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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Delaware  
Town  
Village

Local Law No. 3 of the year 19 88

A local law RV PARK LAW  
(Insert title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  
City of Delaware as follows:  
Town  
Village

(If additional space is needed, please attach sheets of the same size as this and number each)

TOWN OF DELAWARE  
SULLIVAN COUNTY, NEW YORK

Local Law No.3 of the Year 1988

RV PARK LAW

BE IT ENACTED by the Town Board of the Town of Delaware, Sullivan County, New York, as follows:

100 - Purpose

The purpose of this Law is to promote the health, safety, and general welfare of the community, including the protection and preservation of the Town of Delaware and of its inhabitants by establishing specific requirements and regulations governing the operation and maintenance of campgrounds and recreational vehicle (RV) parks."

200 - Definitions

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

201 - Campground or Recreational Vehicle Park - The development of a lot, tract or parcel of land for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for recreational vehicles and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

201.a - Transient campgrounds or RV parks are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

201-b - Non-transient campgrounds or RV parks are planned private communities with recreational and service facilities, including central water and sewer facilities and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual, monthly or other seasonal basis.

202 - Campsite - A lot within a campground or RV park used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes.

203 - Recreational vehicle (RV) - A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

300 - Licenses Required for Campground and RV Parks

301 - No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Delaware, shall use or allow the use of such land for a campground or RV park unless license has been obtained as herein provided.

302 - Issuance of license.

302.1 - The Town Building Inspector of the Town of Delaware shall issued a license after approval of the application by the Town Planning Board pursuant to Special Use/Site Plan Review criteria as

provided in the Town Zoning Law. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Building Inspector.

302.2 - No license shall be issued until the Building Inspector has received;

(a) A written application from the applicant.

(b) The required fee as herein provided.

(c) Approval of the application, plans and specifications by the New York State Department of Health or its successors.

302.3 - The license shall be transferred to a new owner of a campground or RV park providing all of the requirements of this Ordinance are satisfied.

303 - Supplemental license.

303.1 - Any person holding a license for a campground or RV park who desires to add additional lots to such park shall file an application for a supplemental license.

303.2 - The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new campgrounds or parks.

303.3 - When approved, the Town Building Inspector shall issue a supplemental license which will be effective from the date of issuance and continue until surrender by the licensee or revoked.

304 - The applicant shall pay the Town a fee to be established by resolution of the Town Board.

400 - Application Procedure

401 - Each application for a campground or RV park license shall be in writing and signed by the applicant.

402 - Four (4) copies of the application and plans and related information shall be filed with the Building Inspector on a form supplied by the Building Inspector. No application shall be deemed filed until all required information shall have been filed with the Town of Delaware Planning Board. The Planning Board shall advise applicant of any deficiencies promptly.

403 - The Building Inspector promptly shall transmit copies of the application and plans to the Town Planning Board who shall process the application pursuant to the Special Use/Site Plan Review requirements of the Town of Delaware Zoning Law.

404 - The Building Inspector, within forty-five (45) days of the filing of the Planning Board decision shall issue the license provided all other requirements of this Law are met. The Planning Board may extend the time to review such application for an additional forty-five (45) days.

405 - If the application is disapproved, the applicant shall have the right to appeal to the Zoning Board of Appeals. Any disapprovals shall be in writing and include the reasons therefore. The Building Inspector shall not issue a license, in any instance, where the Planning Board has not approved the Site Plan.

500 - Application Data

501 - Each application shall be accompanied by four complete sets of plans which are prepared by a licensed land surveyor, engineer or professional planner.

502 - Each application shall contain the following information:

502.1 - The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation.

502.2 - The description of the land that is proposed to be used as a campground or RV park, together with a map showing its location in the Town.

502.3 - The number of lots to be provided in such campground or park.

502.4 - The names and addresses of the owners of the property on which the campground or RV park is to be located and a written statement signed by the owners consenting that the premises be used for a campground or RV park.

503 - Four copies of a location map shall be presented with the application which show all land within 300 feet of the park, the location and size of each lot, the location of all streets and roads adjacent to and within the park, uses of adjacent land and the owners of adjacent land, and the location of all water and sewer lines and utilities within the park.

504 - Proposed development. The application shall be accompanied by four copies of a location map showing the following:

504.1 - The location and widths of all entrances, exits and streets.

504.2 - The location, size and arrangement of each lot within the park.

504.3 - The method and plan for electric lighting.

504.4 - The location and plan of all proposed structures and improvements.

504.5 - Plans for landscaping.

504.6 - Storm water drainage.

504.7 - Utilities.

#### 600 - Design Standards and Other Requirements

601 - Minimum Development Area. A campground or RV park shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.

602 - Screening Requirements. All campgrounds and RV parks shall provide and maintain a vegetative screening strip of planted or natural growth along all property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable time period (5-10 years). A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Planning Board.

