existing wells on abutting properties. [the need for test wells on site shall be determined by the Planning Board prior to acceptance of the preliminary Plan.]
6. An analysis and evaluation of the effect of the proposed mobile park on available ground water resources. The evaluation shall, at a minimum, include a projection of the post-development nitrate-nitrite-nitrogen concentrations at all wells within the mobile home park, at the mobile home park boundaries and at a distance of one thousand (1000) feet from potential contamination sources. For mobile home parks within the watershed of a stream or brook, projections of the development's impact on ground water phosphate concentrations shall also be provided.
7. In addition, a map shall be provided showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

B. Standards

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 half of the Primary Drinking Water Standards.
3. No mobile home park may be approved for which the ground water assessment plan shows the potential for an increase of any contaminant concentration in the ground water to more the Secondary Drinking Water Standards.
4. All mobile home parks which utilize on-site groundwater supplies for all or part of the domestic potable water

supply shall provide demonstrable evidence of satisfactory treatment of the groundwater if:

a. the groundwater contains contaminants in excess of the primary standards; or

b. the groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed the ambient concentration.

C. Subsurface wastewater disposal systems and drinking 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 condition of approval upon the Final Plan.

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XIV. ADMINISTRATION OF MOBILE HOME PARK

A. The owner or operator of a mobile home park shall be responsible for insuring the maintenance of all park-owned structures and their sites.

B. Park management shall conform to all State Laws.

C. Compliance with this Ordinance shall not exempt the park owner, developer, operator or manager from complying with other applicable local, state, and federal codes, rules and regulations.

D. The owner and operator of a mobile home park shall be responsible to submit the following to the town:

1. the transfer of ownership of a mobile home within the park;
2. the movement of a mobile home out of the park;
3. a quarterly list of all transfers, inner park relocations, and movements of mobile home out of the park.

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XV. ENFORCEMENT AND VIOLATIONS

A. The Code Enforcement Officer, upon finding any provisions of this Ordinance, or any condition(s) of approval or condition(s) of a permit issued under this Ordinance, is being violated, is authorized to issue notices of violations, orders to correct, and schedules to correct; to enter into administrative consent decrees and agreements; and to institute legal proceedings to enjoin violations of this Ordinance and to recover fines and cost in accordance with the provisions of this Ordinance.

B. All violations of this Ordinance are a nuisance.

C. A person who violates the provisions of this Ordinance shall be guilty of a civil violation, and shall be subject to the civil penalties provided for in Title 30-A MRSA section 4452

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XVI. APPEALS AND APPEALS PROCEDURES

A. The Board of Appeals shall have the following jurisdiction and authority:

1. Administrative Appeals:
2. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance.
3. Variance Appeals:
4. To authorize variances upon appeal, within the limitations set forth in this Ordinance. Variances may be permitted only under the following conditions:
    a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage,and setback requirements.
    b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance

B. The Board shall not grant a variance unless it finds:

1. The proposed structure or use would meet the provisions of this Ordinance, except for the specific provisions which has created the non-conformity and from which relief is sought. And, the strict application

of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. the land in question cannot yield a reasonable return unless a variance is granted

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. that the granting of a variance will not alter the essential character of the locality; and

d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of the Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

D. Making an Appeal:

1. An administrative or variance appeal may be taken to the Board of Appeals by aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty day requirement.

2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

   a. a concise written statement indicating what relief is requested and why it should be granted.

   b. a sketch drawn to scale showing lot lines, location of existing buildings and structure and otherphysical features of the lot pertinent to the relief sought.

3. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appeals form. A check, money order or Treasure's receipt in the amount as defined in 4. D. 3., shall accompany the forms to cover the costs of advertising and notification of abutting land owners.

4. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

E. Decision by the Board of Appeals

1. A majority of the Board shall constitute a Quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to effect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
3. The person filing the appeal shall have the burden of proof.
4. The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals
5. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

F. Appeal to Superior Court:

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with the State Laws within 30 days from the date of any decision of the Board Of Appeals.

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XVII. AMENDMENTS

This Ordinance may be a majority vote of the eligible voters in attendance and voting at a regular or special town meeting.

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