

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to amend the Code of the Town of Newfane by repealing and replacing Chapter 238 thereof, entitled “Trailers.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The existing Chapter 238, first adopted in 1956 and amended in 1958, regulates house trailers and house trailer camps within the Town. The Town Board finds that the definitions and standards in the existing chapter are outdated and that the regulation of the storage, occupancy, and maintenance of house trailers, and the licensing of house trailer camps, should be modernized and clarified. The Town Board therefore intends by this local law to repeal the existing Chapter 238 and to replace it with an updated and comprehensive chapter governing the storage of unoccupied house trailers, the permitted occupancy of house trailers, the licensing and regulation of house trailer camps, inspection, and enforcement.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Repeal and replacement.

Chapter 238 of the Code of the Town of Newfane, entitled “Trailers,” is hereby repealed in its entirety and replaced with the following:

CHAPTER 238

Trailers

§ 238-1 Purpose.

The purpose of this chapter is to promote the health, safety, and general welfare of the residents of the Town of Newfane through the regulation of house trailers and house trailer camps, including their location, occupancy, and maintenance.

§ 238-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- A. **Disrepair:** A condition of damage, deterioration, or lack of maintenance affecting a house trailer such that it is unsafe, unsanitary, or not reasonably capable of

lawful use for its intended purpose, including but not limited to: missing or damaged structural components such as roof, walls, doors, or windows; missing wheels or tires or otherwise incapable of being moved under its own power or by towing; openings allowing entry of weather, animals, or unauthorized persons; leaking or discharging fluids or waste; or accumulation of rubbish, debris, or hazardous materials in or around the trailer.

- B. **Gratuitous Guest:** A person who parks a house trailer upon the property of a host without compensation, direct or indirect, and whose State Registration address is outside the property on which the trailer is parked.
- C. **House Trailer:** Any recreational vehicle, travel trailer, fifth wheel, camper, or motor home built on or mounted to a chassis or wheels and designed or used for living or sleeping purposes. This term shall not include mobile homes regulated under § 270-9.17 of the Zoning Code, nor any structure constructed on a permanent foundation regulated as a dwelling under the New York State Uniform Fire Prevention and Building Code.
- D. **House Trailer Camp:** Any lot or parcel of land upon which three or more house trailers are located, parked, or maintained, whether for temporary or permanent use, other than incidental parking not exceeding 30 days.
- E. **Occupancy:** The use of a house trailer for living or sleeping purposes for any period, including overnight stays.
- F. **State Registration:** A current, valid registration issued by the New York State Department of Motor Vehicles, or by the equivalent authority of another state, where such registration is required by law for the type of house trailer involved. Where a house trailer is not required by law to be registered with a state motor vehicle authority, no state registration shall be required under this chapter.
- G. **Suitable Condition:** A state of maintenance and repair sufficient for the house trailer to be used safely and lawfully for its intended purpose, free from disrepair as defined herein.

§ 238-3 Storage of Unoccupied House Trailers.

- A. No license or registration with the Town shall be required solely for the storage or parking of an unoccupied house trailer, provided such trailer complies with this section.
- B. No person shall park, store, or otherwise locate an unoccupied house trailer on any premises within the Town of Newfane unless such trailer is maintained in suitable condition and is not in a state of disrepair.
- C. All house trailers stored on any premises within the Town of Newfane shall be maintained so as not to constitute a nuisance, attract rodents or other pests, or create an unsafe or unsanitary condition on the premises or on adjacent properties.

§ 238-4 General Prohibition on Occupancy of House Trailers.

No person shall occupy, or permit the occupancy of, any house trailer for living or sleeping purposes on any premises within the Town of Newfane except as expressly provided in this chapter.

§ 238-5 Occupancy of House Trailer on Owner's Own Property.

