

MANUFACTURED HOME AND MANUFACTURED HOME PARK ORDINANCE



Gates County, North Carolina

Adopted November 1, 1999

Amended June 5, 2006

Amended January 8, 2007

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TABLE OF CONTENTS

SECTION 1. AUTHORITY AND ENACTMENT CLAUSE	3
SECTION 2. TITLE	3
SECTION 3. JURISDICTION.....	3
SECTION 4. DEFINITIONS	3
SECTION 5. REGULATING INDIVIDUAL MANUFACTURED HOMES.....	6
SECTION 6. PROCEDURE FOR SECURING APPROVAL OF MANUFACTURED HOME PARKS.....	8
SECTION 7. DESIGN STANDARDS	11
SECTION 8. ADMINISTRATION.....	18

MANUFACTURED HOME AND MANUFACTURED HOME PARK ORDINANCE

GATES COUNTY, NORTH CAROLINA

Adopted November 1, 1999 / Amended June 5, 2006

SECTION 1. AUTHORITY AND ENACTMENT CLAUSE

This ordinance is designed to accomplish the following specific objectives, (a) to further the orderly layout of manufactured home parks and individual manufactured homes on individual lots; (b) to secure safety from fire, panic, and other dangers; (c) to provide adequate light and air; (d) to insure that facilities for transportation, parking, water, sewerage, and recreation are provided for manufactured home park residents.

Pursuant to the authority conferred by Chapter 153A-121 of General Statutes of North Carolina and any other applicable law,

NOW, THEREFORE, The Board of Commissioners of Gates County, North Carolina, does ordain as follows:

SECTION 2. TITLE

This ordinance shall be known as "The Manufactured Home and Manufactured Home Park Ordinance of Gates County, North Carolina," and may be cited as the "Gates County Manufactured Home Ordinance."

SECTION 3. JURISDICTION

These regulations shall not be applied to Modular Homes (subject to NC Building Code); this set of regulations has been created to govern the establishment of each and every new manufactured home coming into Gates County, as well as manufactured home parks, and any addition or expansion of existing manufactured home parks within Gates County, excluding area within any municipality. This ordinance shall also govern within the jurisdiction of any municipality whose governing body by resolution agrees to such regulation.

SECTION 4. DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

4.0 Interpretation of Commonly Used Terms and Words

Buffer Strip or Planted Screen: A planted strip at least ten (10) feet in width and three (3) feet in height composed of two rows of deciduous or evergreen trees or a mixture of each, spaced not more than ten (10) feet apart with the trees of each row staggered so that there is a tree planted along the length of the boundary every five (5) feet in one of the rows. In lieu of a "buffer strip or planted screen" the Planning Board may approve a solid fence impervious to sight to a height of six feet along the perimeter of a park where the size of the park and its relationship to adjoining property would not warrant the cost and maintenance of a planted screen.

Community Water Supply: Is a public water supply approved by the North Carolina State Board of Health and the Gates County Health Director that serves a community that is not an incorporated municipality. This includes unincorporated communities, and/or manufactured home parks having ten (10) or more connections.

Construction Permit: A permit issued by the Enforcement Officer authorizing the manufactured home park developer to construct a manufactured home park in accordance with a park plan approved by the Gates County Planning Board and the Gates County Health Department.

Developer: Any person, firm, partnership, association, or corporation engaged in development, or proposed development, of a manufactured home park.

Enforcement Officer: The person or persons appointed by the Gates County Board of Commissioners to enforce the provisions of this ordinance.

Florida Room: One prefabricated room designed and manufactured specifically for manufactured homes; doublewide manufactured homes are not included in this definition.

Major Collectors: Any manufactured home park street or road intersecting or providing direct access to a State Highway Commission maintained road, or a street that regularly serves forty percent of the residents of the park.

Manufactured Home: A factory-built, single-family structure that is built to meet the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401), is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Modular Home: A home built in modules at a factory, transported to the home

site on truck beds, then placed on a permanent foundation and joined by local contractors. These structures differ from mobile homes or other types of manufactured housing in that they are constructed to either conform to or exceed all state, local or regional building codes at their destinations.

Minor Collector: Any manufactured home park street or road serving only to provide access to the individual spaces.

Mobile Home: A transportable, factory-built home, designed to be used as a residential dwelling and manufactured prior to the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective on June 15, 1976.

