

Chapter 131

MOBILE HOME PARKS

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[**HISTORY: Adopted by the Board of Trustees of the Village of Alden 3-6-1995 as L.L. No. 1-1995. Amended in its entirety 10-25-2018 by L.L. No. 7-2018. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 78.

License and permits -- See Ch. 125.

Zoning -- See Ch. 210.

Fees -- See Ch. A220.

§ 131-1. Title.

This chapter shall be known as the "Mobile Home Park Law of the Village of Alden."

§ 131-2. Purpose.

The purpose of this chapter is to promote the health, safety, protection and general welfare of the inhabitants of the Village of Alden, including those living in mobile homes, in the following manner:

- A. By the regulation of mobile homes in parks and the requirement that all mobile home parks be properly licensed in the Village of Alden by the Board of Trustees.
- B. By the requirement that mobile home parks can be established only in accordance with the plans for the same, as approved by the Village Planning Board and the Village Board of Trustees.
- C. By the use of standards and regulations for the design and operation of mobile home parks.

§ 131-3. Definitions and word usage.

- A. Word usage. When not inconsistent with the context, words used in the present tense include the future tense. Plural and singular connotations are interchangeable. The word "person" includes a firm, partnership or corporation as well as an individual, whether tenant, owner, lessee, licensee, agent, heir or assignee. The word "shall" is always mandatory. The word "used" includes the term "designed or intended to be used."
- B. Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed to them in this section:

ACCESSORY BUILDING -- A subordinate detached building located on the same mobile home lot as the mobile home.

BOARD OF TRUSTEES -- The duly elected Board of Trustees of the Village of Alden.

CODE ENFORCEMENT OFFICER or BUILDING INSPECTOR -- Code Enforcement Officer of the Village of Alden.

DRIVEWAY -- A minor private way used by vehicles and pedestrians on a mobile home park lot. This area may include off-street parking.

FIRE COMPANY -- The organization, public or private, authorized by the Village of Alden or by state law to provide fire prevention and fire protection services to any or all areas of the Village of Alden.

LICENSE -- A written permit or certification issued by the Village of Alden permitting the construction, operation, alteration and extension of

an existing or future mobile home park under the provisions of this chapter.

MOBILE HOME -- A year round residential living unit, approved by and constructed in full compliance with all applicable Federal and New York State safety standards; designed as a single-family dwelling to be transported on its own frame by towing to a site in one or two sections. As used in this law the term "Mobile Home" shall not include the following:

1. Recreational vehicles, vans, motor homes or pick-up trucks with caps or other added enclosures.
2. Travel trailers or camping trailers designed to be driven or towed by an automobile.
3. Prefabricated, sectionalized houses transported on a removable frame and completed on the site, and subject to the New York State Uniform Fire Prevention and Building Code.

MOBILE HOME LOT -- The space for rent or lease only in any mobile home park which shall be designed for and assigned to occupancy by one (1) mobile home.

MOBILE HOME PARK -- A parcel of land which has been designed and improved for the placement of mobile homes for non-transient use and is not be platted and filed as a subdivision with the Erie County Clerk.

MOBILE HOME STAND -- That part of an individual mobile home lot which has been reserved for the placement of a mobile home, exclusive of appurtenances.

MODULAR HOME (MANUFACTURED HOME) -- A factory-manufactured home incorporating structures or components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or in substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site.

PARK SITE PLAN -- The plan required of an applicant for a license to establish, maintain and operate a mobile home park in the Village of Alden pursuant to the standards for mobile home parks as enumerated in this chapter. Said plan shall show in sufficient detail, as required by local

reviewing authorities, all of the required information pertaining to the proposed layout of a premises for a mobile home park in compliance with this chapter.

PARK STREET -- A private way which affords the principal means of access to individual park lots or auxiliary buildings.

VILLAGE CLERK -- The duly appointed Village Clerk of the Village of Alden.

VILLAGE ENGINEER -- The duly appointed Village Engineer of the Village of Alden.

VILLAGE PLANNING BOARD -- The duly appointed Planning Board of the Village of Alden.

§ 131-4. Authorized parking; license requirements; exceptions.