- A. A property owner, or a member of the property owner's immediate family, may occupy a house trailer on the property owner's own property for living or sleeping purposes for a period not exceeding 120 days in any one calendar year, provided that:
 - 1) Such house trailer has been registered with the Town of Newfane pursuant to § 238-5(B) of this chapter;
 - 2) Such house trailer bears a valid state registration where required by law;
 - 3) Such house trailer is not in a state of disrepair; and
 - 4) Sanitary conditions, including sewer connections, are maintained at all times.
- B. **Registration.** Registration of a house trailer under this section shall be made by filing an application with the Town Clerk on a form prescribed by the Town Board. The application shall include:
 - 1) The name and address of the owner of the house trailer;
 - 2) The name and address of the owner of the premises where the house trailer will be located;
 - 3) The name and address of the occupant(s) of the house trailer and their relationship to the owner of the premises;
 - 4) The make, model, year, and state of registration of the house trailer; and
 - 5) The location on the premises where the house trailer will be situated.
- C. **Registration Fee and Term.** The applicant for a house trailer registration shall pay an initial registration fee of \$10. Such registration shall be effective from the date of issuance and shall remain in effect without renewal until the house trailer is removed from the premises or until the premises upon which it is located cease to be owned by the registrant or a member of his or her immediate family.
- D. There shall be no prohibition under this chapter with respect to the parking or storage of a house trailer on a property owner's premises where the trailer is not being used or occupied as living or sleeping quarters, provided such trailer complies with § 238-3 of this chapter.

§ 238-6 Occupancy of House Trailer by a Gratuitous Guest.

A gratuitous guest may park and occupy a house trailer upon land or premises owned by the host of such gratuitous guest for a period not exceeding 30 days in any one calendar year, provided that:

- A. Such house trailer bears a valid state registration, where required by law, from an address outside of the property on which it is situated;
- B. Such house trailer is not in a state of disrepair;
- C. Sanitary conditions are maintained at all times; and
- D. No direct or indirect charge is paid or received for such use.

§ 238-7 Occupancy of a House Trailer at a Licensed House Trailer Camp.

Occupancy of a house trailer at a licensed house trailer camp is permitted for any duration, including compensated use, provided that a current license has been issued for such camp pursuant to § 238-8 of this chapter.

§ 238-8 House Trailer Camp License and Regulations.

- A. No person shall establish, operate, or maintain a house trailer camp within the Town of Newfane without first obtaining a license from the Town in accordance with this section.
- B. **Issuance of license.** The Town Clerk, upon written application and upon receipt of the license fee therefor, may, with the approval of the Town Board of the Town of Newfane, issue a license for the use of premises therein specified as a house trailer camp. Such license shall not be transferable or assignable.
- C. **Application for license.** Application may be made by letter or in such other form as required by the Town Board. The Town Clerk shall present such application to the Town Board for approval or rejection. The application for such license shall state and include:
 - 1. The name and address of the applicant, if an individual, and the names and addresses of the partners, if a partnership, and the names and addresses of the entity and principal officers, if a corporation;
 - 2. The name and address of the owner(s) of the premises upon which the house trailer camp is to be located and, if the applicant is not the owner of such premises, the nature of the interest of the applicant therein; and
 - 3. A description of the land and premises upon which the house trailer camp is located or upon which the proposed house trailer camp is to be located.

4. **Site Plan.** A complete site plan shall be filed with the application showing the location of the property and the layout of the house trailer camp thereon and the area to be used for such purpose, including roadways, the maximum number of trailers to be accommodated or placed thereon, the existing or proposed sanitary conveniences and other facilities, the method of sewage disposal or removal, the plan for water supplies and electric lights, and the plan for proposed toilet, bath and washroom facilities.
5. **Fees.** The application for such annual license or the renewal thereof shall be filed with the Town Clerk and shall be accompanied by a fee of \$25. Thereafter each trailer shall be assessed on the tax rolls of the Town against the trailer camp owners in accordance with Section 102 of the New York Real Property Tax Law. No other fees (other than the annual license fee) shall be charged against the trailer camp owner; provided, however, that each trailer is assessed and placed on the tax rolls and that the school, county, Town, and state taxes have been paid for the current year. In the event that each trailer is not on the tax rolls and the tax paid for the current year, then and in that event the trailer camp owner shall pay a monthly fee for each month or any portion thereof that each trailer occupies a trailer space, and the monthly fee therefor shall be \$6.50, which shall be paid at the commencement of each month.

D. **Term of license.** Such license shall be effective from the date thereof and to continue in force for the term specified therein, but in no event longer than through the 31st day of December next succeeding.