Manufactured Home Park: Any plot of ground upon which two (2) or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

Manufactured Home Park Plan: A plan of a proposed manufactured home park, prepared by the developer in accordance with Section Six and presented to the Gates County Planning Board for approval.

Manufactured Home Space: Any parcel of ground within a manufactured home park, designated for the exclusive use of one manufactured home.

Operating Permit: A license issued by the Enforcement Officer to a manufactured home park owner or operator upon the completion of a manufactured home park which conforms to the requirements of this ordinance.

Public Sewer System: Shall mean any sewerage system approved by the North Carolina State Board of Health and the Gates County Health Director serving ten (10) or more customers.

Public Water Supply: Shall mean any water supply approved by the North Carolina State Board of Health and the Gates County Health Director furnishing potable water to ten (10) or more residences or businesses or connection of residences or businesses.

Service Road: A road providing service to manufactured home spaces except that a service road shall not be any street or road that provides vehicular access to a manufactured home space, unless said space has direct access to a minor collector street or road.

Sewer Riser Pipe: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured home lot.

Site Number: The number attached or painted in four-inch (4") high permanent lettering to the manufactured home electrical service.

Rental Manufactured Homes: Manufactured homes that are available on a rental or lease basis.

Street Jogs: Two "T" intersections with a street or road (on opposite sides of the road) where intersecting streets have centerlines closer than 125 feet.

SECTION 5. REGULATING INDIVIDUAL MANUFACTURED HOMES

5.1 Mobile Homes Prohibited

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 the jurisdiction. Mobile homes existing in the County at the time of the adoption of this ordinance shall be allowed to continue.

5.2 Certificate of Compliance Required

When a manufactured home is sited within Gates County for the first time, or when a manufactured home is moved from one site to another in Gates County, no person shall occupy such home for residential purposes until a certificate of compliance and occupancy has been obtained from the Enforcement Officer.

5.3 Certificate to be issued-when conditions are met

The Enforcement Officer shall issue a certificate indicating compliance with the appropriate County regulations and authorizing occupancy of the home for residential purposes when the following conditions have been met, and notices have been received:

A. Individual manufactured homes located within the rural areas of Gates County shall meet the minimum lot and yard requirements of Gates County. These being as follows:

- 1) All lots shall have an area of at least forty-three thousand, five hundred and sixty (43,560) square feet.
- 2) All lots shall have a minimum lot width of 175 feet.
- 3) All lots shall have a minimum mean depth of not less than two hundred (200) feet.

- 4) The minimum set back from property lines shall be as follows:
 - (a) From the front property line, forty (40) feet.
 - (b) From the side property line, twenty (20) feet.
 - (c) From the rear property line, twenty (20) feet.

- B. The area directly beneath the manufactured home shall be maintained in such a manner as to eliminate weeds where rodents, varmints, snakes and spiders can harbor. Lumber, pipe, and other building materials shall be stored at least one foot above the ground.

- C. Individual manufactured homes set up on land used as a “rental” lot for a singlewide or doublewide mobile homes recorded and platted prior to June 5, 2006 must be under skirted with vinyl or metal materials. Under skirting materials must be in place prior to final inspection and issuance of certificate of compliance/certificate of occupancy

- D. Individual manufactured homes shall be set up on lots recorded and platted after June 5, 2006 shall be set up on land owned by the owner of the manufactured home. The manufactured home must be properly tied down to a permanent foundation, the wheels, tongue, and axles removed. A brick or block under skirting shall be required for all individual manufactured homes set up in Gates County and must be in place prior to final inspection and issuance of certificate of compliance/certificate of occupancy.

- E. The homeowner shall be allowed a period of sixty days (60) to surrender the VIN (vehicle identification number) and Title Number to the North Carolina Department of Motor Vehicles (NC DMV) and to obtain a copy of the letter of confirmation to file with the Gates County Department of Planning and Development Services building inspectors. Once the VIN number has been surrendered and a letter of confirmation has been obtained from the NC DMV, the homeowner must file an Affidavit for Removal from Vehicle Registration Files with the Gates County Register of Deeds certifying the manufactured home is classified for tax purposes as REAL PROPERTY.

- F. Written notification from the Health Officer that a sewage disposal system complying with its rules has been installed on the site.

- G. Written notification from the Health Officer that a source of water for domestic uses complying with its rules, or the State Department of Water and Air Resources, is available to the manufactured home as sited.