- A. No premises in the Village of Alden shall be used for the parking or locating of a mobile home unless such use is allowed by a license obtained as provided in this chapter.
- B. From the effective date of this chapter, all duly licensed mobile home parks shall be established in locations consistent with applicable provisions of Chapter 210, Zoning.

§ 131-5. Standards.

- A. General application and variance.
 - (1) Unless otherwise provided in this chapter, the following standards shall apply to all proposed and existing mobile home parks and their establishment, maintenance and operation in the Village of ~~Alden~~ Alden after the effective date of this chapter. This includes such times as a license is reissued, unless otherwise provided for in this chapter.
 - (2) An exception to the above subsection may be granted by the Planning Board with Village Board approval, where said Boards find that, because of unusual circumstances of shape of premises, topography of premises or other existing conditions, extraordinary

hardship would result from strict compliance with the following standards for mobile home parks, in which event said Boards may vary the applicability of said standards so substantial justice may be done and the public interest may be served. No variance shall be granted which will have the effect of nullifying the intent or purpose of this chapter or the requirements of the Erie County Health Department.

- B. Mobile home park site plan. A mobile home park site plan, prepared by a licensed engineer, shall show:
- (1) The location, boundaries, dimensions and topography of the tract of land proposed to be used for the mobile home park.
 - (2) The number, location and size of all spaces reserved for independent mobile homes and all service outlets or connections therefor.
 - (3) The boundaries of and facilities to be included in recreation areas.
 - (4) The location, size and electric lighting plan for roads and outdoor areas.
 - (5) The number, location and size of any proposed structures.
 - (6) The location, type and capacity of water supply, distribution and storage, sewage treatment and disposal and stormwater drainage facilities.
 - (7) Plans and specifications for all buildings and other improvements constructed within the mobile home park.
 - (8) Plans for any and all landscaping within and/or on the perimeter of the mobile home park, exclusive of individual lots.
 - (9) Design standards for roads and other infrastructures, which shall be those that are spelled out in Chapter 181, Subdivision of Land, of the Code of the Village of Alden.
 - (10) Such other information in such detail as may be reasonably required by Village and County reviewing authorities.

§ 131-6. Mobile home park design standards.

- A. Prior to the installation of any mobile home, a building permit must first be obtained from the Village of Alden.¹
- B. Each mobile home lot in a newly created mobile home park or new addition to an existing mobile home park shall be at least fifty-five (55) feet wide and shall contain a minimum of six thousand six hundred (6,600) square feet, of which no more than thirty percent (30%) shall be occupied by the mobile home stand. Each mobile home lot shall abut on a park street with access to a public highway. Such lots shall be clearly defined and mobile homes shall be sited on such lots so that no mobile home will be:
- (1) Less than twenty-five (25) feet from any park street, as measured from the near edge of the pavement.
 - (2) Less than fifteen (15) feet from the rear line of any mobile home park lot.
 - (3) Less than five (5) feet from any side yard lot line.
 - (4) Less than fifteen (15) feet from any other mobile home. If a garage or carport is added, it must be at least five (5) feet from the side yard boundary.
- C. Each mobile home lot in an existing mobile home park shall be maintained at the size identified in the licensing section of this chapter. A new mobile home may be installed on an existing mobile home park lot in an existing mobile home park provided the mobile home:
- (1) Does not occupy more than eighty percent (80%) of the total lot area.
 - (2) Is at least five (5) feet from any side yard lot line.
 - (3) Is at least five (5) feet from any rear yard lot line.
 - (4) Is at least five (5) feet from any park street, as measured from the near edge of the pavement.
- D. Mobile homes shall be located a minimum of one hundred (100) feet from any public right-of-way or highway boundary. However, the Planning Board may, for stated reasons, recommend a greater setback. The minimum setback shall not be

¹ Editor's Note: See Ch. 78, Building Construction and Fire Prevention.

used for accessory uses, such as recreation or vehicular parking. If such setback area is part of the mobile home park premises, such setback area shall be satisfactorily landscaped as designated on the mobile home park site plan and shall be maintained in a mowed condition, if appropriate. The minimum setback can contain one (1) accessory office for the purpose of park operations, provided it is a permanent structure and a building permit is obtained therefor.²

