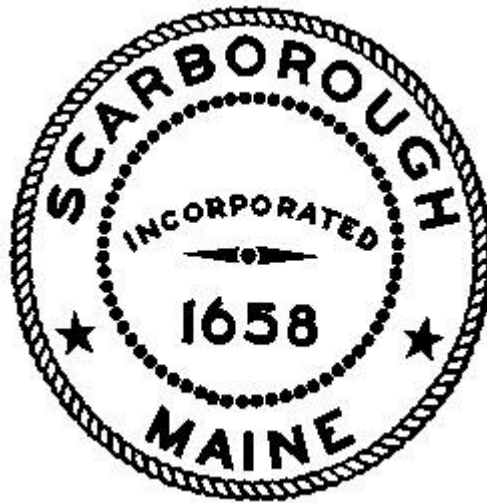


CHAPTER 1019

TOWN OF SCARBOROUGH

MANUFACTURED HOUSING COMMUNITY

LICENSING ORDINANCE



ADOPTED JULY 20, 2022

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CHAPTER 1019
TOWN OF SCARBOROUGH
Manufactured Housing Community Licensing Ordinance

SECTION 1. Definitions

When used in the Ordinance, words in the singular number include the plural and words in the plural numbers include the singular; the word "Building" includes the word "Structure," and the word "shall" is mandatory and not directory. Words used in the present tense include the future.

For the purpose of this Ordinance certain words and terms are defined as follows:

1. Manufactured Housing means a structural unit or units designed for occupancy 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 that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

(1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that 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 14 body feet or more in width and are 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 or electrical systems contained in the unit.

(a) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

(2) Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that 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 in the unit.

2. Manufactured Housing Community shall mean a parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes.

3. Manufactured Housing Community Lot shall mean the land on which an individual home and any appurtenant structures or additions, is situated within a manufactured housing community and which is reserved for use by the occupants of that home. Such lots shall be designated on the plan for a manufactured housing community.

4. Person - refers to any individual, firm, partnership, association, limited liability company or corporation.

SECTION 2. Manufactured Housing Community License

- (1) It shall be unlawful for any person to establish, maintain or operate within the corporate limits of the Town of Scarborough any manufactured housing community, unless such person shall first obtain a license therefor as hereinafter provided.
- (2) Manufactured housing community licenses shall be issued by the Town Clerk only after approval of such license by vote of the Town Council.
- (3) Any person desiring to establish and operate a manufactured housing community shall file with the Town Clerk a written application for a license. Such license application shall be accompanied by the required license fee and shall state the name and address of the owner or lessee, the location of the manufactured housing community, the maximum number of manufactured housing units the park will accommodate and the name of the person who will be in charge and directly responsible for the operation and maintenance of the manufactured housing community.
- (4) After such investigations have been made as the Town Council may deem advisable, the Town Council shall approve or disapprove the license application, and if said application is approved by the Town Council the Town Clerk shall thereupon issue said license. License shall not be transferable from person to person or place to place.
 - A. Prior to license renewal, the Town Council shall confirm with the Tax Assessor that the applicant has furnished to the Tax Assessing Department a complete plan of the Community together with the names and location of all homeowners in the Community as of April 1st of the same year. The applicant shall also furnish the make, size and year of manufacture of all manufactured homes in the community. Failure to file the above information shall allow the Town Clerk to revoke the licensee's license.
- (5) Each application for such license shall be accompanied by a license fee as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. Each such license shall expire at the end of the calendar year in which it is issued, but in event a license is issued more than six months after the beginning of any calendar year, the fee to be paid shall be reduced one half. Before any manufactured housing community license shall be renewed the premises shall be subjected to the same inspection as provided herein for the original application.
- (6) Such license shall be conspicuously posted on the premises of the manufactured housing community at all times.
- (7) License Expiration and Renewal.
 - A. Licenses are effective from January 1 to December 31 of each year, except as provided in C. below.
 - B. An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before November 1. If the holder applies for renewal on or before November 1, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on December 31 and an application for a new license must be filed. For renewal applications filed on or before November 1, the Town Clerk shall process and issue renewal licenses in the same manner as the Town Council processes and issues new licenses, except that no public hearing is required for a renewal. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application

to the Town Council, which shall process the application in the same manner as an application for a new license.

- C. Applications for new manufactured housing communities approved prior to July 1 shall expire December 31st of the approval year and be renewed in accordance with the provisions of this Ordinance. Applications for manufactured housing communities approved after July 1 shall expire December 31st of the following calendar year and be renewed in accordance with the provisions of this Ordinance.
- D. An application for the renewal of an expired license shall be treated as a new license application.
- E. Licenses issued under this Ordinance are not transferable to a new owner. A transfer in ownership interest of greater than 50% of the ownership interest or changes in the officers of an owner shall require a new license.

SECTION 3. Partial Invalidity

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective Date

This Ordinance shall take effect and be in force upon adoption by the Town Council.

SECTION 5. Penalty

- A. Any person who shall violate any provision of this ordinance shall be punishable by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand five hundred dollars (\$2,500.00) and all fines shall inure to the Town of Scarborough. Each day that such violation continues to exist shall constitute a separate offense. In any court action, the Town may seek recovery of costs, including attorney fees, and any other legal and equitable remedies as may be available to the Town.
- B. In addition to any penalties, if at any time a manufactured housing community is found to be violating any of the provisions of this Ordinance or other pertinent ordinances of the Town of Scarborough or the laws of the State of Maine, any duly constituted officer or agent of any department of the Town of Scarborough charged with the duty to inspect such manufactured housing community or maintain order therein, shall notify the licensee of such manufactured housing community of such condition. If the violation is not corrected to the satisfaction of the department complaining, within a reasonable time after notification, not exceeding 30 days, the license for such manufactured housing community may be revoked by the Town Council on the recommendation of the department making the complaint.