

Chapter 88

CAMPGROUNDS AND RECREATIONAL PARKS

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[HISTORY: Adopted by the Town Board of the Town of Nichols 12-1-2000 by L.L. No. 3-2000. Amendments noted where applicable.]

NICHOLS CODE

GENERAL REFERENCES

Uniform construction codes — See Ch. 92.

Driveway standards — See Ch. 99.

Flood damage prevention — See Ch. 114.

Mobile homes and mobile home parks — See Ch. 132.

Sewers and sewage disposal — See Ch. 146.

Swimming pools — See Ch. 157.

Water — See Ch. 187.

Zoning — See Ch. 194.

ARTICLE I
General Provisions

§ 88-1. Title.

These regulations shall be known as the "Regulations of Campground and Recreational Parks of the Town of Nichols."

§ 88-2. Purpose.

The purpose of these regulations is to promote the health, safety and general welfare of the community and its development goals, to avoid health and safety hazards, and to assure compatibility with the surrounding land uses.

§ 88-3. Authorization.

The Town Board of Nichols, as empowered by Article 16 of the Town Law of the State of New York and by means of a resolution adopted November 14, 2000, authorizes the Planning Board to approve sites or plats for the purpose of camping grounds and/or recreational parks, or the combination thereof of the two.

§ 88-4. Waivers.

- A. The Planning Board may waive, subject to appropriate conditions, the provisions of any or all of such improvements or requirements as in its judgment, considering the special circumstances of the proposed park's site, are not requisite in the interest of the public health, safety and general welfare, or in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent to, or in proximity to, the proposed park.
- B. No such waiver shall be granted that will have the effect of nullifying the intent and purpose of the Official Town Map, Chapter 194, Zoning, these regulations, ordinances, or other local laws of the Town, or any other governmental agency.
- C. In granting waivers, the Planning Board may require such reasonable conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so waived or modified.
- D. Let it be noted that while the Planning Board is empowered to waive any of its own requirements, it cannot waive any of New York State's requirements.

ARTICLE II Definitions

§ 88-5. Terms defined.

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

ACCESSORY USE — A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

APPLICANT — The party applying for a campground and/or recreational permit approval.

BUFFER STRIP — Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

CAMPER — Any individual who occupies a campsite, or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMPGROUND — A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

CAMPGROUND APPLICATION — A Town of Nichols form requesting information to be completed by the applicant, for campground or recreational approval.

CAMPING UNIT — Any tent, recreational vehicle, cabin, lean-to or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.¹

CAMPING VEHICLE — See "recreational vehicle."

CAMPSITE — Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

ENVIRONMENTAL IMPACT STATEMENT (EIS) — A written document, either in draft or final form, prepared in accordance with Section 617.9 of Title 6 of the New York Code of Rules and Regulations.²

NEGATIVE DECLARATION — A written determination by the lead agency that the development of a camping and/or recreational park as proposed will not result in any significant environmental effects.

PERMIT — A written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

POSITIVE DECLARATION — A written statement prepared by the lead agency indicating that the proposed camping and/or recreational park as proposed may have a significant effect on the environment and that an environmental impact statement will be required.

RECREATIONAL VEHICLE — A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECREATIONAL VEHICLE PARK — See "campground."

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) — The provisions of Article 8 of

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of Chapter VI of the Codes, Rules and Regulations of the State of New York.

- A. The Planning Board shall determine the applicability of SEQRA and shall require that an applicant submit, as a minimum requirement, a short-form environmental assessment form (EAF).
- B. An environmental assessment form (EAF), long form, to be completed by applicant, shall be required if the proposed camping and/or recreational park is classified as meeting the threshold as outlined in the State Environmental Quality Review Act regulations.

TRAVEL TRAILER — See "recreational vehicle."

TRUCK CAMPER — A structure designed to fit into the bed of a pick-up truck and used for temporary shelter and sleeping.

ARTICLE III
Procedures and Information Required

§ 88-6. Determination of land suitability.