- E. Mobile homes shall be located a minimum of one hundred (100) feet from any property line of property abutting the mobile home park site, except that the Planning Board may permit a lesser buffer if local conditions so warrant it. The Planning Board shall have the authority to require a buffer, in a size and of materials it deems appropriate, between the proposed mobile home and the abutting property line.
- F. Attached additions, garages, carports, decks, porches or other attachments to any mobile home shall be at least five (5) feet from any lot line or other mobile home.
- G. Detached accessory structures shall be a minimum five (5) feet from any mobile home and a minimum three (3) feet from any mobile home lot line.
- H. Each mobile home shall be used only for single-family residential purposes. Home occupations shall not be allowed.
- I. All living areas of a mobile home, including all attached appurtenances, shall be considered as part of the occupied area when computing the percent of occupied area of mobile home space.
- J. Each mobile home park shall contain space for a minimum of twenty-four (24) units. Such minimum usage shall be retained and the failure to do so may form the basis for the revocation of any license.
- K. Curbs or gutters shall be provided on both sides of all internal drives.
- L. Each mobile home shall be equipped and maintained with a skirt of rigid material acceptable to the Code Enforcement Officer, around the base, covering all of the undercarriage and running gear.
- M. Each mobile home lot shall be provided with two (2) parking spaces at least ten (10) feet by twenty (20) feet each. In the case of the installation of a mobile home on an existing mobile home park lot, each mobile home shall be provided with one (1) parking space at least ten (10) feet by twenty (20) feet. Such spaces will

² Editor's Note: See Ch. 78, Building Construction and Fire Prevention.

be an all weather-surface on a suitable base, subject to the approval of the Code Enforcement Officer.

- N. Each mobile home shall be provided with an adequate foundation designed by a New York State licensed architect or engineer and approved by the Code Enforcement Officer or his or her authorized representatives.
- O. Each mobile home lot, including but not limited to, appurtenant structures, driveways and roadways, shall be suitably graded and maintained to provide adequate drainage.
- P. No mobile home or attachment thereto shall be permitted within forty (40) feet of any building other than another mobile home.
- Q. All mobile homes shall meet current applicable standards of the New York State Building and Fire Prevention Code at the time of installation and/or placement.
- R. Suitable vehicular access shall be provided to each mobile home park lot. Each park street shall be well-marked and continuous and shall connect with a street or highway at a ninety (90) degree angle, and at least a twenty-eight (28) foot pavement width shall be improved and maintained with an all-weather hard surface on a suitable base, subject to the approval of the Code Enforcement Officer and Superintendent of Public Works. All park streets shall be illuminated as per standards required for residential subdivisions in the Village.
- S. An area or areas restricted to recreational use shall be provided in each mobile home park. A minimum of ten percent (10%) of the gross land area shall be made available in one (1) or more places within the park for this use. The Planning Board may require park or recreational equipment within such area, as well as suitable fencing and landscaping of such areas for screening purposes. If it is determined that recreation land is not appropriate, then money in lieu of land shall be provided for each mobile home lot based on fees established by the Board of Trustees.³

§ 131-7. Utilities.

- A. No mobile home park license shall be issued until the water system thereof is connected to and serviced by a public water supply distribution system and approved by the Erie County Health Department. The water system of a mobile home park shall be connected by pipes to each mobile home stand.

³ Editor's Note: See Ch. A220, Fees.

- B. All plumbing in a mobile home park shall be constructed and maintained in accordance with standards approved by the Erie County Health Department and with all applicable state and local laws and regulations.
- C. All water from showers, tubs, toilets, laundries, faucets, sinks and lavatories shall be wasted into a public sewer system. Each mobile home park lot shall be provided with a satisfactory sewer connection approved by the Village of Alden.
- D. An electric service shall be provided for each mobile home stand. The installation of said outlet shall comply with all applicable state, county and local laws and regulations.⁴
- E. In the event that a lot becomes vacant or a unit unoccupied for a period in excess of sixty (60) days, all utilities shall be terminated back to the nearest mains pursuant to the directives of the Department of Public Works. The disconnection of any water and sewer connections shall be pursuant to Chapters 205 and 165 of the Code of the Village of Alden.

§ 131-8. Supplemental regulations.