- H. Every property owner of an individual manufactured home shall purchase and display, in a conspicuous place on the home on the side of the home facing the street, the number assigned by Gates County Emergency Management Central Communications. It shall be unlawful to display numbers less than three inches in height and to use numbers that do not contrast with background they are placed on. It shall be unlawful for any person to alter, deface or

take down any number placed on any property in accordance with this ordinance, except for repair or replacement of the number.

SECTION 6. PROCEDURE FOR SECURING APPROVAL OF MANUFACTURED HOME PARKS

6.1 Approval Required

No manufactured home park within the jurisdiction of Gates County shall be established or expanded until a construction permit has been issued by the Enforcement Officer, authorizing such construction.

6.2 Mobile Homes Prohibited

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 any manufactured home park approved under this ordinance. Mobile homes existing in the County at the time of the adoption of this ordinance shall be allowed to continue.

6.3 Manufactured Home Park Construction Permit

- A. Prior to the construction of a new manufactured home park or the expansion of an existing manufactured home park, the developer shall make application to the Enforcement Officer for a permit to construct or expand such a park. The application shall be accompanied by five (5) copies of the proposed park plan. Such application must be received at least thirty (30) working days prior to a regularly scheduled meeting of the Gates County Planning Board, if the application and proposed park plan is to be reviewed by the Planning Board at that time.
- B. A registered surveyor or engineer's signature shall not be required on manufactured home park plans for manufactured home parks of nine (9) or less manufactured home spaces. All manufactured home parks often (10) or more shall exhibit the seal and signature of a registered surveyor or engineer. Any addition to an existing manufactured home park shall present a plan as required by this ordinance. Any addition to an existing manufactured home park that brings the total spaces in the park to ten (10) or more shall present a plan executed by a registered engineer or surveyor. In addition, any manufactured home park of nine (9) or less spaces approved after the effective date of this ordinance shall provide the Planning Board with plans showing the entire park (including the original spaces), when an expansion of the park would bring the

park to ten (10) or more manufactured home spaces.

- C. The park plan shall be drawn at a scale of fifty (50) feet to one (1) inch or larger and shall include the following:
- 1) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.
 - 2) Date, scale, and approximate North Arrow.
 - 3) Boundaries of the tract shown with bearings and distances.
 - 4) Site plan showing streets, driveways, open areas, parking spaces, service buildings, water courses, easements, manufactured home spaces, and all structures to be located on the park site and all existing structures.
 - 5) Vicinity map showing the location of the park and the surrounding land usage.
 - 6) Names of adjoining property owners.
 - 7) Land contours with vertical intervals of not more than two (2) feet shall be provided for all manufactured home parks that have sufficient land area for twenty-five (25) spaces or more.
 - 8) Manufactured home spaces well defined.
 - 9) Surface water drainage plans.
 - 10) Method of surfacing roads within the park.
 - 11) Location and intensity of area lights and typical connections to manufactured homes and/or travel trailer, or a statement from the power company serving the area where the park is to be located indicating that it will be responsible for design and installation of the electric system.
 - 12) The proposed utility system for gas, surface water drainage, streetlights, electrical power, water supply, and solid waste and sewage disposal facilities.

6.4 Review of the Proposed Park Plan by County Agencies

The following agencies shall review the manufactured home park plan and give their written approval of the area of interest designated below before the plan shall be submitted to the Gates County Planning Board.

- A. The District Highway Engineer of the North Carolina State Highway Commission shall review the proposed park plan to determine if the proposed access conforms to the standards of the North Carolina State Highway Commission.
- B. The County Health Department shall review the proposed park plan. This agency shall be responsible for the review of the following, to determine if the plan is in accordance with the minimum health standards and regulations:

- 1) Source of water and water distribution system
 - 2) Sanitary sewerage system;
 - 3) Adequate lot size, if septic tanks are to be used;
 - 4) Adequate facilities for solid waste storage, collection, and disposal.
- C. The Soil Conservation Service shall review the proposed park plan to determine if it lies within the 100-year floodplain.
- D. Each agency shall review the plan within thirty (30) days. Should any agency find deficiencies in the proposed park plan, the developer or his agent shall be notified by the agency to correct such deficiencies in the plan

6.5 Review of the Proposed Park Plan by the Planning Board

- A. The Gates County Planning Board shall review the following to determine if the proposed park plan is in accordance with the design standards set forth in this ordinance:
- 1) Name of the park, name of the owner and/or developer
 - 2) Location map
 - 3) Open areas.
 - 4) Street and lot design and street names.
 - 5) Surface water drainage.
 - 6) Street lighting system.
 - 7) Other features of the park.
- B. If the Planning Board should disapprove the proposed park plan, the reasons for such action and recommended changes shall be given to the park developer or his agent.
- C. After the Planning Board has approved conditionally the proposed park plan, one approved copy shall be sent to the Enforcement Officer and one approved copy shall be given to the developer or his agent.