- A. No recreational park shall be approved unless adequate investigation and consultation with the County Environmental Health Department and the Town Planning Board determine that the land can be used for building and recreational purposes without danger to the property or health or safety of the occupants. No portion of the site subject to unpredictable, or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- B. Approval of a park may be withheld by the Planning Board if the proposed system for the drainage of surface water or the cumulative effect of septic effluent discharge is found to put water supplies at risk.

§ 88-7. Application and review sequence.

- A. No application shall be complete until either a negative declaration has been prepared, or a draft environmental impact statement (DEIS) has been accepted by the lead agency.
- B. A recreational park/camping ground shall be processed in the following stages:
 - (1) Application to the Planning Board through the Town Clerk.
 - (2) Publication of notice in newspaper for public hearing, and written notice (optional) may be mailed to adjacent landowners by Town Clerk.
 - (3) Submission of application to the County Planning Board if required by § 239-m or 239-n of the General Municipal Law.
 - (4) Public hearing.
 - (5) Decision on plat.

§ 88-8. Approvals of county agencies.

- A. Approval of plans by the Tioga County Department of Environmental Health will be required for all sewage disposal systems and water supplies.
- B. Approval of plans by the Tioga County Department of Environmental Health will be required for all swimming facilities, including pools, streams, ponds, and lakes.

§ 88-9. Information required.

The following information is required:

- A. Existing conditions:
 - (1) Proof of legal ownership.
 - (2) Name and address of owner.
 - (3) A survey of the boundary lines of the tract, giving complete description by bearings and distances, shall be made and certified to the Planning Board by a licensed surveyor; include total

acreage.

- (4) A mailing list of names and addresses of all property owners of record within 1,000 feet of the proposed park.
- (5) Existing restrictions on the use of the land, including easements, covenants, zoning, flood hazard areas, state-designated agricultural districts and important natural areas.
- (6) Maps and drawings of property drawn to scale to show all existing conditions in and adjacent to the proposed park, including location of other buildings and all wells and septic systems within 1,000 feet of the proposed park; to also include watercourses, federal wetlands, marshes, areas subject to flooding, wooded areas and land contours at minimum intervals of five feet, or other suitable indicators of slope.
- (7) Soil types in all parts of the proposed site and results of soil tests.
- (8) Key map, a location map showing the park's relation to other known landmarks, such as roads, road intersections, lot lines, water lines and utilities within and adjacent to the proposed site.

B. Proposed plan: six copies of plat map drawn to scale; to include:

- (1) Number, size and location of proposed vehicle sites and other parking areas.
- (2) Number, size and location of proposed tent sites (if applicable).
- (3) Location, right-of-way, and surfaced roadway width, and surfacing material of roadways and walkways.
- (4) The proposed interior vehicular and pedestrian circulation patterns.
- (5) Proposed grading and landscaping plans.
- (6) Location of proposed service buildings, sanitary stations, and any other existing or proposed structures.
- (7) Location of proposed water lines and sewer lines and riser pipes.
- (8) Plans and specifications of the proposed water supply, sewage disposal, and refuse facilities.
- (9) Plans and specifications of all buildings constructed or to be constructed within the travel park.
- (10) Locations and details of proposed utilities.
- (11) Proposed stormwater drainage; and location of all drainage easements (if applicable) to comply with county drainage plans.

§ 88-10. Fees.³

Applicants must pay a nonrefundable application fee of \$100, as determined by the Nichols Town Board. Upon Planning Board approval, the annual permit and renewal fee shall be \$100, plus \$1 per available lot.

§ 88-11. Supplemental permit.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. Any person holding a permit for a campground recreational park who desires to add additional lots to such park shall file an application for a supplemental permit.
- B. When approved in accordance with the established procedures, the Town Clerk shall issue a supplemental permit which will be effective from the date of issuance to and including December 31 of the same year and theretofore run concurrent with and become a part of the initial permit.

§ 88-12. Supplemental permit application.

