

ORDINANCE NO 127

MOBILE HOME PARK ORDINANCE
OF THE
TOWN OF OLD FORT, NORTH CAROLINA

An Ordinance enforcing minimum standards for mobile home parks; establishing requirements for the design, construction, alteration, and extension of mobile home parks; providing for maintenance regulations of mobile home parks; authorizing the issuance of permits for construction, alteration and extension of mobile home parks; authorizing the issuance of licenses to administer mobile home parks; authorizing the inspection of mobile home parks; and fixing penalties for violations.

Section 1: Authority and Enactment Clause

The Board of Aldermen of the Town of Old Fort finds that properly planned and operated mobile home parks:

1. Promote the safety and health of the residents of such parks.
2. Encourage economical and orderly development of such parks.

Therefore, as a matter of policy to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the planning and operation of mobile home parks and by providing for the standards and regulations necessary to accomplish these purposes does ordain and enact Into law the following sections in pursuance of authority granted by the General statutes of North Carolina, particularly Chapter 160A, Article 8.

Section 2: Definitions

1. Accessory Structure; Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, Ramada, storage cabinets and similar appurtenant structures.
2. Building: A roofed structure erected for permanent use.
3. C.E.O.: Code Enforcement Officer of the Town of Old Fort.
4. License: A written document issued by the C.E.O. allowing a person to operate and maintain a mobile home park under the provisions of this regulation.
5. Lot Line: A line bounding the lot as shown on the accepted plot plan.
6. Mobile Home: A mobile home is a structure that:
 - A. consists of .a single unit completely assembled at the factory or of two (double-wide) or three (triple-wide) principal components totally assembled at the factory and joined together at the site; and
 - B. is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; and
 - C. is over 32 feet long and 8 feet wide or larger; and
 - D. is designed to be used as a dwelling and provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation; and
 - E. is actually being used, or is held ready for use, as a dwelling; and
 - F. is not permanently attached to a foundation. A structure that is otherwise defined herein as a mobile home is permanently attached to its foundation if:
 - 1) the foundation was constructed in such a way or at such expense as to make it unlikely that the mobile home placed upon it will later be removed; or

- 2) if the mobile home cannot be removed from the foundation without great expense or severe damage to the mobile home.
7. Mobile Home Park: Any premises where two or more mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for two or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as part of such mobile home park.
8. Mobile Home Lot: A mobile home lot is a piece of land within a mobile home park:
 - A. whose boundaries are delineated in accordance with the requirements of the Ordinance;
 - B. that is designed and improved in accordance with the requirements of the Ordinance to accommodate a single mobile home.
9. Mobile Home Stand: That part of an individual mobile home lot which has been reserved for the placement of a mobile home.
10. Permit: A written document issued by the C.E.O. and Building Inspector permitting the construction, alteration or expansion of a mobile home park.
11. Person: Any individual, firm, trust, partnership, public or private association or corporation.
12. Property Line: A recorded boundary of a plot.
13. Tract: A tract is a piece of land whose boundaries have been described or delimited by a legal instrument or map recorded in the office of the Register of Deeds.

Section 3: Permit for Mobile Home Park

It shall be unlawful for any person to construct, alter or extend any mobile home park within the corporate limits of Old Fort unless he holds a valid permit issued by the Code Enforcement Officer and Board of Aldermen in the name of such person. Said permit shall not be issued until a plan for the proposed construction, alteration or extension has been submitted to and approved by the C.E.O. and Board of Aldermen. Said plan shall be drawn to a scale of no more than 50 feet to the inch and shall show the location of the boundaries of the mobile home property, proposed vehicle exits, entrances and off-street parking spaces, Street layout within the development, mobile home lot layout, the location of water and sewer lines, plans and specifications of all buildings to be constructed within the mobile home park, and such other information as the C.E.O. may deem necessary in order to determine if all requirements of this and other applicable Ordinances are to be met. Any person whose application for a permit under this Ordinance has been denied may request and shall be granted a hearing on the matter before the C.E.O. and Board of Aldermen under the procedure provided by this Ordinance.

(Changed 7-20-1992)

- A. It shall be unlawful for any person to construct, alter or extend any mobile home park within the corporate limits of Old Fort unless he holds a valid permit issued by the C.E.O. and Board of Alderpersons in the name of such person. Said permit shall not be issued until a plan for the proposed construction, alteration or extension has been submitted to and approved by the C.E.O. and Board of Alderpersons. Said plan shall be drawn to a scale of no more than 50 feet to the inch and shall show the location of the boundaries of the mobile home park property, proposed vehicle exits, entrances and off-street parking spaces, street layout within the development, mobile home lot layout, the location of water and sewer lines, plans and specifications of all constructed within the mobile home park, and such other information as the C.E.O. may deem

necessary in order to determine if all requirements of this and other applicable ordinances are to be met. Any person whose application for a permit under this ordinance has been denied may request and shall be granted a hearing on the matter before the C.E.O. and Board of Alderpersons under the procedure provided by this ordinance.