- A. Installation of a mobile home onto an existing mobile home park lot may be done only by first obtaining a building permit from the Code Enforcement Officer as specified in this Code. Such mobile home installation must comply with all provisions of this chapter and all other applicable state, county and local laws and regulations.
- B. No mobile home shall be occupied prior to the issuance of a certificate of occupancy by the Code Enforcement Officer.
- C. It shall be unlawful to increase the living or storage space of any mobile home licensed hereunder, without first obtaining a permit from the Code Enforcement Officer.⁵
- D. No mobile home shall be removed or demolished prior to issuance of a building permit from the Code Enforcement.
- E. No occupied mobile home shall be located in a mobile home park in any area other than upon an approved mobile home park lot.

⁴ Editor's Note: See Ch. 78, Building Construction and Fire Prevention.

⁵ Editor's Note: See Ch. 78, Building Construction and Fire Prevention.

- F. Mobile home parks shall at all times be maintained in a clean and sanitary manner in accordance with the provisions of this chapter and with any other requirements imposed as a condition of granting a license or the renewal thereof. Nothing in this chapter shall be construed to abrogate any of the provisions of the Erie County Health Department or of the Public Health Law of the State of New York, as the same now provides or as the same may hereafter be amended. In the event of inconsistencies existing between the provisions of this chapter and said code or law, said code or law shall govern. Failure to maintain such standards as may be set by the Village shall subject the owner to revocation or non-renewal of any license.

§ 131-9. License required for mobile home park.

- A. It shall be unlawful to construct or operate a mobile home park without first securing a license, and thereafter annually renewing same, from the Village Board and complying with the considerations and standards of this chapter. Failure to maintain a license shall result in the closing of any mobile home park.
- B. The Village Clerk shall issue a license to an applicant whose site has been established as a mobile home park, to be effective from September 1st of the current calendar year, when all of the following have been satisfied:
- (1) Submission of a completed license application on or before May 1st of the current calendar year.
 - (2) Receipt of required fee as herein provided.
 - (3) Approval by the Code Enforcement Officer, Superintendent of Public Works and Village Engineer.
 - (4) Approval of the original application by the Erie County Department of Health.
 - (5) Approval of the application by the Village of Alden Board of Trustees.
- C. The original application for a mobile home park license shall be filed with the Village Clerk and shall be accompanied by a nonrefundable fee, as set forth in the schedule of fees established by the Village Board, per acre of land area on the site of the proposed mobile home park, as shown on the application. The fee per mobile home for an annual license and renewal thereafter shall be an amount set

forth in the schedule of fees established by the Village Board.⁶ Thereafter each mobile home shall be assessed on the tax rolls of the Village of Alden against the owner(s) of the mobile home park or qualified mobile home park owners applying for senior citizen exemption under the Real Property Tax Law. In addition, a building permit fee⁷ per unit, as established in the schedule of fees set by the Village Board, will be charged for the purpose of ensuring compliance with this chapter or any other applicable local law or ordinance prior to the issuance of a certificate of occupancy. Such fees shall apply to the initial installation of units or the replacement of such units as determined by the Code Enforcement Officer.

- D. The application for a license and/or annual renewal thereof shall be made on forms prescribed by the Village Board and shall include the name and address of the record owner of the property, and in the case of an organization or corporation, the names and addresses of all principals of said organization or corporation. In the event the title is vested in some other person other than the applicant, the application shall be submitted, together with a duly verified statement, by the record owner that the applicant is authorized by him to construct and maintain the mobile home park. The initial license application shall also include, but shall not be limited to: all application materials submitted at the time the mobile home park was established and engineering plans and specifications of all improvements and facilities constructed or to be constructed within the mobile home park.
- E. Expiration of licenses.
- (1) All mobile home court licenses shall expire on August 31st of each calendar year.
- F. Public hearing required.
- (1) Before any mobile home park license is approved or renewed, a public hearing shall be held by the Board of Trustees on or before June 15th of the current calendar year to accept comments for or against such approval or renewal.
- G. In the event that a license either expires without an extension being granted or an owner fails to apply for a license within ten (10) calendar days from the date of any expiration of a license, then the Code Enforcement Officer shall provide such owner with notice of a violation for operating a mobile home park without a license. Within thirty (30) calendar days and upon written notice to the owner not less than fifteen

⁶ Editor's Note: See Ch. A220, Fees.