The application for such supplemental permit must be accompanied by three complete sets of plans and specifications as required by Article III of this chapter.

§ 88-13. Permit renewal.

- A. An application for the renewal of any campground or recreational park permit, which was issued in accordance with the provisions of this chapter, must be filed with the Town Clerk on or before December 1 preceding the expiration of the permit.
- B. The renewal shall not be accompanied by a plan of the park, unless changes have been made to it.
- C. Upon the approval of the Planning Board and the approval-following-inspection by the Code Officer, the Town Clerk shall issue a renewal permit to be effective upon the expiration of the previous permit and continue in force for a period of one year. Issuance of a renewal permit shall be subject to the payment of a fee as well as to the continued compliance with the requirements of this chapter.
- D. Such renewal permit shall not be transferable or assignable.
- E. If a renewal permit is not applied for and the fee is not paid, the amount due for an active campground shall be added to the property taxes due for the next year.⁴

§ 88-14. Review procedures; application; public hearing; time frames.

- A. Application. An applicant shall apply to the Town Clerk for recreational campground approval on forms available from the Town Clerk. No application is complete until either a negative declaration has been issued or a draft environmental impact statement has been accepted by the lead agency. The Town Clerk shall submit the application to the Planning Board. If it is more convenient for the applicant, the applicant may submit his application to the Town Code Enforcement Officer for his opinion as to its completeness.
- B. If the Planning Board finds the application is complete, the Planning Board shall notify the applicant in writing immediately. The notification shall determine the commencement of the time frame for approval.
- C. Within 62 days of the official submission, the Planning Board shall hold a public hearing. This hearing shall also fulfill the requirements of SEQRA regarding any potential impact which the park may have upon the environment.
- D. Within 62 days following the public hearing, the Planning Board shall approve, with or without modifications, or disapprove the plat. This time may be extended by mutual agreement of the applicant and the Planning Board.

4. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE IV
Design Standards

§ 88-15. Roads.

- A. All road improvements shall be installed at the expense of the developer.
- B. Streets in campgrounds and recreational parks shall be private, but shall be constructed with a stabilized surface (marl, shell, paving or other suitable material) and shall meet the minimum stabilized travelway width requirements:
 - (1) One way, no parking: 11 feet.
 - (2) One way with parking on one side, two way with no parking: 20 feet.
 - (3) Two way with parking on one side: 28 feet.
 - (4) Two way with parking on both sides: 36 feet.
- C. Grading. To minimize surface runoff and erosion, road slopes should not exceed 8%. Very short runs with a maximum grade of 12% may be permitted.
- D. The width and length of RVs, usually eight feet wide and up to 38 feet long, should be considered in the design of the road system which requires curves and turning radii, backing up and other complicated maneuvers.

§ 88-16. Accessibility; driveways.

- A. Accessibility.
 - (1) The park shall be directly accessible from an existing public highway or street.
 - (2) If the park has more than 25 sites, two points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four.
 - (3) Such entrances and exits shall be designed and located for the safe and convenient movement into and out of the park, and to minimize friction with the free movement of traffic on a public highway or street.
 - (4) All entrances and exits shall be at right angles to the existing public highway or street, and free of any impediment material which would obscure the visibility of the driver on a public highway or street.
 - (5) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with travel trailers attached.
 - (6) Entrance driveways shall be located not closer than 150 feet to the intersection of public streets.
- B. Driveways shall be in accordance with Chapter 99, Driveway Standards, of the Code of the Town of Nichols, and New York State driveway requirements.

§ 88-17. Parking.

At least 1 1/2 parking spaces shall be provided in the park per campsite or recreational vehicle site. At least

one parking space shall be provided at each site.

§ 88-18. Utilities.

- A. Electric and gas facilities shall be in accordance with the New York State Building Code and National Fire Protection Association.
- B. Utility services. For ease of future maintenance and excavation, poles, wires, gas pipelines and other equipment shall be placed outside highway rights-of-way.

§ 88-19. Water supply and sewage disposal.

