

CHAPTER 152: MANUFACTURED HOMES

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§ 152.01 PURPOSE AND AUTHORITY.

(A) Manufactured homes have become an important factor in providing safe and sound housing for the residents of the county, with increasing acceptance of this type of housing indicated by the constantly rising number of such housing units. To maintain a safe, sanitary environment for the occupants of manufactured homes and residents of manufactured home parks; to protect the ecologically sensitive mountain slopes; and to insure compatibility with conventional housing, these regulations are provided.

(B) The following regulations for the protection of the public and for insuring the compliance with the manufactured home manufacturing standards are hereby adopted pursuant to authority granted by G.S. § 130-17, and G.S. Chapters 143 through 149; and pursuant to the authority granted by G.S. 160D-910, the County Commissioners do hereby ordain and enact into law the provisions of this chapter.

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING INSPECTOR. Any person who is employed by the county as a designated building inspector.

CERTIFICATE OF OCCUPANCY. The official document issued by the county to certify that all work to make the structure suitable for occupancy has been completed in accordance with all pertinent state and local regulations and ordinances.

COUNTY. Any reference in this chapter to county shall mean Ashe County.

Familial Relationship. – For purposes of this chapter, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

G.S. (GENERAL STATUTES). Official law provisions enacted by the North Carolina General Assembly.

HEALTH DIRECTOR. The County Health Director or authorized representative.

MANUFACTURED HOME A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act. For manufactured homes built before June 15, 1976, "manufactured home" means 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 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

MANUFACTURED HOME PARK. The sale or rental of any site or tract of land upon which three (3) or more manufactured homes occupied for dwelling or sleeping purposes are located.

MANUFACTURED HOME TEMPORARY PERMIT. A certificate issued by the County Planner allowing occupancy or use for a stated time, describing work to be done in order to achieve compliance with the provisions of this chapter by the applicant.

MANUFACTURED HOME SPACE. That portion of land in a manufactured home park allotted or designed for accommodation of one manufactured home.

MOBILE HOME. A commonly used expression for a manufactured home and prior to the adoption of MANUFACTURED HOME as the official designation, described any trailer or other vehicle manufactured before June 15, 1976; maintained, offered or used for living or sleeping purposes; equipped or intended to be equipped with a wheel or wheels or similar devices for the purpose of transporting the unit; in the traveling mode is eight body feet or more in width or 40 body feet or more in length; and when erected on site has 320 or more square feet of heated floor space. For purposes of this chapter, a MOBILE HOME shall be regulated as a manufactured home.

OPERATOR. The person who owns or is responsible for operation of a manufactured home park.

PERSON. Any individual, natural person, firm, partnership, association, corporation, legal representative or other recognized legal entity.

SHALL. Any place the word "shall" appears in this chapter it is mandatory.

SKIRTING. For the purposes of this chapter, skirting is the approved material from the bottom of the manufactured home to the surface of the ground upon which the manufactured home is sited.

TERRITORIAL JURISDICTION. For the purposes of this chapter, an area that is subject to the regulations of Ashe County, which excludes areas inside incorporated municipality boundaries and areas claimed as extraterritorial jurisdiction by an incorporated municipality. (At the time of adoption of this chapter, incorporated municipalities are Jefferson, Lansing and West Jefferson.)

UNDERPINNING. Any reference to underpinning in this chapter shall mean the same as skirting.

§ 152.03 STANDARDS FOR MANUFACTURED HOMES.

(A) Every manufactured home dwelling unit, whether permanent, seasonal, or temporary in use that is placed or moved from within or outside the county shall have a water and sewage disposal system approved by the North Carolina Department of Environmental, Health, and Natural Resources, or its successor organization.

(B) The minimum lot size for a manufactured home not located in a manufactured home park shall be 20,000 square feet. This minimum size may be increased in certain watershed areas as required by the North Carolina Department of Environment, Health and Natural Resources, or its successor organization.

(C) Construction of the foundation shall comply with the North Carolina Building Codes as set out in G.S. Chapter 143, Article 9B, "Uniform Standards Code for Manufactured Homes." Skirting material shall be installed in accordance with the requirements in the State of North Carolina Regulations for Manufactured/Mobile Homes handbook, chapter 4.7.7, page 61.

(D) All manufactured home units sold, purchased, or carried into the county's territorial jurisdiction after June 15, 1976, shall have permanently affixed a label of certification required by HUD to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States to indicate that the manufactured home conforms to all applicable federal construction and safety standards, in accordance with G.S. Chapter 143, Article 9B, "Uniform Standards Code For Manufactured Homes".

(E) The legal status of any manufactured home built before June 15, 1976 that does not have a permanently affixed label of certification from HUD, and lawfully sited within the county's territorial jurisdiction before the effective date of this chapter, shall not be affected.

§ 152.04 MANUFACTURED HOME PARKS.

