

**NOTICE OF PUBLIC HEARING ON
PROPOSED LOCAL LAW
TOWN OF OVID, NEW YORK
PROPOSED LOCAL LAW "A" OF 2013:**

“A local law repealing the ‘Mobile Home Code’ and the ‘Mobile Home Ordinance for the Placement of Individual Mobile Homes within the Town of Ovid’ of the Town of Ovid”

NOTICE IS HEREBY GIVEN that the Town Board will hold a public hearing on the following proposed Local Law at the Town Office Building, 7160 North Main Street, Ovid New York at **7:00 p.m. on the 8th day of May, 2013:** “A local law repealing the ‘Mobile Home Code’ and the ‘Mobile Home Ordinance for the Placement of Individual Mobile Homes within the Town of Ovid’ of the Town of Ovid,” [set forth an abstract of the proposed local law]:

SECTION ONE: LEGISLATIVE INTENT

In 1974, the Town of Ovid enacted “the Mobile Home Code” of the Town of Ovid. To the town board’s knowledge, this ordinance has never been repealed.

In 1987, the Town of Ovid enacted “the Mobile Home Ordinance for the Placement of Individual Mobile Homes with the Town of Ovid.” This ordinance purports to define mobile homes, establish a permitting process for siting of such homes and establish procedures for enforcement of the law, including penalties for violations thereof. It sets forth the duties of a “mobile home inspector,” who is to be a member of the town board, and tasks the inspector with the general power and responsibility of enforcing the ordinance. To the town board’s knowledge, this ordinance has never been repealed.

In 2004, the Town of Ovid enacted a Local Law No. 1 of the Year 2004, commonly referred to as the town’s “land use ordinance.” This local law provides for minimum lot sizes and setbacks for most properties within the town. It establishes a permitting process, to be overseen by the town clerk and it provides that the law will be enforced by an “enforcement officer” and “alternate enforcement officer,” each to be designated by the town board. The law also sets forth penalties for violations and an appeal process. The land use ordinance does not, by its terms, repeal either the mobile home ordinance or the mobile home code.

The town board, with the assistance of the town planning board, is currently reviewing each of these laws, to determine whether they are out of date, violative of state or federal law and/or otherwise inadequate to meet the demands of present conditions, as part of the town’s general study and review of its land use laws.

The town board is aware that the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. § 5403(d)) expressly prohibits states and local governments from enacting safety standards that differ from federal authority. Similarly, the New York State Uniform Fire Prevention and Building Code (9 N.Y.C.R.R. Part 1220) provides that manufactured homes and mobile homes are to be constructed and installed in accordance with regulations adopted by the Federal government. Accordingly, any attempts to regulate manufactured housing must be consistent with the provisions of federal and state law. Further, the town is aware that the New

York State Attorney General has issued an opinion that it has been stated that a member of the town board may not also serve as the town's enforcement officer. Op.Atty.Gen. (Inf.) 87- 55.

It is currently the opinion of the town board that the "Mobile Home Code" and the "Mobile Home Ordinance for the Placement of Individual Mobile Homes within the Town of Ovid" of the Town of Ovid may contradict each other as well as the "land use ordinance" as well as state and/or federal law and, further, be unnecessary at this time, pending further study and review and implementation of comprehensive land use reform.

SECTION TWO: REPEALER

The "Mobile Home Code" of the Town of Ovid, duly adopted April 4, 1974, is hereby repealed in its entirety.

The "Mobile Home Ordinance for the Placement of Individual Mobile Homes within the Town of Ovid" of the Town of Ovid, duly adopted March 4, 1987, is hereby repealed in its entirety.

Nothing herein shall be deemed to repeal, amend or modify the town's existing "land use ordinance."

SECTION THREE: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York in accordance with the Municipal Home Rule Act of the State of New York.

At such time and place all persons interested in the subject matter thereof will be heard concerning the same.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed local law will be reviewed at the said public hearing.

The complete text of the proposed local law is available during normal business hours at the Office of the Town Clerk, Ovid Municipal Building, 7160 North Main Street, PO Box 452, Ovid NY 14521.

Dated: Ovid, N.Y., April 10, 2013

**By Order of the Town Board of the Town of Ovid
James Vangalio, Town Clerk**