- A. Water supply.
 - (1) The water supply shall be designed, constructed and maintained in compliance with New York State Public Health Law § 225 requirements and Tioga County specifications to provide a safe, potable, and adequate supply of water.
 - (2) Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mudholes or other nuisance conditions.
 - (3) Plumbing shall be installed in accordance with the New York State Building and Fire Codes.
- B. Sewage disposal. Sewage disposal facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage in compliance with New York State Public Health Law § 225 and Tioga County specifications.

§ 88-20. Refuse disposal and pest control.

- A. Refuse disposal.
 - (1) The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions.
 - (2) Durable, watertight, easily cleanable refuse containers, with close-fitting, fly-tight covers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than 300 feet from any camp or picnic site unless provided at the campsite.
 - (3) Refuse shall be collected and removed as often as necessary, but not less than once weekly during campground occupancy, and disposed of at a lawful disposal site.
 - (4) Where burning is permitted, combustible refuse can be burned in approved fireplaces. Refuse incinerators, where permitted, shall be isolated from vehicular and pedestrian traffic and approved by the NYSDEC.
 - (5) No fuel shall be used and no material burned that emits dense smoke or objectionable odors.
- B. Pest control. Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, verminproofing of buildings, and other approved control methods.

§ 88-21. Permanent occupancy prohibited.⁵

- A. A travel trailer, house trailer, or recreational vehicle shall not remain in a campground for more than 180 days in any one-year period.
- B. No travel trailer, house trailer or recreational vehicle shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Continuous occupancy extending beyond 180 days in any twelve-month period shall be presumed to be permanent occupancy.
- C. Any action toward removal of wheels of a travel trailer, house trailer or recreational vehicle except for temporary purposes of repair or to attach the recreational vehicle to the grounds for stabilizing purposes is hereby prohibited.

§ 88-22. Park and site requirements.

- A. Requirements for camping and recreational parks.
 - (1) The park shall be at least 10 acres in size, with at least 200 feet of frontage on a public road.
 - (2) The park shall be free from heavy or dense growth of brush and woods.
 - (3) Maximum density shall not exceed 12 campsites, or recreational vehicle sites, per acre.
 - (4) The minimum campground and recreational park front setback shall be 25 feet; except when fronting on a state highway, the minimum shall be 50 feet.
 - (5) Minimum side setback. When abutting residential districts, the side setback shall be 50 feet; when abutting a dedicated public right-of-way, the side setback shall be 25 feet on the side street; when abutting any other zone district, the side setback shall be 15 feet along the interior lot line.
 - (6) The minimum rear setback shall be 15 feet except when the rear yard abuts a dedicated public right-of-way or a residential district. If the rear yard abuts a dedicated public right-of-way, the minimum shall be 25 feet. If the rear yard abuts a residential district or a state highway, the minimum rear setback shall be 50 feet.
 - (7) Buffering for aesthetic enhancement and noise abatement, or to ensure public safety, may be required. Where needed, planting or vegetation shall be provided around the park's perimeter and between sites; as well as screen plantings as needed to screen objectionable views, such as laundry facilities, storage or collection areas.
 - (8) A minimum of 8% of the gross site area for the camping and/or recreational park shall be set aside and developed as common use areas for open or enclosed recreational facilities.
- B. Site requirements.
 - (1) For overnight camping, a campsite or recreational vehicle site size shall be no less than 1,500 square feet, and 2,500 square feet for vacation camping in accordance with New York State Sanitary Code, Subpart 7-1.
 - (2) Recreational vehicles shall be separated from each other and from other structures by at least 10 feet. Attached awnings, carports, or individual storage facilities shall be considered to be part of

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the recreational vehicle for the purpose of this separation requirement.⁶

- (3) A tent for the use or accommodation of people shall have an adequate floor.
- (4) Any recreational vehicle pads, or constructed tent flooring, on any site shall be no closer than five feet to a site line, so that no part of a travel trailer or other unit placed on a site shall be closer than five feet to a site line.⁷

§ 88-23. Fires; cooking and eating facilities.