(A) (1) Any person desiring to own or operate a manufactured home park shall submit a comprehensive plan at the time of application for a permit. Upon final approval, a plat of the external boundaries of the manufactured home park shall be recorded in the office of the County Register of Deeds. Such plat must meet requirements of G.S. § 47-30.

(2) The comprehensive plan shall be drawn to scale of not less than 100 feet to the inch and shall show the following:

(a) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park; date, north arrow, and the boundary lines of the tract with accurate linear and angular dimensions drawn to the described scale.

(b) The locations of existing and platted property lines, streets, buildings, water courses, railroad rights-of-way, bridges, water mains, sewers, culverts, drainpipes and any utility easements on the land to be developed as a manufactured home park. The names of adjoining subdivisions or the names of owners of adjoining parcels.

(c) Locations and dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, and other spaces, reservations, trailer spaces and building lines within the manufactured home park.

(d) Proposed utility layouts (sewer line, water lines, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plans for electric lighting; and the location and number of garbage receptacles. Water and sewer systems shall meet the requirements of the North Carolina Department of Environment, Health and Natural Resources, or its successor organization. All wired connections from meter to manufactured home must comply with the national electrical codes.

(B) Dimensional site requirements for all manufactured home parks shall be as follows:

(1) The minimum size lot, tract or parcel of land to be used for a manufactured home park shall not be less than one acre in size and shall contain sites for at least three manufactured homes. If an approved community sanitary system is provided, there shall be no more than six manufactured homes per acre.

(2) No manufactured home shall be located closer than 20 feet to any other manufactured home or residential structure, except that storage or other auxiliary structures adjacent to and for the exclusive use of any one manufactured home is exempt from this requirement.

(3) No manufactured home shall be located closer than 30 feet to any public right-of-way or space used for laundry, recreation, or other similar community purposes, and shall be located no closer than 25 feet to the exterior boundary of the manufactured home park or the right-of-way of a bordering public road or street, or no closer than 20 feet to the roads inside the manufactured home park.

(4) Each manufactured home space shall abut a driveway within the park area. The driveways shall be graded and surfaced with not less than four inches of crushed stone or other suitable paving material on a well compacted sub-base to a continuous width of 25 feet, exclusive of required parking space.

(5) Two off-driveway parking spaces with not less than four inches of crushed stone or other suitable paving material on a well compacted sub-base shall be provided for each manufactured home space. Required parking may be included within the minimum required lot area for each manufactured home space. Additional parking spaces for other vehicles may be provided.

(6) At least 200 square feet of recreation space for each manufactured home as common recreation space for residents of the manufactured home park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.

(7) Cul-de-sacs, when required, shall be provided with turn-around having a 40-foot radius. All interior streets shall be retained as private streets on the manufactured home park property.

(8) A 20-foot wide buffer shall be provided around the perimeter of the manufactured home park. The purpose of the buffer is to create the impression of spatial separation between parks and adjacent land uses without eliminating visual contact. Buffers shall consist of plantings of evergreen trees spaced no less than 30 feet apart. Such trees shall be at least four feet high at the time of planting and shall reach a height of no less than 20 feet at maturity. In addition, plantings of low growing shrubs, bushes, or trees shall be placed at ten-foot intervals. Plantings within buffer areas shall be staggered unless topography is prohibitive. No plantings shall be placed in a public road right-of-way. A list of permissible trees may be obtained from the County Extension Service.

(C) Each manufactured home park shall provide minimum facilities for manufactured home occupants as follows:

(1) All plumbing installations shall conform to the county building codes. Each manufactured home shall be required to make a separate connection with sanitary sewer facilities immediately upon occupying a manufactured home site. A minimum of a four-inch connection shall be required and shall have approved fittings to insure a water-tight connection and means for capping or closing such connection when it is not in use.

(2) Two garbage containers, with a total of 20-gallon minimum capacity shall be provided for each manufactured home, and containers shall be placed on racks located within the manufactured park at a point which is readily accessible for collection. In lieu of requiring individual garbage and trash containers for each manufactured home, other approved garbage and trash disposal facilities may be provided with the approval of the County Planning Board.

(3) It shall be the responsibility of the owner and operator to keep the manufactured home park in a reasonably clean and sanitary condition at all times, and to maintain and keep in good repair all required manufactured home park facilities. All waste water from washing machines and other similar sources shall be discharged into the manufactured home park's sanitary sewer system and under no circumstances shall such wastes be discharged on the ground or in a stream.

§ 152.05 APPROVAL OF PLANS.

(A) A manufactured home park plan meeting the requirements of § 152.04 shall be submitted for review and approval by the Planning Board before any improvements are made to land proposed for a manufactured home park. This plan shall be submitted to the County Planner in eight copies at least 15 days before the meeting of the Planning Board at which it is to be reviewed.

(B) The Planning Board shall review this plan for any changes required in order that the manufactured home park may comply with this chapter. After revisions in the plan, if required, the Planning Board will take formal action within two regularly scheduled meetings after the meeting at which the plan was first reviewed. Failure to take formal action within this time period shall have the same effect as a recommendation that the plan be approved. Within five days after its final action on the plan, the Planning Board shall

notify the builder/ developer by letter of its recommendation. Within ten days after final approval the builder/developer shall pay the required fees and file a copy of the approved plan with the County Building Inspector.

