

**TOWN OF MASHPEE
BOARD OF HEALTH**

**MANUFACTURED HOUSING COMMUNITY/MOBILE
HOME PARK COMMUNITY REGULATIONS**

Purpose:

The purpose of this regulation is to provide rules for the licensing, construction, and operation of Manufactured Housing/Mobile Home Park Communities in order to protect the health and safety of the occupants of those communities and the general public in the Town of Mashpee.

Authority:

This regulation is adopted under the authority of Massachusetts General Laws Chapter 140, Section 32B and Chapter 111, Section 31, and any other power or authority relating thereto.

Definitions:

The following terms have the meanings indicated:

APPENDAGE includes any awning, deck, or other addition attached to a manufactured home, and any shed, structure, or other combination of materials upon a manufactured home site necessitating pilings, footings, or a foundation.

BOARD means the Mashpee Board of Health or its designated representative.

LICENSEE means an operator who holds a current Manufactured Housing Community/Mobile Home Park Community license from the Mashpee Board of Health issued under M.G.L. c. 140, section 32 B.

MANUFACTURED HOME means a structure, built in conformance with the National Manufactured Home Construction and Safety Standards, which is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 feet or more in length, or when erected on site, contains 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein.

MANUFACTURED HOME SITE (LOT) means a parcel of land within a Manufactured Housing Community on which manufactured homes, their appendages, are or may be located and over which a tenant has possessory or other legal or equitable rights or interests.

MANUFACTURED HOUSING COMMUNITY/MOBILE HOME PARK COMMUNITY means any lot or tract of land upon which three or more manufactured homes occupied for dwelling purposes, including any buildings, structures, fixtures and equipment used in connection with manufactured homes, are located.

MOBILE HOME means any dwelling, located within a Manufactured Home Community/Mobile Home Park Community constructed prior to the 1976 National Manufactured Home Construction and Safety Standards.

OPERATOR/PROPERTY MANAGER means a person who directly or indirectly owns, conducts, controls, manages, or operates any Manufactured Housing Community/Mobile Home Park Community, and/or his, her, or its agents or employees or assigns.

PERSON means every individual, partnership, corporation, including a municipal corporation, firm, trust, association or the agent or agents of any of them, including a lessee, or licensee, carrying on an activity governed by these regulations.

I. EXISTING AND PROPOSED MANUFACTURED HOUSING COMMUNITY/MOBILE HOME PARKS

A. License Requirements:

1. No person may operate or manage, directly or indirectly,, a Manufactured Housing Community/Mobile Home Park Community unless that person holds a valid license issued by the Board, pursuant to its authority under these regulations and applicable provisions of Massachusetts General Laws Chapter 140, §§32A through S.
2. No Manufactured Housing Community/Mobile Home Park Community shall operate without a designated property manager to oversee daily operations to ensure it is operated and maintained in compliance with this regulation and all applicable State and local regulations. The property manager or his/her designee shall be present at the Manufactured Home Community/Mobile Home Park Community from 8:00 a.m. to 5:00 p.m. daily Monday through Friday. On an annual basis, the property manager shall provide to the Board and all owners/tenants a current emergency contact number that will allow the Board and/or owners/tenants to directly contact the property manager at all times.
3. The applicant for an original or a renewal license for a Manufactured Housing Community/Mobile Home Park Community shall be the owner of the land on which the community exists or is proposed to be located. In the event that the owner is a

corporation, partnership, limited liability company or other title holding entity, the application must be executed by an officer, member or partner of such entity who is legally authorized to bind the owner to the terms and conditions of the license.