- B. Because of the fact that Main Street and Catawba Avenue are main through-fares of the Town carrying a large volume of local and through traffic, and in order to ensure the continued safe and orderly flow along said streets it is ordained that, from and after the effective date of this ordinance, no permit shall be issued for the construction, alteration or extension of any mobile home park having an entrance from or an exit into Main Street or Catawba Avenue of the Town of Old Fort.

Main Street is to include all of U.S. Highway 1/ 70 presently inside the town limits, and any to be annexed in the future: Catawba Avenue is to include all of N.C. State Road 1/ 1103 presently inside the town limits, and any to be annexed in the future.

(Changed 7-20-92)

Section 6: Notices, Hearings and Orders

6.1

Whenever the Building Inspector or C.E.O. denies the issuance of a permit or license or determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, the Building Inspector or C.E.O. shall give notice of such denial or alleged violation to the person denied or who is responsible for such alleged violation as herein after provided.

- A. Such a notice shall be in writing.
- B. Include a statement of the reasons for its issuance.
- C. Allow a reasonable time for the performance of any act it requires.
- D. Be served upon the owner or his agent as the case may require, provided: that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last know address, or when he has been served with such notice by any method authorized or required by the laws of North Carolina;
- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

Section 6.2 Hearings before C.E.O. and Board of Aldermen

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Ordinance, may request and shall be granted a hearing on the matter before the C.E.O. and Board of Aldermen provided: that such person shall file in the office of the C.E.O. a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the notice was served, The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under Subsection 6.4. Upon receipt of such petition, the C.E.O. shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such a hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed, provided: that upon application of the petitioner the C.E.O. may postpone the date of the hearing for a reasonable time beyond such ten day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.

Section 6.3 Compliance

After such hearing the C.E.O. shall make findings as to compliance with the provisions of this Ordinance and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in Section 6.1. Upon failure to comply with any order sustaining, modifying or withdrawing a notice, any permit or license previously issued concerning the mobile home park effected by the order shall be revoked.

Section 6.4 Emergency Action

Whenever the enforcing agency finds that an emergency exists which requires Immediate action to protect the public health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the C.E.O. shall be afforded a hearing as soon as possible. The provisions of Section 6.2 and 6.3 shall be applicable to such hearing and the order Issued thereafter.

Section 6.5 Court Order on Violations

If any person continues to operate a mobile home park after revocation of a license to operate such mobile home park as provided in this Ordinance, the C.E.O. may request that the Board of Aldermen, at its next regular meeting, adopt a resolution directing the Town Attorney to petition a court of competent jurisdiction for an order directing such person to comply with the order of the C.E.O. to revoke said license as authorized by G.S. 160A-175.

Section 6.6 Temporary Injunction

Any person aggrieved by an order issued by the C.E.O. shall have the right, within thirty days after issuance of the order, to petition a court of competent jurisdiction for a temporary injunction restraining the C.E.O. pending a final disposition of the cause.

Section 7: Variances

Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result In unnecessary hardship or practical difficulty, the C.E.O. is authorized to vary the requirement of this Ordinance provided that:

1. The unnecessary hardship or practical difficulty results from extraordinary and exceptional conditions pertaining to the particular place or property in question because of its size, shape or topography.
2. The variance is the minimum necessary to allow the use of the land for a mobile home park.
3. The variance will, not be detrimental to the public health and safety.

Section 8: Development Standards

1. There shall be no more than eight (8) mobile homes per acre.
2. No mobile home shall be located closer than twenty (20) feet from any other mobile home, except that accessory structures as defined in this Ordinance shall not be located closer than ten (10) feet from any other accessory structure or mobile home.

3. There shall be a least two (2) off-street parking spaces for each mobile home lot. These spaces shall be provided either on the same lot as the mobile home served or In a designated parking area serving several or all mobile home lots within the mobile home park.
4. No mobile home shall be located closer than ten (10) feet to any property boundary line of the mobile home park not abutting a public street or highway. When the property abuts a public street or highway no mobile home shall be closer than twenty-five (25) feet to the property line abutting said public street or highway.
5. All streets within a mobile home park shall be either paved or graveled to a width of at least twenty (20) feet.
6. All lots within a mobile home park shall have unobstructed vehicular access to a public street or highway.
7. Anchors or tie-downs such as cast-in-place concrete "dead-menu eyelets imbedded in concrete screw augers or arrowhead anchors shall be placed at least at each corner of the mobile home stand and each device shall be able to sustain a minimum load of 4,800 pounds.
8. The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other force activity on the structure.
9. All mobile home lots within a mobile home park shall be served by the municipal water and sewer systems.
10. The grounds of the mobile home park shall be maintained in a clean, slightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance.

Section 9: Penalties

Any person who violates any provision of this Ordinance shall, upon conviction, be punished by a fine of \$50.00. Each day's failure to comply shall constitute a separate violation. The imposition of any such fine shall not bar any other relief or penalties otherwise applicable.


Section 10: Severability

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 11: Effective Date

This Ordinance shall be effective upon adoption.

ADOPTED MAY 12, 1986


JEANETTE C. BEACH, TOWN CLERK