#### 603 - Lot and Siting Requirements

603.1 - RV vehicle sites or campsites shall be at least fifty (50) feet wide and one hundred (100) feet deep, excepting transient campgrounds or RV parks which may be clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontage on cul-de-sacs may be varied.

603.2 - Individual campgrounds or RV parks lots or campsites shall be separate from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the requirements of Section (71-6)(B) above, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the street right-of-way; closer than

twenty-five (25) feet to any other recreational vehicle or tent platform; or two-hundred (200) feet to any adjacent property line.

#### 604 - Off-street Parking Requirements

At least two off-street parking spaces shall be provided for each site, at least one of which space shall be provided on the lot itself.

#### 605 - Streets

605.1 - Non-transient campgrounds or RV parks - The residential street design standards contained in Town of Delaware Subdivision Regulations shall apply to streets within non-transient campgrounds and RV parks.

605.2 - Transient campgrounds or RV parks - Transient recreational land development streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Town Planning Board upon recommendation of the Town Engineer, based upon the size of the campground or RV park site conditions and type of development proposed (i.e. primitive tent camping or RV camping).

#### 606 - Sewage and Water Supply.

No individual on-site sewage or water supply shall be permitted and all community systems for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and the Town of Delaware.

#### 607 - Other Regulations

The following additional regulations shall apply to all campgrounds or RV parks:

607.1 - Appurtenances. No permanent external appurtenances, such as carports, cabanas, or patios may be attached to any recreational vehicle parked in a campground or RV park. The removal of wheels or placement of an RV on a foundation in such a park is prohibited.

607.2 - Location. No entrance or exit from an RVP park shall discharge traffic into a densely populated residential area exceeding one dwelling per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 200 feet of frontage on a State, County or Town highway is required.

607.3 - Common Use Areas. A minimum of 10% of the gross site area of the campground or RV park shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall satisfy this requirement.

607.4 - Entrances and Exits. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize interference with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State, County or Town highway shall be located where less than 500 feet of sight distance exists in either direction along the State, County or Town highway, nor shall such intersection be located within 150 feet of any other intersection.

607.5 - Parking Areas. In connection with the use of any campground or RV park, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the campground or RV park unless the owner have given written permission for such use.

Each campground or RV park operator shall provide off-street parking, loading and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.

607.6 - Occupancy. Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purpose is hereby prohibited. Moreover, no campsite shall be occupied for more than six (6) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (except occasional guests) for camping and recreational purposes only by a single household. The Town Building Inspector may require any owner to remove a recreational vehicle from the campground for a period of 7 days, unless such owner can prove a prior removal within the immediately preceding 6 months. These requirements shall be attached to each campsite sale or membership in non-transient campgrounds or RV parks by restrictive covenant.

607.7 - Records. The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Town Building Inspector shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Town Board and/or Building Inspector shall, in addition, have the authority, when any provision of this Law is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.

607.8 - Sanitary Waste Disposal. No owner or occupant of any campsite or campground or RV park lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV park shall be connected to the sewage disposal system of the development. As an alternative, dumping stations may be provided consistent with standards of the New York Department of Health and subject to such conditions as may be imposed by the Planning Board for this purpose. Sanitary facilities, including toilets, urinals and showers, shall be provided within six hundred (600) feet of each lot or campsite.

607.9 - Fences. All property lines within the development shall be keep free and open; and no fences, except as may be required by screening sections or may exist naturally, legdes, or walls shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.

607.10 - Nuisances. No noxious or offensive activities or nuisances shall be permitted on any campsite.

607.11 - Animals. No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

607.12 - Garbage and Refuse Disposal. No person shall burn trash, garbage or other refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same which shall be provided by the owners of the campsites. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite.

607.13 - Camping Accessories. Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds,

fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to present any safety or health hazard.

607.14 - Ditches and Swales. Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.

607.15 - Drilling and Mining. No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.

607.16 - Vehicle Parking. No recreation vehicle shall be parked on any street or roadway within the development.

607.17 - Fire Rims. Each campsite fireplace (if charcoal or gas grills are not provided) shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.

607.18 Water Supply. Potable water drinking connections shall be provided within three-hundred (300) feet of each campsite.

The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient campgrounds or RV parks and shall be made part of a management plan for any transient campgrounds or RV parks, which covenants and/or plan shall be approved by the Planning Board in its review of site development plans for the campground or RV park. A management plan shall be required for all campgrounds or RV parks and restrictive covenants incorporating the standards of this section shall be required of all non-transient campgrounds or RV parks. A plan or set of covenants which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenant shall also provide the Town with the option (but not the obligation) of being a party to their enforcement and include a right for the Town to periodically inspect the development for continued compliance with the plan and/or covenants.