⁷ Editor's Note: See Ch. A220, Fees.

(15) calendar days prior to any hearing, the Board of Trustees shall hold a public hearing to determine whether such mobile home park shall be closed and all Village utilities terminated within such timeframe as the Board of Trustees may deem reasonable.

- (1) At such hearing, the owner shall show cause and provide such evidence as to why the mobile home park shall not be closed and all Village utilities terminated with the burden of same resting on the owner once the Code Enforcement Officer shows that the license has expired and/or that no application for a renewal was timely made.
- (2) Upon a determination by the Board of Trustees that a park is to be closed, all units, structures, mobile homes, modular homes, and any other buildings, utilities, roadways, concrete, and paving shall be removed or caused to be removed by the owner within thirty (30) calendar days. Each day of the failure to do so shall be considered a separate and distinct violation.
- (3) In making its determination, the Village shall consider the reasons for the failure to obtain and/or apply for a license, the effect of the closure upon any residents therein, any outstanding violations of any local, state, and/or Federal law, rule, regulation, and/or ordinance, the ability of the owner to correct any violations, and such other and further evidence as may be presented at the time of the hearing.

§ 131-10. Health and safety considerations.

- A. A licensee of a mobile home park shall assure that the essential community services, such as mail drop, police protection, and fire protection, are adequately accommodated.
 - (1) The park shall contain adequate fire hydrants as required by applicable state, county and village requirements.
 - (2) The licensee shall be obligated to remove snow and maintain all park streets in a manner which allows free access to emergency vehicles.
- B. The park shall not be subject to hazards such as objectionable smoke, noxious odors, unusual noises, improper or inadequate drainage, or flooding.

- C. The condition of soil, groundwater level, drainage, rock formations and topography shall be such as not to create hazards to the property or to the health and safety of the occupants or to adjacent property owners.
- D. Trash collection shall be provided by the mobile home park licensee. The storage, collection and disposal of refuse in a mobile home park shall be so managed as to create no health or accident hazards, rodent harborage, insect breeding area or pollution of air or water. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Insect and rodent control assurance to safeguard public health as recommended by the Erie County Health Department shall be applied to all mobile home parks.
- E. All waste from showers, tubs, toilets, laundries, faucets, sinks and lavatories shall be directed into a public sewer system whose design, capacity, construction and operation are approved by the applicable state, county, or local agency having jurisdiction over the disposal system.

§ 131-11. Maintenance and management.

- A. Every mobile home park licensee shall maintain a park map showing all mobile home lots with their dimensions and a park register containing a record of all mobile homes and occupants. Such park map and park register shall be available to any authorized person inspecting the mobile home park and shall be preserved for the period required by the Code Enforcement Officer. The mobile home park licensee shall provide the Village Clerk and Code Enforcement Officer with one (1) copy each of such park map and park register by June 1st of each year, to be kept on file for inspection by any interested person. Such park register shall contain:
 - (1) The name, address and telephone number of each operator or person in charge of the mobile home park.
 - (2) The names, telephone numbers, and addresses of all mobile home occupants residing in the park.
- B. In every mobile home park, there shall be a building in which shall be located the office of the operator or person in charge of said park. A mobile home may be approved by the Village Board to serve as said office instead of a separate building, but must be identified as the office. A copy of the mobile home park license and a copy of this chapter and all subsequent amendments thereto as may

be made from time to time by the Village Board shall be posted in said office. The park map and park register shall at all times be kept in said office.

