

Mobile Home Park Ordinance Polk County, North Carolina

Article I

Authority, Purpose, Jurisdiction and Legal Provisions

Section 101. Short Title

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

Section 102. Authority

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

Section 103. Purpose

The purpose of this ordinance is to promote the protection of the health, safety and welfare of the community and to provide an acceptable environment for what are in fact small communities of mobile homes. This ordinance is designed to accomplish the following objectives:

- a. To further the orderly layout of mobile home parks;
- b. To secure safety from fire, panic and other dangers;
- c. To provide adequate light and air circulation;
- d. To insure that facilities for vehicular circulation, parking, water supply and sewerage facilities, and recreation facilities are provided for mobile home park residents.

Section 104. Jurisdiction

These regulations shall govern the establishment of each and every mobile home park established after the effective date of this ordinance. Additionally, these regulations shall govern the alteration or expansion of existing mobile home parks after the effective date of this ordinance. 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, in regard to property under his possession or control, more than two (2) mobile homes on a tract of land without complying with the provisions of this ordinance. Mobile home sales lots shall not be subject to this ordinance.

Owners of existing mobile home parks shall register their park with the County Planning Department within six months of the enactment of this ordinance.

Section 105. Variances

The Planning Board may authorize a variance from these regulation 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 land.
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 parcel and are not generally characteristic of other parcels in 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 situated.
5. Any variance that is authorized is required to be entered in writing in the minutes of the Planning Board meeting and recorded with the final plan.

Section 106. Compliance with Other Ordinances

All proposed mobile home parks shall comply with all the requirements of any officially adopted ordinance in effect in the proposed area.

The sale of lots for the purpose of a mobile home park shall constitute a subdivision and; therefor, shall comply with the standards and procedure set forth in the Polk County Subdivision Ordinance.

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 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

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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 January 1, 1996

Adopted this _____ day of _____, 19__.

Polk County Board of Commissioners

Timothy J. McCormack, Chairman

Attest:

Pam Thomas
Clerk to the Board

Article II

Procedure for Securing Approval of Mobile Home Parks

Section 201. Approval Required

No mobile home park within the territorial jurisdiction of Polk County shall be established, altered or expanded until a permit has been issued by the Administrator, authorizing such construction.

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

Prior to the construction of a new mobile home park or the alteration or the expansion of an existing mobile home park, the Developer shall make application to the Administrator for a permit to construct or expand such a park. The application shall be accompanied by four (4) copies of the proposed park plan. The Administrator may or may not require the park plan to be drawn by a registered surveyor. If anyone is grieved by the Administrator requiring a registered surveyor to draw a park plan, an appeal may be made to the Planning Board. The application must be received at least ten (10) days prior to a regularly scheduled meeting of the Polk County Planning Board, if the application and proposed park plan is to be reviewed by the Planning Board at that time. The Planning Board shall review the proposed plan for compliance with the design standards set forth in this Ordinance.

The park plan shall be drawn at a scale of twenty (20) feet to one (1) inch or larger and shall include the following information:

General Information:

1. Proposed name of mobile home park.
2. North arrow, graphic scale, and written scale.
3. Name of record owner, developer, and surveyor or engineer.
4. Vicinity map showing location of park.
5. Authorized signature of a Polk County Health Department representative verifying the representatives on-site visitation and consultation with the developer concerning the location of well and septic systems, if applicable.

Existing Site Data:

1. Total tract boundaries of the park, and a statement of total acreage of the property.

2. All existing rights-of-way, easements, sewer lines, fire hydrants, utility transmission lines, storm water drainage systems, water courses, buildings, wooded areas, and all other significant man-made or natural features within the proposed park and within fifty (50) feet from the boundaries of the park.
3. All existing streets on or abutting the park, including names, right-of-way widths, and type and width of surface treatment.
4. The ownership and use of neighboring properties.

Proposed Site Data

1. Street right-of-way, pavement widths, and street names.
2. Preliminary plans for water, sanitary sewer systems, storm water systems, electricity and gas lines, showing connections to existing systems or proposals for developing new systems. Storm and sanitary sewer profiles, cross-sections and sizes shall be provided when required by the reviewing agencies.
3. Other easements and rights-of-way, including location, dimensions, and purposes.
4. Topographic maps when required by reviewing agencies.
5. Location, size, and number of proposed and existing mobile home sites, all existing and proposed automobile parking areas, and sanitary conveniences such as laundries and solid waste receptacles.
6. Any additional information and specifications as may be required by the reviewing agencies.
7. Existing right-of-way to public road at least forty-five (45) feet in width at the ingress/egress point of the park.

Action of the Planning Board shall be noted in writing on the original plan drawing, and on three (3) prints of the plan. One (1) print shall be returned to the developer or his agent, one (1) print shall be filed with the County Register of Deeds and one (1) print shall be returned to and become a permanent record of the Planning Board.

Section 203. Issuance of Construction Permit and Operating Permit

1. After receiving approval of the park plan by the Planning Board, the administrator is authorized to issue a construction permit. The intent of this permit is to enable the execution of the park plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a mobile home park as

defined in this ordinance. A construction permit fee schedule shall be established by the Board of County Commissioners.