A. Fires.

- (1) Fires will be permitted only in facilities which have provided for such purposes or where open fires are allowed.
- (2) Fireplaces, fire pits, charcoal braziers, woodburning stoves, or other cooking facilities shall be located, constructed, maintained, and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.
- (3) No fire shall be abandoned, left unattended, or allowed to become a hazard to trees, vegetation, camping equipment, or adjacent campsites. Fires shall be completely extinguished before the campsite is vacated.
- (4) Flammable liquids shall be stored in metal containers approved by the Underwriters Laboratory, Inc. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

B. Food service activities require a license or certificate of inspection in accordance with New York State Department of Health requirements. The production, storage, and dispensing of ice shall be in accordance with the New York State Department of Health and New York State Sanitary Code Subpart 7-1.

§ 88-24. Accessory uses.

- A. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a campground or recreational park are permitted as accessory uses to the park.
- B. Other convenience establishments, such as stores, restaurants, beauty parlors, and barber shops, may be permitted as accessory uses in campgrounds and recreational parks where such uses are not allowed as uses of right, subject to the following restrictions:
 - (1) Such establishments and the parking areas primarily related to their operations shall not occupy more than 5% of the gross area of the park.
 - (2) Such establishments shall be restricted in their use to the occupants of the park. These establishments shall present from any street outside the park no visible evidence of their commercial character which would attract customers other than occupants of the park.
 - (3) The structures housing these facilities shall not be located closer than 100 feet to any public

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

street and shall be accessible only from a street within the park.

- (4) All public services, utilities, water and sewage facilities are to be in accordance with the New York State Building Code, public health codes, and local and county codes.

ARTICLE V

Protection of Natural and Scenic Resources

§ 88-25. Existing trees and vegetation.

In order to protect the natural beauty of the area and to create the least adverse impact upon neighborhoods and local property values, damage to existing trees and vegetation should be prevented as much as possible during construction.

§ 88-26. Unique features.

Unique features shall be preserved when possible. Streams, lakes, ponds, and wetlands shall be left unaltered and protected by easements or other devices if necessary.

ARTICLE VI

General**§ 88-27. Day camps.**

To assure a safe, healthful environment, day camps shall be in accordance with the New York State Public Health Law and Tioga County specifications.

§ 88-28. Bathing pools and beaches.

To assure a safe healthful environment, beaches and pools will be in accordance with New York State Public Health Law § 225 and Tioga County specifications.

§ 88-29. Inspections.

- A. Periodic inspections during the installation of the park shall be made by the Town's authority and the Code Enforcement Officer of the Town of Nichols to ensure conformity with the approved plat and these regulations.
- B. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Nichols, who shall have the right to inspect the exterior of any structure or premises and to perform any other act necessary for the enforcement of this chapter or any rule or regulation made pursuant thereto.

§ 88-30. Approval of roads and facilities.

- A. Upon acceptable completion of the park, the applicant shall submit to the Town Clerk or the Planning Board a copy of the county's final approval of the installation's potable water supplies and sewage disposal.
- B. The Town's Highway Superintendent shall inspect the entrances and exits for conformity for safety and these regulations.

ARTICLE VII
Penalties; Applicability

§ 88-31. Penalties for offenses.

- A. The violation of any rule or regulation approved by the Town Board herein shall be deemed an offense against such rules and regulations.
- B. For any violation of these regulations, the person violating same shall be subject to a fine of not more than \$250, or imprisonment not exceeding 15 days, or both. Each day's continued violation shall constitute a separate violation.
- C. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town of Nichols in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of the rules and regulations herein.

§ 88-32. Exceptions to applicability.⁸

The camping unit or dwelling kept by the owner or manager of the campground and occupied as a dwelling is excluded from consideration as a camping unit. If the campground has an area set aside for storage purposes, such as storing unoccupied recreational vehicles, this area may also be excluded as camping sites.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).