4. Every application for an original license shall be submitted on a form promulgated by the Mashpee Board of Health, shall include detailed plans, and shall incorporate, at least, the following information and references:
 - a. The name of the Manufactured Housing Community and a detailed description of its boundaries; all plans must include a North arrow, date and scale of the proposed site plan.
 - b. The name and address of the record owner and the engineer.
 - c. A statement as to whether any variance or waiver of the provisions of this regulation is requested.
 - d. A statement as to whether a license with conditions is requested.
 - e. Designation of a person or persons who will be available at the Manufactured Housing Community from 8:00 a.m. to 5:00 p.m. daily Monday through Friday and by appointment and who will be authorized to accept on behalf of the licensee any notice, order, directive, letter, or other documents issued by the Board.
 - f. A copy of all current or proposed rules and regulations promulgated by and for the Community, and a certificate that they have been submitted to the appropriate Commonwealth of Massachusetts authorities on a stated date pursuant to M.G.L. c. 140 section 32 L (5) and a statement that said rules and regulations were either approved or not disapproved.
 - g. An estimate of the proposed costs of establishing the community.
 - h. The Applicant shall, as a condition of any license issued hereunder, comply with all State, Municipal and Board of Health regulations and other applicable local by-laws.
 - i. An application for a renewal license shall be filed annually, not later than November 15th of the year prior to the year for which the application is made and shall contain the following information:
 - i. The number of occupants in each manufactured home/mobile home and the location or address of every manufactured home/mobile home in the community as of the date of the application.

- ii. The current source(s) of water supply, the method of sewage disposal, the method of refuse disposal and recycling protocols.
 - iii. A copy of the existing and any proposed new rules for the Community.
 - iv. Any other information, plans, permits or approvals that the Board may require in the interest of the health and safety of the occupants.
- j. Any request (including at time of application for a renewal license) for modification, expansion, or addition of manufactured housing/mobile park home spaces or lots to an existing Manufactured Housing Community/Mobile Home Park Community, shall require notification to the Board in writing and must comply with Mashpee Zoning By-Laws Chapter 174-48 and 174-48.1 and all other applicable State and local regulations. The Board of Health shall review any such application or request at a regularly scheduled public hearing.
- k. The Mashpee Board of Health may grant a renewal license for the calendar year without a public hearing, unless the application is filed under paragraph (j), above. In that event, with respect to any requested modification, expansion, or addition, the provisions of § 4 (j) shall be met. The Mashpee Board of Health shall grant a conditional renewal license, subject to the compliance by the Licensee with all applicable statutes, rules, and regulations throughout the previous license term. .
- l. Upon approval of the application by the Board conditionally or otherwise, it shall issue an appropriate license, which shall be valid through December 31st of the year for which the license is issued.

B. Water Supply Requirements:

1. The operator shall provide verification, to the satisfaction of the Board, that it has a supply of potable water sufficient in quantity and pressure to meet the needs of residents. Said water supply source may be a public water system, or any other source that the Board determines is adequate, does not endanger the health of any potential user and meets the requirements of 310 CMR 22.00: Drinking Water Regulations.
2. The water distribution system shall be adequate to provide a minimum of 30 pounds per square inch of pressure at each manufactured home connection.

C. Refuse Disposal Requirements:

1. All Manufactured Housing Communities/Mobile Home Park Communities shall offer recycling services in conformance with the Commonwealth of Massachusetts Solid Waste Plan and all local and Department of Environmental Protection regulations.
2. The storage, collection and disposal of refuse and recyclable materials in each Manufactured Housing Community/Mobile Home Park Community shall be managed so as to create no health hazards, rodent harborage, insect breeding areas, accident/ fire hazards or air pollution.
3. All refuse and recyclable materials shall be stored in covered, watertight and rodent-proof containers, one of which shall be located not more than 500 feet from each manufactured home site. Containers shall be provided in sufficient number and capacity to properly store all refuse and recyclable materials. Racks or holders shall be provided for all containers, which shall be designed to prevent containers from being over-turned, to minimize spillage and container deterioration. To facilitate maintaining a clean area around the refuse and recycling containers, compliance with Part V Section 4.00 of the Board of Health regulations shall be required.
4. It is the responsibility of the Community management to provide for collection and transportation of all refuse and recyclables in covered containers and covered vehicles by a carrier licensed by the Board to conduct business in the Town of Mashpee. All refuse and recyclable materials shall be collected at least once weekly so that no nuisance conditions will be created.

