

June, 2003

STATE OF NORTH CAROLINA

POLK COUNTY

MOBILE HOME ORDINANCE POLK COUNTY, NORTH CAROLINA

Article I

Authority, Purpose, Jurisdiction and Legal Provisions

Section 101. Short Title

This Ordinance shall be titled Mobile Home Ordinance, Polk County, North Carolina, and may be cited as the Mobile Home Ordinance.

Section 102. Authority

Polk County hereby exercises its authority to adopt and enforce a mobile home ordinance under the provision granted by North Carolina General Statutes 153A-121 and 153A-340 and 347.

Section 103. Purpose

The purpose of this ordinance is to promote the protection of the health, safety and welfare of the communities and to provide an acceptable environment for all the residents with Polk County. This ordinance is designed to accomplish the following objectives:

- a. To secure safety from fire, panic and other dangers.
- b. To protect individuals from hazards associated with electrical dangers.
- c. To protect surrounding properties and residents.

Section 104. Jurisdiction

These regulations shall govern the entrance, movement and set-up of any and all pre 1976 mobile homes within Polk County, North Carolina. These regulations apply to all lands lying within the territorial jurisdiction of Polk County and within the planning jurisdiction of any municipality whose governing body by resolution agrees to such regulation. No person or persons may locate or cause to be located, any mobile home manufactured prior to 1976 on any lands situated with Polk County, North Carolina at anytime after the adoption of this ordinance. Owners of pre 1976 mobile homes currently inhabited shall not be affected by this ordinance but movement of said mobile home is restricted to relocation and inhabitation by the lawful owner or his or her spouse, parent, grandparent and/or child. Mobile homes manufactured prior to 1976 inhabited and/or set up within a mobile home park if owned by someone other than the park owner may be sold to the park owner or anyone, but cannot be relocated from it's current location.

Section 105 Variances

The Planning Board may authorize a variance from these regulations when, in the Board's opinion, undue hardship may result from strict compliance with this Ordinance. No variance shall be granted unless the Planning Board finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his property.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the circumstances giving rise to the need for the variance are peculiar to the property and is not generally characteristic of other similar properties with the jurisdiction of this Ordinance.
4. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property in the territory in which said property is to be located.
5. Any variance that is authorized shall be entered in writing in the minutes of the Planning Board meeting.

Section 106. Compliance with Other Ordinances

Any and all proposed movement, location, and inhabitation of pre 1976 manufactured mobile home within Polk County, North Carolina, shall comply with all the requirements of any officially adopted ordinance within Polk County, North Carolina.

Section 107. Effect of Existing Legislation

Where this Ordinance conflicts with existing ordinances, statutes, or regulations effective in the jurisdiction of this Ordinance and enacted by the County, State, or Federal Government or their agencies, then the ordinance, statute or regulation requiring the higher standard shall apply.

Section 108. Penalty

Any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to fine and/or imprisonment as provided by General Statute 14-4. Each day's continuing violation of this ordinance shall be a separate and distinct offense. Nothing in this Section shall be construed to limit the use of remedies available to the County.

Section 109. Effective Date

Effective date of this ordinance shall be _____, 2003.

June, 2003

Adopted this _____ day of _____, 20__.

Polk County Board of Commissioners

Jack Lingafelter, Chairman

Attest:

Pam Thomas
Clerk to the Board

Approved as to Form:

Thomas Hix
County Attorney

Article II

Procedure for Securing Approval of Mobile Homes

Section 201. Approval Required

No pre-1976 mobile homes may be installed, moved or relocated within the territorial jurisdiction of Polk County until a permit has been issued by the Administrator, authorizing such installation.

Section 202. Procedures for Review and Approval of a Mobile Home

Prior to the installation of a mobile home, the applicant shall make application to the Administrator for a permit to install such a mobile home on forms required by the Polk County Planning and Zoning Department and the Polk County Building Inspection Department.

Section 203. Issuance of a Zoning Permit and Construction Permit

After receiving application that meets the requirements of this ordinance, the Administrator is authorized to issue a development compliance permit or building permit. A fee schedule shall be established by the Board of County Commissioners.

Article III

Minimum Design Standards

This section sets forth minimum design standards which are stated as follows:

Section 301. Safety Standards

No mobile home older than 1976 shall be allowed to move into Polk County. Mobile homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within Polk County under this chapter with the following exception:

- a. Any existing 1976 or older mobile home within the County may be relocated by the owner or a surviving heir.

Section 302. Installation Requirements

1. Each mobile home shall be installed with stabilization devices in accordance with the State of North Carolina regulations for installation of manufactured/mobile homes adopted and published by the North Carolina Department of Insurance.

2. It is the responsibility of all mobile home owners to provide proper skirting and stairs. Specific requirements are as follows:
 - a. Skirting is required within one-hundred and twenty (120) days of the date of mobile home installation. The skirting shall be of solid curtain wall material (i.e. treated wood, vinyl, metal, masonry). Materials are to be erected in a fashion as not to create a fire hazard or harbor trash or rodents. Skirting shall have an access door and be properly vented in accordance with State Regulations. Skirting shall be maintained in a good state of repair.

Article IV Definition of Terms

For the purposes of this ordinance, certain terms or words used herein shall be defined as follows:

1. **Administrator:** The person or persons appointed by the Polk County Board of Commissioners to administer and enforce the provisions of this ordinance.
2. **Construction Permit:** A permit issued by the Building Inspection Administrator authorizing the mobile home to be installed by the owner/agent in accordance with a site plan approved by the Administrator.
3. **Developer:** Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development.
4. **Development Compliance Permit:** A permit issued by the Administrator authorizing the applicant/developer to install a mobile home in accordance with the development regulations of Polk County.
5. **Mobile Home:** A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. Mobile home shall also mean double wide mobile home which is two or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. Mobile home shall be designed to be used as a dwelling and provide complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A mobile home shall actually be used, or held ready for use, as a dwelling.
6. **Shall:** When used in this Ordinance, it is intended to indicate a mandatory requirement.

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7. **Stabilizing Devices:** All components of the anchoring and support systems such as piers, footers, ties, anchoring equipment and any other equipment which supports the mobile home and secures it to the ground.