6.6 Issuance of Construction Permit and Operating Permit

- A. After receiving approval of the park plan by the County Planning Board, the County Health Department, and the District Highway Engineer, the

Enforcement Officer 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 manufactured home park as defined in this ordinance.

- B. If the construction of the park has not begun within twelve (12) months from the issue date of the Construction Permit, the Construction Permit shall become null and void. However, the Planning Board may grant an extension of the Construction Permit if the developer appears before the Planning Board and shows cause.
- C. When the developer has completed the construction of the manufactured home park, he shall apply to the Enforcement Officer for an operating license. The Enforcement Officer and a representative of the Gates County Health Department shall make an on-site inspection of the park.
 - 1) If the plan conforms to the park plan approved by the Planning Board and other agencies, the Enforcement Officer shall issue the developer an operating license.
 - 2) If the plan does not conform to the approved plan the Enforcement Officer shall delay issuance of the operating permit until it comes into conformity.
- D. In no case shall the operating permit be issued for less than the minimum number of spaces required by this ordinance.
- E. The operating permit issued to the developer shall constitute authority to lease or rent spaces in the manufactured home park.
- F. When the manufactured 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.
- G. Individual manufactured home spaces in manufactured home parks, as defined under this ordinance, shall not be sold or transferred as long as the park is in operation.
- H. No living compartment or structure other than "Florida Room" or other prefabricated structure specifically designed for manufactured home use or extension shall be added to any manufactured home within the jurisdiction of this ordinance.

SECTION 7. DESIGN STANDARDS

The following standards shall be considered the minimum requirements of all new manufactured home parks.

7.1 General Requirements

- A. Manufactured home park identification signs shall be limited to one (1) sign per entrance. No sign shall exceed thirty-six (36) square feet in area.
- B. Within a manufactured home park, one manufactured home may be used as an administrative office.
- C. Convenience establishments of a commercial nature, such as food stores, coin operated laundries and beauty parlors, may be permitted in manufactured home parks subject to the following restrictions:
 - 1) Such establishments shall be subordinate to the residential use and character of the park;
 - 2) Such establishments shall be designed to serve the trade and service needs of the park residents.
- D. Mobile homes connected with a fair, carnival, or circus may be parked for the duration of the fair, carnival, or circus, but not to exceed fifteen (15) days, provided that all sewage and solid waste is disposed of in a manner approved by the Gates County Health Department.

7.2 Streets and Parking

- A. Streets:
 Streets located within manufactured home parks consisting of three (3) homes or less must be graded and surfaced with asphalt, concrete, or similar and impervious materials. All streets within manufactured home parks of greater than three (3) homes shall be designated as private and shall be paved to North Carolina Department of Transportation standards.

	Paved with Curb and Gutter	Paved without Curb and Gutter		Graded Street	
		Ditch to Ditch	Paved	Ditch to Ditch	Graded
Major Collectors	28'	38'	30'	N/A	N/A
Minor Collectors	20'	26'	22'	32'	24'
Service Road	12'	14'	12'	14'	14'
Cul-de-Sac	80'	86'	80'	86'	80'

All streets shall be named and marked by street signs. Proposed street

names, regardless of the prefix or suffix used, shall not duplicate or be phonetically similar to the name of any other street or road name anywhere in the County. Street name signs which meet County specifications and traffic control signs which conform to the Manual of Uniform Traffic Control Devices and North Carolina Department of Transportation specifications shall be installed at the expense of the developer.