2. If the construction of the park has not begun within twelve (12) months from the issue date of the construction permit, the Planning Board may grant an extension of the Construction Permit if the developer appears before the Planning Board and shows cause.
3. When the developer has completed the construction of the mobile home park, he shall apply to the Building Inspector for an operating permit. The Building Inspector shall make an on-site inspection of the park.
 - a. If the park conforms to the park plan approved by the Planning Board and other agencies, the Building Inspector shall issue the developer an operating permit.
 - b. If the park does not conform with the approved plan, the Building Inspector shall delay issuance of the operating permit until it comes into conformity.
4. In no case shall the operating permit be issued for less than the minimum number of spaces required by this ordinance.
5. The operating permit issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.
6. When a mobile home park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for an operating license may be made for each stage developed.

Article III

Minimum Design Standards

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

Section 301. 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.
 - b. All mobile homes shall provide stairs at all access points to the interior of the home.
3. No manufactured home older than 1976 shall be allowed to move into Polk County. Any existing 1976 or older manufactured home within the County may be relocated by the owner or a surviving heir.

Section 302. Density Setbacks Requirements

1. The lot area for a mobile home park shall be at least two (2) acres, and the park shall have a minimum of four (4) mobile home spaces at first occupancy. All areas to be included in said park shall be clearly shown on the mobile home park plans in accordance with Article II, Section 202 of this Ordinance.
2. Each mobile home in a mobile home park shall occupy a designated space having at least eighty-five hundred (8500) square feet, and a width of at least sixty five (65) feet, exclusive of common driveways. The following table provides the minimum required spaces based upon the type of water and sewer facilities to be provided:

For the purpose of this table, multi-use can be public water and sewer or private community water and sewer. Public sewer can also apply to private package treatment plants.

Minimum Mobile Home Space Requirements

	Individual Septic & Water Systems	Public Water & Individual Septic System	Public Sewer & Individual Water System	Multi-user Public Water & Sewer
Minimum space size	40,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft
Minimum frontage	100 ft.	100 ft.	75 ft.	65 ft.

3. No mobile home nor its appendages (i.e. porches, garages) shall be closer than twenty five (25) feet to the mobile home space boundary line. The twenty five (25) feet minimum setback is required for all front, side and rear yards.
4. No outbuilding shall be closer than ten (10) feet from the mobile home space boundary line.
5. No mobile homes nor its appendages or buildings used for laundry or recreation purposes within a mobile home park shall be closer to each other than fifty (50) feet.
6. No mobile home shall be located closer than thirty (30) feet to the exterior boundary of the park or a boundary street right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary of the park or the right-of-way of a bounding street.
7. At least two hundred (200) square feet of recreational space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.

Section 303. Streets and Driveways

1. Each mobile home space shall have a driveway or interior street within the park. Said driveways or interior streets shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase. All driveways shall be a minimum width of six (6) feet, and all interior streets shall be a minimum width of twenty (20) feet.
2. Two (2) off-driveway parking spaces with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase shall be provided for each

mobile home space. Required parking spaces may be included within the minimum mobile home space requirements.

3. The entrance to the park shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a compacted subbase to a minimum width of thirty (30) feet.

Section 304. Street Naming

1. In order to lessen confusion which could hamper the response time for emergency vehicles, the name of the mobile home park and the roads shall not duplicate nor closely approximate the name of an existing park, subdivision and roads within Polk County. All roads and street addresses shall be in accordance with the Polk County Uniform Street Naming Ordinance.

Section 305. Utilities

1. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, individual wells or a central community water supply system shall be developed, and its supply used exclusively in accordance with the standards of applicable County and State agencies. All community water systems shall be tested by the Polk County Health Department and registered annually with the County Building Inspections Office.

The provisions of Article IV, Section 404(2) of the Subdivision Ordinance for Polk County, North Carolina shall apply to new mobile home parks of six (6) or more lots and to additions of six (6) or more lots or units to existing mobile home parks.

2. Adequate and safe sewage disposal facilities shall be provided in all mobile home parks. Such facilities shall include private package treatment plants. Collection and sewage treatment systems complying with applicable requirements of County and State agencies shall be provided.
3. All streets shall be illuminated from sunset to sunrise. Light poles shall be located approximately along the right-of-way lines of interior streets. Street lamps shall be a minimum of 175 watt mercury vapor or its equivalent, spaced at intervals of not more than three hundred (300) feet.
4. Lighting shall be located to illuminate the entrance street at its intersection with the public right-of-way. Light poles shall be located outside the public right-of-way and shall not cast light or glare onto the public road of such intensity as to impair the vision of motorists or interfere with the operation of vehicles.

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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 Administrator authorizing the mobile home park developer to construct a mobile home park in accordance with a park plan approved by the Polk County Planning Board.
3. **Developer:** Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development, of a mobile home park.
4. **Mobile Home:** A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent 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 semipermanent 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.
5. **Mobile Home Park:** A parcel or contiguous parcels of land which have been so designated and improved that it contains four (4) or more manufactured/mobile home lots available to the general public for placement thereon of manufactured /mobile homes for occupancy.
6. **Mobile Home Park Plan:** A plan of a proposed mobile home park, prepared by the developer in accordance with Article II, Section 202, and presented to the Polk County Planning Board for approval.
7. **Mobile Home Space or Lot:** A piece of land within a mobile home park:
 - a. whose boundaries are delineated in accordance with the requirements of this Ordinance;

- b. that is designed and improved in accordance with the requirements of this Ordinance or the Subdivision Regulations if the lot is to be offered for sale.
- 8. **Operating Permit:** A permit issued by the County Building Inspector to a mobile home park owner or operator upon the installation of a mobile home park plan which conforms to the requirements of this Ordinance.
- 9. **Shall:** When used in this Ordinance, it is intended to indicate a mandatory requirement.
- 10. **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.