- C. It is hereby the duty of the park manager, together with the licensee, to:
- (1) Keep the park map and park register.
 - (2) Maintain the park in a clean, orderly and sanitary condition at all times.
 - (3) Prohibit the use of any mobile home by a greater number of persons than it is designed to accommodate.
 - (4) See that the provisions of this chapter are complied with, including the collection and payment to the Village Clerk of any building permit fees, occupancy fees, and licensing fees now or hereafter required by said chapter to be paid in connection with the occupancy of the mobile home park.
 - (5) In addition to notifying park occupants of all applicable provisions of this chapter, the management shall inform tenants of their rights and responsibilities regarding any restrictions, rules, regulations, deed and/or lease covenants and facilitate strict compliance with all such conditions.
- D. Vacant mobile home park lots shall be kept in a safe, clean, and sanitary manner at all times. The following are standards for vacant mobile home park lots, and shall be applicable to all vacant mobile home park lots within a mobile home park:
- (1) All utilities, except as provided for in Section 131-7E of this Chapter, on a vacant lot shall be terminated at their source or at a shut-off mechanism, approved by the Village within ten (10) calendar days of notice by the Code Enforcement Officer;
 - (2) All footings, foundations, concrete, asphalt and stone shall be removed from the vacant lot and disposed of properly within thirty (30) calendar days of notice by the Code Enforcement Officer;
 - (3) All vacant lots shall be graded with topsoil and seeded with grass or sod in accordance with the park drainage system, such that no standing water exists on the lot and no water is displaced onto adjoining lots or other properties within thirty (3) calendar days of notice by the Code Enforcement Officer.

- (4) These requirements shall not apply for vacant mobile home park lots where a valid building permit has been secured for the installation of a mobile home on said lot.

§ 131-12. Inspections; corrections of conditions; revocation of license.

- A. Before a mobile home park commences operation, and before a mobile home park license is issued, the Code Enforcement Officer and Superintendent of Public Works shall make an inspection of the site. They shall determine that all the requirements of this chapter have been complied with before either approves the license application.
- B. If the Code Enforcement Officer finds that a mobile home park is not being maintained in a clean, orderly and sanitary condition or that such mobile home court is not being operated in accordance with the provisions of this chapter, he shall serve upon the licensee, his agent or employee an order in writing directing that conditions therein specified be remedied within ten (10) days after service of such order. If, after the expiration of said period, such conditions are not corrected in accordance with said order, the Code Enforcement Officer shall serve a notice in writing upon such mobile home park licensee, requiring the licensee to appear before the Village Board of the Village of Alden at a time to be specified in such notice and show cause why such license should not be otherwise revoked. The Village Board may, after a hearing at which the testimony and witnesses of the Code Enforcement Officer and the licensee shall be heard, revoke said license if the conditions described in the original order have not been corrected or if the licensee has violated or caused to have violated any of the other provisions of this chapter not so cited in the original order of the Code Enforcement Officer. Upon the revocation of such license, the premises affected shall forthwith cease to be used for the purpose of a mobile home park and all mobile homes shall be removed therefrom within a period of time as indicated by the revocation action of the Village Board, at the sole expense of the mobile home park owner. In lieu of the revocation of said license, the Village Board may require alternative conditions upon the mobile home park and its owner(s) that seek to accomplish the intentions of this chapter.
- C. In the event that a mobile home park license and any extension thereof expires and no further extension or license has been approved by the Board of Trustees, the premises affected shall forthwith cease to be used for the purpose of a mobile home park and all mobile homes shall be removed therefrom within a period of time as indicated by the Board of Trustees, but no less than twenty (20) calendar days, at the sole expense of the mobile home park owner.

§ 131-13. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be guilty of a violation and be subject to a fine of two hundred fifty dollars (\$250.00) per day. The imposition of any penalty for a violation of this chapter shall not excuse the violation nor permit it to continue.
- B. The continuation of an offense under this chapter shall constitute, for each day the offense continues, a separate and distinct violation hereunder.

§ 131-14. Administration; fees.

- A. The Village Clerk and the Code Enforcement Officer are directed to maintain one (1) copy of this chapter and all revisions and amendments thereto in their respective offices where they may be inspected by any interested person.
- B. It shall be the duty of the Village Clerk to perform all tasks assigned to him or her by the provisions of this chapter. Among other duties, the Village Clerk shall collect, record and turn over to appropriate village officials all moneys received from license applications, license renewals, permits and such other certifications as provided for in this chapter or by the Board of Trustees.
- C. Fees for licenses, applications, renewals, permits and such other authorizations by the Village of Alden, as provided for in this chapter, shall be established by the Board of Trustees by type and amount.⁸

⁸ Editor's Note: See Ch. A220, Fees.