- B. Parking: Each manufactured home space shall be provided with off-street parking for two (2) cars. Off-street parking located within manufactured home parks consisting of three (3) homes or less must be graded and surfaced with asphalt, concrete, or similar and impervious materials. Off-street parking located within manufactured home parks of greater than three (3) homes must provide parking pads not be less than 20 feet by 20 feet, and shall be graded and surfaced with asphalt or concrete. Each parking pad shall be directly connected to a driveway. Maintenance of such streets and parking areas shall be provided by the owner or operator of the park.
- C. Driveways: Each manufactured home park space shall have direct access onto an approved manufactured home park street or state road by way of a driveway. Driveways located within manufactured home parks consisting of three (3) homes or less must be graded and surfaced with asphalt, concrete, or similar and impervious materials. Driveways located in manufactured home parks of greater than three (3) homes shall be at least ten (10) feet wide, and graded and surfaced with asphalt or concrete.
- D. Permanent dead end streets or cul-de-sacs shall not exceed six hundred (600) feet in length and shall be provided with a turn-around of at least eighty (80) feet in diameter.
- E. Intersections: Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than sixty (60) degrees. Where a street intersects a highway, the design standards of the North Carolina State Highway Commission shall apply. Street jogs of less than one hundred and twenty-five (125) feet shall not be allowed.

7.3 Manufactured Home Spaces

- A. All manufactured homes shall be located on individual manufactured home spaces. Each manufactured home space shall contain at least forty-three thousand, five hundred and sixty (43,560) square feet of ground area. When individual septic tank systems are proposed, the minimum space size shall be increased if the results of percolation tests and subsoil investigations indicate a need for a larger lot size.
- B. Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.

- C. Each manufactured home space shall be located on ground not within the one hundred (100) year flood plain and graded so as to prevent any water from ponding or accumulating on the premises.
- D. Each manufactured home shall be located at least forty (40) feet from any other manufactured home, at least twenty (20) feet from any building within the manufactured home park, at least twenty (20) feet from any property line, and at least twenty (20) feet from the edge of the right-of-way of any street.
- E. Each manufactured home shall be put on a permanent foundation and properly tied down.
- F. The park shall have visual separation from all developed properties with a planted screen of three (3) feet in height or a solid fence of six (6) feet in height. No such screen or fence shall, however, extend nearer to the street right-of-way than the established building line of adjoining lots.
- G. Each manufactured home space shall have a site number, a four (4) inch high permanent lettering attached or painted on the electrical service, in dark letters.

7.4 Utility Requirements

A. Water Supply Requirements

Prior to plan review, the Planning Board or their authorized representative shall determine if County water service is available for the proposed manufactured home park:

- 1) If County water service is available within 1,500 feet of the proposed manufactured home park, the developer shall construct a water system and connect it to the Gates County Water System, subject to the following conditions:
 - a) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction shall be in accordance with the specifications established by the Gates County Water System as prepared by the County's consulting engineer, and shall be submitted with the plan for approval by the Planning Board, the County's consulting engineer, and appropriate State agencies.
 - b) The cost of the construction, connection, and approval of the manufactured home park water system shall be paid by the developer.
 - c) All water mains, laterals, meter boxes, and utility easements

shall be dedicated to the Gates County Water System. Water lines shall be installed within street rights-of-way where possible.

- 2) All new manufactured home lots that shall be connected to an existing waterline shall comply with the rules and regulations of the Gates County Water System including, but not limited to, any installation charge, security deposit, or assessment required by the Water System. These charges, deposits or assessments shall be paid or secured as provided herein prior to the approval by the Planning Board.
- 3) If County or municipal water service is not available, the plans for the construction of the proposed facilities or private water supplies shall meet the standards of the District Health Department, the State Commission on Health Services, or the Division of Environmental Management, whichever is appropriate. Plans with signed approval certificates from the appropriate regulating agency shall be submitted with the plat for review.

B. Sewage Disposal Requirements

- 1) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Water and Air Resources should be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the North Carolina Department of Water and Air Resources. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable.
- 2) Each manufactured home space shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each space that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
- 3) A 2' x 2' concrete apron shall be installed around all sewer connection riser pipes for support and protection.
- 4) The sewer connection shall have a nominal inside diameter of at least four (4) inches, and the slope of any portion thereof shall be at least one-eighth inch per foot. All joints shall be watertight including connection from trailer to sewer riser pipe.
- 5) All material used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent and durable. The inner surface

shall be smooth.

- 6) A clean out with a brass screw-in plug attached by a chain shall be provided for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

C. Solid Waste Disposal Requirements

- 1) The storage, collection, and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, or pollution.
- 2) Each manufactured home shall store all solid waste in standard fly-tight, watertight, rodent-proof containers and shall be located not more than 150 feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all waste. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste.
- 3) Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- 4) All solid waste shall be collected at least twice weekly. Where suitable collection is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All solid waste shall be collected and transported in covered vehicles or covered containers.
- 5) Where municipal or private disposal is not available, the manufactured home park operator shall dispose of the solid waste by transporting to a disposal site approved by the health director.