D. Fire Protection, Gas Appliances and Gas Piping, Wiring, Electrical Facilities and Plumbing/Heating Requirements:

1. The regulations and standards of the Massachusetts Fuel Gas Code (248 CMR 6.00), Massachusetts Plumbing and Gas Fitters Code (Sections 1.00 – 10.00), Massachusetts Electrical Code (527 CMR) and Fire Prevention MGL Chapter 148 shall apply for every Manufactured Housing Community/Mobile Home Park Community.
2. Oil tanks located on Community property shall be the responsibility of the park owner/operator/licensee. Said responsibility includes the purchasing, maintenance and replacement of any such tanks. The owner/operator of the Community shall not require or request a mobile home unit owner or potential buyer to purchasing an oil tank to circumvent this regulation. Oil shall be provided to Community residents according to 105 CMR 410.00, Chapter II of the Sanitary Code.

II. MANUFACTURED HOUSING COMMUNITIES CONSTRUCTED SUBSEQUENT TO THE PROMULGATION OF THIS REGULATION

1. Every Manufactured Housing Community shall be located in an area suitable for the maintenance of proper sanitary facilities. This area shall be graded to insure proper

drainage of surface water, and to prevent formation of surface pools of stagnant water or swampy areas. No Manufactured Housing Community shall be located less than 200 feet from a public way or highway.

2. A minimum of 6,600 square feet of land shall be provided for each manufactured home site. The lot shall not be less than 60 feet in width and 110 feet in depth. Each lot corner shall be marked with permanent markers. For "double wide homes", sectional homes, or homes greater than 19' in width: the minimum lot size shall be 7700 square feet (not less than 70' in width and 110' in length).
3. A manufactured home and all appendages shall be at least 20 feet from the front line of the area provided for the manufactured home, which front line shall border on a Manufactured Housing Community street. Each manufactured home and its appendages shall be at least 12 feet from its lot lines to the sides and 10 feet from its lot lines to the rear of the lot designated for each manufactured home or the Manufactured Housing Community's property line.
4. Hydrants conforming to the specifications and requirements of the Mashpee Planning Board subdivision rules and regulations shall be located within a 250 foot radius of every manufactured home occupying a lot in every Manufactured Housing Community established on or after the effective date of these regulations or the expansion of an existing community on or after that date, except that where the water supply system available to the community does not provide at least a 6-inch water main, a 2-inch frost-protected water riser shall be installed within 150 feet of each manufactured home or building.
5. All plumbing installed in a Manufactured Housing Community/Mobile Home Park Community on or after the effective date of this regulation shall conform to this Regulation and the Massachusetts Plumbing Code (248 CMR) requirements.
6. Open space facilities, including recreation and parking facilities, are required in every Manufactured Housing Community to the extent that they shall be considered necessary by the Site Plan Review Committee to meet the needs of the number of occupants the Community is designed to serve.

A. Manufactured Housing Community Streets:

1. Every Manufactured Housing Community street shall be 50 feet wide, with the traveled way being paved to a minimum of 24 feet in width. If off-street parking facilities are provided, the overall street or right-of-way width may be reduced to 40 feet. There shall be no dead-end streets without adequate provisions for a turn-around for motor vehicles. Each turn-around shall be adequately paved and shall have a paved diameter that meets the Fire Department's requirements for access for their emergency vehicles.

2. All street construction and layouts shall be subject to the approval of the Mashpee Board of Health which approval shall be based upon the requirements of the Town of Mashpee Subdivision Rules and Regulations, By-laws and Planning Board approval.

B. Manufactured Housing Community Sanitary Sewer, Storm Drains and Water Systems:

1. The design and construction of Manufactured Housing Community sanitary sewers, storm drains and water systems shall be subject to the approval of the Mashpee Board of Health. Approval shall be based upon the requirements of the Town of Mashpee By-laws, Subdivision Rules and Regulations, Planning Board, Mashpee Water District, Title 5 of the State Environmental Code (310 CMR 15.000), and DEP Storm Water Management Policy.