#### 700 - Enforcement

The Building Inspector shall enforce all of the provisions of this Law and shall have the right, at all reasonable times, to enter and inspect any campground or RV park or other premises used as campsites or for the parking or placing of recreational vehicles.

#### 800 - Revocation of Campground or RV Park Licenses

801 - If the Building Inspector finds that a campground or RV park for which a license has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Law, he may serve personally or by certified mail upon the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within ten (10) days after the service of such order.

802 - If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order, the Building Inspector may suspend or revoke such license and the holder of the license shall thereupon terminate the operation of such RV park.

803 - If the owner or operator of such recreational vehicle park shall thereafter correct such conditions and bring the recreational vehicle park into compliance with this Law, such owner may then apply for issuance of a new license for such park and if the application is approved and a license is granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.

## 900 - Penalties

901 - Any person, partnership, association or corporation who violates any provision of this Law shall be guilty of an offense against this Law and subject to a fine of not less than twenty-five (25) dollars or more than one hundred (100) dollars. Each day or portion thereof shall constitute a separate and distinct violation.

902 - The Building Inspector may, in addition to the above provided penalties, maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain, by injunction, the violation of this Law.

## 1000 - Exceptions

The provisions of this Law shall not be applicable to the following:

1001 - The business of recreational vehicle sales.

1002 - The storage of recreational vehicles not being used on premises occupied as the principal residence by the owner of such recreational vehicle, provided, however, that such unoccupied recreational vehicle shall not be parked or located between the street line and the front building line of such premises.

1003 - A recreational vehicle located on the side of a construction project, survey project or other similar work project and which is used solely as a field office or work or tool house in connection with such project, provided that such recreational vehicle is removed from such site within thirty (30) days after the completion of such project.

## 1100 - Validity and Non-Waiver

1101 - If any section, paragraph, subdivision or provision of this Law shall be found invalid, such validity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Law shall remain valid and effective.

1102 - The issuance of any permit or license pursuant to the provision of this Law shall not be deemed to waive compliance by the holder thereof, by the property owner or by any occupant of any court or campground or RV park with any law or regulation of the State of New York Law, the County of Sullivan and the Town of Delaware.

## 1200 - Application to Existing Campgrounds and RV Parks

1201 - The regulations of this Law shall apply to any extension of existing campgrounds or RV parks, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

1202 - The provisions of Sections 607.1 and 607.6 through 607.16 shall also apply to existing parks, however, existing parks shall be deemed to have conformed with the formal license procedure.

1203 - Any existing park which does not have a permit from the Department of Health or approval from the Town shall not qualify for this treatment, and shall be required to make a new submission.

## 1300 - Variances

1301 - The Planning Board may, for good cause shown, authorize variations from the strict interpretation of the provisions of this Law which affect recreational vehicle parks and recreational vehicles in existence prior to the date of adoption of this Local Law.

1302 - The owner of an existing recreational vehicle park or recreational vehicle outside a park may apply for a variance by filing an application with the Building Inspector together with an application for a license setting forth the reasons for the variance.

1303 - The Building Inspector shall be provided a thirty (30) day opportunity to review and comment. The Board of Appeals, after receiving the recommendations from the Town Building Inspector, shall have the authority to grant or deny the variance which action shall be taken within ninety (90) days of the Building Inspector's receipt of the variance application.

1400 - Separability

Should any section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1988.  
County  
of the ~~City~~ Delaware was duly passed by the Town Board  
Town  
Village (Name of Legislative Body)  
on January 14 1988. in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, \* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town  
Village (Name of Legislative Body)  
on \_\_\_\_\_ 19\_\_\_\_\_. and was approved \_\_\_\_\_ by the \_\_\_\_\_  
not disapproved \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Town  
Village (Name of Legislative Body)  
on \_\_\_\_\_ 19\_\_\_\_\_. and was approved \_\_\_\_\_ by the \_\_\_\_\_  
not disapproved \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
on \_\_\_\_\_ 19\_\_\_\_\_. Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on \_\_\_\_\_ 19\_\_\_\_\_, in accordance with the appli-  
annual  
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_  
County  
of the ~~City~~ \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on  
Town  
Village (Name of Legislative Body)  
\_\_\_\_\_ 19\_\_\_\_\_. and was approved \_\_\_\_\_ by the \_\_\_\_\_ on  
not disapproved \_\_\_\_\_  
repassed after disapproval \_\_\_\_\_ Elective Chief Executive Officer \*  
\_\_\_\_\_ 19\_\_\_\_\_. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
\_\_\_\_\_ 19\_\_\_\_\_, in accordance with the applicable provisions of law.

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on ..... 19 ..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... 1 ..... above.

*Lillian Bauer Kent*  
Clerk of the County of Sullivan, State of New York

Date: February 26 1988

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*William C. R.*  
Signature  
Town Attorney  
Title

Date: February 29 1988

County  
City of Delaware  
Town  
Village