D. Grounds Maintenance Requirements

- 1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the health director.
- 2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

- 3) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.
- 4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- 5) The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be free of heavy undergrowth of any description.

E. Lighting Requirements

All streets in the manufactured home park shall be adequately illuminated from sunset until sunrise. The minimum size streetlight shall be a 175-watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than four-hundred (400) feet.

7.5 Registration of Occupants

Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and manufactured homes in the park. The register shall be maintained at all times and shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:

- A. Name of owner and occupant.
- B. Site number
- C. Date of arrival and departure of the occupants.

7.6 Ordinance Distribution

A copy of this ordinance shall be on display and be readily available for occupants of the manufactured home park.

7.7 Inspection

- A. The Gates County Health Department and/or the Enforcement Officer are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the

duty of the owners or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection.

- B. The person to whom an Operating License for a manufactured home park is issued shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- C. The park owner or operator shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.

7.7 Loss of Operating Permit

- A. Any manufactured home park that is found to be in violation of this ordinance will cease to operate any and all rental manufactured homes immediately and shall remain liable to renters for fulfillment of contractual obligations. All rental spaces, those plots of land rented or leased to individual owners, shall cease operation at the end of the rental period, not to exceed forty (40) days from date of notice of permit violation. Unless an inspection shows the violation to have been corrected before the end of the forty day grace period, then the permit for all remaining spaces shall be revoked.
- B. Once the forty day grace period has ended, if the owner has not corrected the violation, he shall be required to re-submit his manufactured home park plan in compliance with this ordinance in order to get an operating permit.
- C. The Enforcement Officer shall act to revoke a permit that is in violation of any part of this ordinance.

SECTION 8. ADMINISTRATION

8.1 Existing Manufactured Home Parks

Manufactured home parks existing at the time of the adoption of this ordinance shall be allowed to continue, but shall not be allowed to expand or increase unless such expansion meets fully the requirements set forth in this ordinance. If a manufactured home park, existing before the adoption date of this ordinance, should lose its operating permit, then it shall be subject to the regulations and requirements of this ordinance in the re-application for an operating license.

8.2 Penalty

Any person violating the provisions of this ordinance shall be guilty of misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50) or imprisonment of not more

than thirty (30) days, as provided by General Statutes 14-40.

8.3 Separability

Should any section or provision of these regulations be held void or invalid by the courts for any reason, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.

Wherever the provisions of any other law, ordinance, or regulation impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance, or regulation shall govern.

8.4 Amendment Procedure

This ordinance may be amended from time-to-time by the Gates County Board of Commissioners as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment. A public hearing shall be held by the Board of County Commissioners before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Gates County. Said notice shall be published the first time not less than fifteen (15) nor more than twenty-five (25) days prior to the established date for such public hearing.

8.5 Variances

The Planning Board may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting the variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed manufactured home park, the existing use of land in the vicinity, the number of persons to reside or work in the proposed manufactured home park, and the probable effect of the proposed manufactured home park upon traffic conditions in the vicinity. Variance requests shall be initiated in writing by the property owner prior to the Planning Board meeting. The owner shall specify the reason for the request. No variance shall be granted unless the Planning Board finds:

- A) That there are special circumstances or conditions affecting said property, such that the strict application of the provisions of the ordinance would deprive the applicant of the reasonable use of his land; and
- B) That the circumstance giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction.

8.6 Re-enactment and Repeal of Existing Mobile Home and Mobile Home Park Ordinance

This ordinance in part carries forward by re-enactment some of the provisions of the Mobile Home and Mobile Home Park Ordinance of Gates County, adopted by the Board of Commissioners on November 5, 1973, as amended.

It is not the intention to repeal but rather to re-enact and continue in force such existing provisions of this ordinance so that all rights and liabilities that have accrued there under are preserved and may be enforced. All provisions of this ordinance, which are not re-enacted herein, are hereby repealed.

8.7 Effective Date

This ordinance shall take effect and be in force from and after the 1st day of November, 1999.

Duly adopted by the Board of Commissioners of Gates County, North Carolina, this the 4th day of October, 1999.

ATTEST: 

Chairman of the Board of Commissioners