C. Manufactured Housing Community Street Lighting:

1. Street lighting shall be provided for each Manufactured Housing Community street and shall be not less than 0.75 foot-candles of light installed at intervals of 150 feet, measured at the base of the luminary.

D. Manufactured Home Space:

1. Every manufactured home sited in a Manufactured Housing Community/Mobile Home Park Community on or after the effective date of these regulations shall contain at least 150 square feet of floor space for the first occupant and at least 100 square feet of floor space for each additional occupant, the floor space to be calculated on the basis of total habitable room area.
2. In each such home, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant.

III. WAIVERS

The Board of Health may, in its discretion, waive compliance with a particular requirement of this regulation when:

1. The enforcement of the regulation would result in manifest injustice; and
2. The applicant has proved that the same degree of protection of the public health, safety and welfare can be achieved without strict application of the particular provision. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.

IV. INSPECTIONS, NOTICES & HEARINGS

1. The Board shall from time to time inspect each Manufactured Housing Community/Mobile Home Park Community in the Town of Mashpee, in order to assure that the health and safety of the Community occupants and of the general public is secured.
2. The Board, or its Agents, may enter upon any private or public property at reasonable times for the purpose of inspecting and investigating conditions relating to the enforcement of these Regulations. As a condition of any License issued hereunder, the Owner or Licensee of a Manufactured Housing Community/Mobile Home Park Community and the occupant of each home contained therein or the person in charge thereof, shall allow the Board, or its Agents, free access to such premises at reasonable times for the purpose of inspection.
3. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the Manufactured Housing Community/Mobile Home Park Community, where an inspection under this Regulation is requested, the Board may seek, in a court of competent jurisdiction, a search warrant to apprise the owner, occupant, or other person concerning the nature of the inspection and justification for it, and may seek the assistance of authorized officers in serving said warrant.
4. Whenever the Mashpee Board of Health determines that any condition or practice in a Manufactured Housing Community/Mobile Home Park Community violates any provision of this Regulation or applicable state law, it shall issue a written notice of violation to the person licensed to operate the Community, ordering the condition or practice to be corrected within the time frame specified in said notice.
5. The notice shall be served, in person or by registered or certified mail return receipt requested, on the Licensee or on the person authorized to accept service for the Manufactured Housing Community/Mobile Home Park Community in the original or any renewal application. If service is made on the person authorized, and that person is not the licensee, a copy shall be sent to the licensee by first class mail, addressed to the Licensee's address as given in the most recent application for the Manufactured Housing Community license/Mobile Home Park Community license.
6. The Licensee or other person upon whom notice has been served may request a hearing by filing a petition in the Board of Health's office within 7 days after service of the notice. The petition shall state the grounds upon which the hearing is requested. Upon receipt of a petition, the Board shall set a time and place for hearing not later than 30 days after the date the petition was filed, shall give the petitioner notice

thereof, and shall publish at least one notice thereof in a newspaper of general circulation in the Town of Mashpee.

7. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the original notice should be modified or withdrawn. After the hearing, the Mashpee Board of Health shall make findings as to compliance with the provisions of these Regulations and shall issue a written notice by personal service or first class mail, sustaining, modifying or withdrawing the original notice.
8. If no hearing is requested and the conditions stated in the original notice are not corrected, or upon failure to comply with any notice sustaining or modifying an original notice, the Mashpee Board of Health may take action to suspend or revoke the license, or to seek an injunction or any other legal remedy, or to impose any penalty authorized by law.
9. As an alternative, the Mashpee Board of Health may proceed to a suspension or revocation hearing by giving reasonable notice thereof by publication once in a newspaper of general circulation in the Town of Mashpee pursuant to Massachusetts General Laws, Chapter 140, section 32 B.