(C) Every decision of the Planning Board shall be subject to review at the request of the aggrieved party by the Board of Adjustment. The appeal to the Board of Adjustment must be filed within 30 days from the notification of the Planning Board's action.

§ 152.06 TEMPORARY PERMIT.

(A) Individual manufactured homes or prefabricated units may be used as temporary residences, temporary offices, temporary security quarters, or other temporary uses, provided a permit is obtained from the County Planner for good cause shown. Application for such permit shall be made to the County Planner 15 days prior to anticipated temporary usage.

(B) Every temporary use manufactured home or prefabricated unit placed in the county shall have water and sewage disposal systems approved by the North Carolina Department of Environment, Health and Natural Resources, or its successor organization. Such approval shall be in writing and provided to the County Planner.

(C) Temporary permits may be initially issued for a maximum 12-month period, and may be renewed for successive six-month periods by the County Planner for good cause shown. An adverse decision by the County Planner may be appealed to the Planning Board.

(D) A standard manufactured home location permit shall be issued by the County Planner to the County Building Inspector upon compliance by an applicant with all rules and regulations contained in this chapter.

§ 152.07 TEMPORARY PERMIT EXPIRATION AND REVOCATION.

(A) In the event the County Building Inspector or County Planner has determined that the owner, contractor, or permittee to whom has been issued a manufactured home temporary permit has failed to comply with the provisions of the temporary permit, a certificate of occupancy for the housing unit will be denied.

(B) A temporary permit shall expire 120 days after the date of issuance, if the work authorized by the permit has not been commenced. If after commencement, the work is discontinued for a period of 12 months, the permit shall expire. Work authorized by any permit that has expired shall not continue until a new permit has been secured

(C) If the manufactured home is not conforming to the required standards after the expiration date of the last valid temporary permit, the owner will be required to remove the manufactured home from Ashe County. Provided, that the owner will not be cited for a violation within 30 days from that expiration date, and if the owner has brought the manufactured home into the required standards within the 30 days, upon payment of a separate inspection fee to the building inspector to re-inspect the manufactured home, the owner may obtain a certificate of occupancy.

(D) If the owner of the manufactured home is not in compliance within the allotted time, then the provisions of condemnation, as described in state law shall be invoked.

§ 152.08 VARIANCES.

Where, because of conditions peculiar to the site, strict adherence to the provisions to this chapter would cause an unnecessary hardship, a written petition for a variance shall be considered by the Board of Adjustment, which may authorize a variance if it can be made in fairness to other applicants and without destroying the intent and purposes of this chapter. Any authorized variance shall be entered in writing in the official minutes of the Planning Board with the reasons described for which the exception was made.

§ 152.09 AMENDMENTS.

(A) The provisions of this chapter may from time to time be amended, supplemented, changed, modified, or repealed by the County Commissioners.

(B) The Planning Board may consider and make recommendations to the County Commissioners concerning proposed amendments.

§ 152.10 CONFLICT WITH OTHER ORDINANCES.

The provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety or general welfare. Whenever the requirements of this chapter are in conflict with any other lawfully adopted regulations or statute, the most restrictive or that imposing the higher standards shall govern.

§ 152.11 CONFLICT OF INTEREST.

Administrative Staff. – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government. Pursuant to the authority of 160D-109.

§ 152.12 SEVERABILITY.

Should any section or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part thereof which is not specifically declared to be unconstitutional or invalid.

§ 152.13 APPEALS

An applicant requesting approval of a manufacture home or manufactured home park who are aggrieved by a decision by the Planning Department may appeal said decision to the Board of Adjustment. The appeal shall be submitted in writing to the Board of Adjustment within thirty calendar days of receipt of notice of decision. If notice of decision is sent by mail, it must be presumed it is received on the third business day after it is sent (see G.S. § 160D-405(c)).

(A) During an appeal, the official who made the decision (or their successor if the official is no longer employed) must appear as witness to the appeal, pursuant to G.S. § 160D-406.

(B) All enforcement actions, including fines, must be paused during an appeal (G.S. § 160D-405).

§ 152.14 EFFECTIVE DATE.

This ordinance shall become effective _____.

§ 152.99 PENALTY.

(A) Each day of a violation of this chapter shall be a separate offense.

(B) Financial penalties. In addition to criminal penalties for a violation of this chapter, the Board of County Commissioners may impose civil penalties for each day's continuation of the offense. The amount shall be limited to \$500. A penalty unpaid 30 days after the offender has been cited for violation of this chapter may be recovered in a civil action in the General Court of Justice.

(C) Other remedies. All appropriate remedies for relief authorized by G.S. § 160D-404, including orders for mandatory and prohibitory injunctions and for abatements, may be used to enforce this chapter.