E. **House Trailer Camp Regulations.**

1. All land used as a house trailer camp shall be well drained and properly graded to ensure rapid drainage during and following a rain and shall, at all times, be drained so as to be free from stagnant pools of water.
2. Each trailer camp shall be established according to a plan which shows how all the area contained therein will be subdivided and marked off for roadways and trailer stations and shall comply with the Zoning Ordinance of the Town of Newfane. All house trailer camps which are not connected with existing sanitary sewer systems and existing water supplies shall provide for adequate water service and adequate sewers and a sewage disposal system constructed in accordance with the provisions of the Sanitary Code established by the Public Health Council of the State of New York. A copy of such plan shall be submitted with the application for a license.
3. An adequate supply of pure drinking water shall be provided on each campsite. No common drinking facilities shall be permitted.

4. If any house trailer is not equipped with toilet, bath and washbasin, there shall be provided on the site a separate service building containing adequate facilities for such service.
5. Each house trailer camp shall have equipment sufficient to prevent littering of the ground and premises with rubbish, refuse and garbage and shall provide proper containers for the deposit of such materials.
6. The owner or operator of each house trailer camp shall keep a permanent record, in writing, of all house trailer occupants using the facilities of such house trailer camp, which record shall contain the name and address of each occupant and the name and address of the owner of the trailer and the name and make thereof.
7. The obtaining of a license hereunder for the use of premises as a house trailer camp shall not be construed to eliminate the necessity of complying with all other applicable ordinances and health regulations of the Town of Newfane.
8. House trailer camps must be kept in a clean and sanitary condition at all times.

§ 238-9 Inspection.

The Code Enforcement Officer and Building Inspector of the Town of Newfane shall enforce all the provisions of this chapter. The Code Enforcement Officer, Building Inspector, and members of the Town Board shall have the right to enter upon any house trailer camp or other premises used for the parking or location of a house trailer at all times for the purpose of inspection and enforcement.

§ 238-10 Revocation of House Trailer Camp License.

- A. If the Code Enforcement Officer or the Building Inspector finds, upon inspection, that a house trailer camp is not being maintained in a clean and sanitary condition, or is not being conducted in accordance with the regulations applicable to such camp and the provisions of this chapter, the Code Enforcement Officer or the Building Inspector shall serve upon the holder of such license, or the person in charge of such camp, a written order directing that the conditions therein specified be remedied within five days after service of such order.
- B. If, after the expiration of such period, such conditions remain unchanged or uncorrected, the Code Enforcement Officer or the Building Inspector shall serve a written notice upon the house trailer camp owner or person in charge requiring the license holder to appear before the Town Board at a time not less than three days thereafter and show cause why such license should not be revoked.
- C. The Town Board may, after a hearing at which testimony of witnesses, the Code Enforcement Officer or the Building Inspector, and the license holder shall be

heard, revoke such license if the conditions described in the original order have not been corrected, or if the license holder has violated the regulations applicable to such camp or any provisions of this chapter, or for other sufficient cause. Upon revocation of such license, the premises shall forthwith cease to be used as a house trailer camp and all house trailers shall be removed therefrom.

§ 238-11 Penalties for offenses.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of a violation and subject to a fine of not less than \$50 nor more than \$250, or to imprisonment for a period not exceeding 15 days, or both. The imposition of any penalty shall not excuse the violation or permit it to continue, and shall not prevent the enforced removal of conditions prohibited by this chapter. When a violation of any provision of this chapter is continuous, each 24 hours thereof shall constitute a separate and additional violation.

§ 238-12 General Provisions.

- A. None of the provisions of this chapter shall be construed as granting vested interests to anyone licensed under this chapter, and the Town Board hereby reserves the right to withdraw or revoke all permissions, registrations, and licenses granted under this chapter upon 60 days' notice by publication and posting as provided for in § 133 of the Town Law.
- B. None of the provisions of this chapter shall be construed in any way so as to be in conflict with the Zoning Ordinance of the Town of Newfane, and the requirements contained herein shall be in addition to the provisions contained in said Zoning Ordinance, and no license shall be issued hereunder which does not comply with the Zoning Ordinance of the Town of Newfane.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.