V. EMERGENCY ACTION

1. Whenever the Mashpee Board of Health, upon notice as provided in Section IV (4), states that an emergency exists and that immediate action is required to protect the public health, the person to whom the notice is directed shall, within 24 hours, undertake action necessary to correct the conditions creating the emergency. That person may petition for a hearing as provided in Section IV (6), but such a petition is not cause for delay in correcting the emergency.
2. If a person fails to correct an emergency situation in the time specified by the Board, the Board of Health may immediately suspend the license until such time as the emergency situation has been corrected, or the Board may undertake measures to correct the emergency situation. All expenses incurred thereby shall constitute a debt due to the Town of Mashpee upon completion of the correction, and the rendering of the account therefor to the owner or his or her authorized agent, and shall be recoverable from the owner or authorized agent.

VI. MAINTENANCE OF FACILITIES; CURTAILMENT OF SERVICES:

All facilities and utilities for Manufactured Housing Communities/Mobile Home Park Communities shall be maintained in good repair, free from defects, and in compliance with all applicable health and safety laws, and applicable Board of Health Regulations and orders. All violations shall be corrected in accordance with Section IV (4) of this regulation. All requisite licenses and permits shall be obtained by the Owner and/or occupant when they are required

to perform the work necessary to correct any violations (such as, but not limited to, building, plumbing and wiring permits). The appropriate code enforcement officials must certify that the work has been completed in accordance with applicable laws and regulations. **Properly licensed personnel (such as, but not limited to, plumbers, electricians, and construction supervisors) must be used to perform maintenance where required by law.**

1. No owner or operator of a Manufactured Housing Community/Mobile Home Park Community shall cause any service, facility, equipment or utility which is required to be made available under these Regulations or otherwise by law to be removed from or shut off from a manufactured home, Manufactured Housing Community, Mobile Home or Mobile Home Park Community except for such temporary period as may be necessary during repairs or alterations, or during temporary emergencies, when curtailment is approved by the Mashpee Board of Health.
2. Whenever it is necessary to shut off or curtail the use of a utility to make general repairs or alterations, each manufactured home owner/Mobile Home Park owner, and the Board, shall be notified, in writing, by the Manufactured Housing Communities/Mobile Home Park Communities management of the curtailment at least 12 hours in advance of its anticipated duration, or by such alternative means of notification as may be approved by the Board of Health. This requirement shall not apply to any emergency situation involving a utility, such as a broken water line, where an immediate shut-off is necessary to prevent serious property damage. The Manufactured Housing Communities/Mobile Home Park Communities management shall immediately notify all affected manufactured home owners/Mobile Home Park owners of the emergency shut-off or curtailment and its approximate duration, provided that the emergency repairs will require more than one hour.
3. Whenever it is necessary to shut off the water supply in a Manufactured Housing Community/Mobile Home Park Community for normal repairs or alteration(s), the management of the Manufactured Housing Community/Mobile Home Park Community shall notify the Mashpee Fire Department and Mashpee Board of Health at least 12 hours in advance with an estimate of its duration. For an emergency shut-off and repairs, the Community management shall notify the Mashpee Fire Department and Mashpee Board of Health immediately following its occurrence.

VII. PENALTY

Whoever, himself or by his servant or agent, or as the servant or agent of any other person or firm or corporation, violates any of the provisions of this regulation shall be subject to a fine(s) of up to \$1,000.00 as imposed by the Mashpee Board of Health, and/or court action. Each day of any unresolved continuing violation, after written notice thereof, shall be considered a separate violation for the purposes of this section.

VIII. SEVERABILITY

If a court determines that any provision of these Regulations is invalid or unenforceable, the other provisions hereof shall not be affected thereby, and shall continue in full force and effect.

IX. EFFECTIVE DATE

This regulation becomes effective upon Board of Health approval and subsequent publication in a newspaper of general circulation in the Town of Mashpee.

Per Order of,
Mashpee Board of Health

Burton Kaplan, Chairman
Kalliope Egloff, Co-Chairman
Lucy B. Burton, Clerk