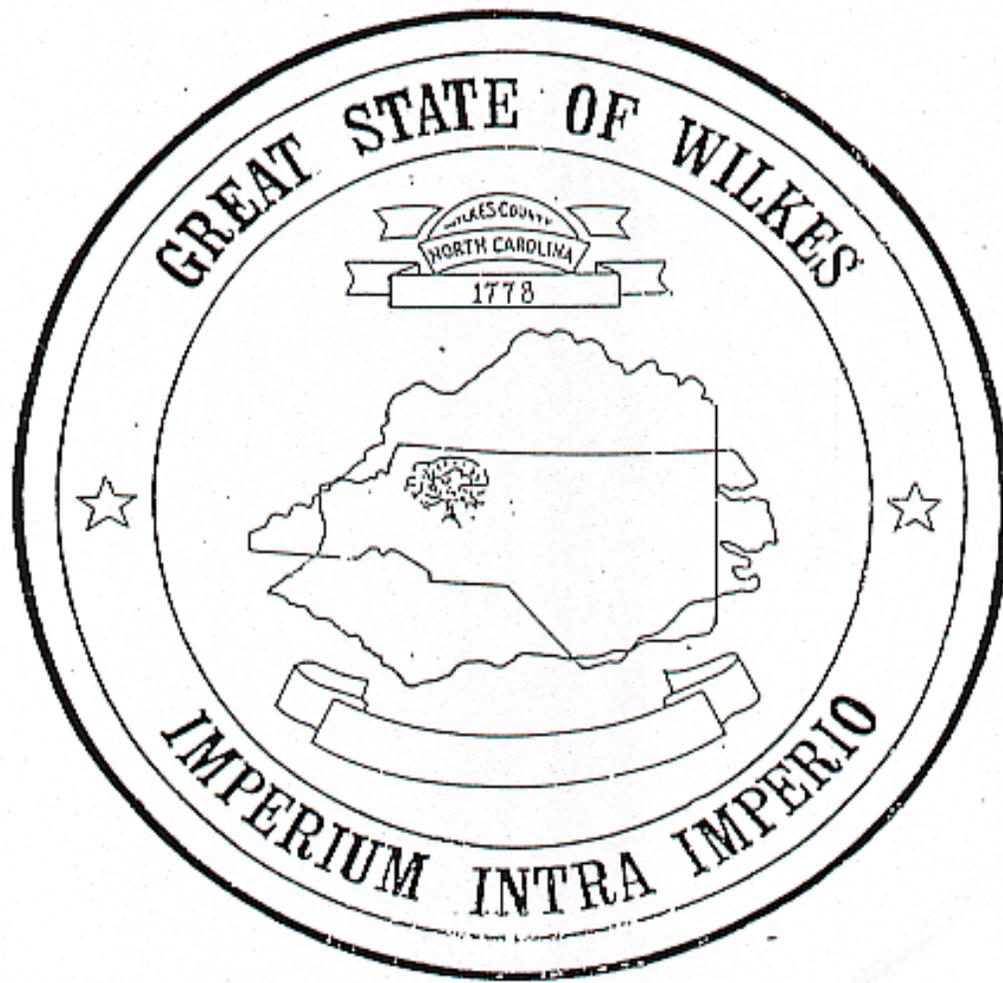


MOBILE HOME PARK ORDINANCE



1 April, 1982

TABLE OF CONTENTS

		<u>PAGE</u>
ARTICLE I	SHORT TITLE	1
ARTICLE II	AUTHORITY AND ENACTMENT CLAUSE	1
ARTICLE III	JURISDICTION	1
ARTICLE IV	PURPOSE	2
ARTICLE V	DEFINITION OF TERMS	2
ARTICLE VI	PROCEDURE	4
ARTICLE VII	INSTALLATION OF PERMANENT REFERENCE POINTS AND IMPROVEMENTS	7
ARTICLE VIII	GENERAL REQUIREMENTS AND MINIMUM STANDARDS	10
ARTICLE IX	RECREATIONAL PARK REQUIREMENTS	10
ARTICLE X	PLAT REQUIREMENTS	12
ARTICLE XI	EXCEPTIONS AND VARIANCES	17
ARTICLE XII	PENALTIES	17
ARTICLE XIII	REMEDIES	18
ARTICLE XIV	AMENDMENTS	18
ARTICLE XV	LEGAL STATUS PROVISIONS	18

MOBILE HOME PARK ORDINANCE

OF

WILKES COUNTY, NORTH CAROLINA

EFFECTIVE

APRIL 1, 1982

--Amended December 7, 1987-by the Wilkes County Board of
Commissioners upon recommendation of the Wilkes Joint Planning
Board

MOBILE HOME PARK ORDINANCE

Amendment:

ARTICLE VI:

Section 63

A Developer adding five (5) or fewer lots to an existing Mobile Home Park/or creating a new park with five (5) or fewer lots may submit a sketch plan, drawn to scale of the proposed development. The sketch plan may be accepted in place of a legally drawn plat. The sketch plan shall show all the information as required by the Mobile Home Park Ordinance and approved by the Wilkes County Planning Director.

The Developer shall use this section only once in the development of a park, regardless of the fact that the addition or new park may involve less than five (5) sites.

Adopted by WILKES COUNTY BOARD OF COMMISSIONERS

August 2, 1982

Mobile Home Park Ordinance
of
Wilkes County, North Carolina

An Ordinance establishing the methods and standards for: regulating mobile homes in development of mobile home parks; defining certain terms used herein; providing for the method of administration and amendment; requiring the installation of certain improvements; providing penalties for violation; repealing conflicting ordinances; and for other purposes.

Article I

Short Title

This ordinance shall be known and referred to as the Mobile Home Park Ordinance of Wilkes County, North Carolina.

Article II

Authority and Enactment Clause

The County Commissioners of Wilkes County, pursuant to the authority conferred by an act of the General Assembly of the State of North Carolina (General Statutes, Chapter 153A Articles 340 347; Chapter 153A Article 330; Chapter 160A Article 441) do hereby ordain and establish into law these Articles and Sections.

Article III

Jurisdiction

This ordinance shall govern all mobile homes in development of mobile home parks lying within Wilkes County, North Carolina. This ordinance may also regulate the territory within the jurisdiction of any municipality whose governing body by resolution agrees to such regulations provided, that any such municipal governing body may, upon, 45 days written notice, withdraw from the jurisdiction of the county mobile home park ordinance, and this ordinance shall not be in effect within that municipality's jurisdiction.

Article IV

Purpose

The purpose of this ordinance is to establish procedures and standards for regulation of mobile homes in development of mobile home parks within Wilkes County in an effort to: insure the orderly location of mobile homes in mobile home parks by legal recordation; to provide for the health, safety, and welfare of the **citizens of wilkes county; and to enhance** the orderly growth, development, and utilization of the physical and economic resources of the County.

Article V

Definition of Terms

Section 50: Definitions . For the purpose of this ordinance, certain words or terms contained herein shall be defined as follows

- 50.1 Shall : The word "shall is always mandatory and not merely directory.
- 50.2 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 more principle components, totally. assembled at the factory and joined together at the site; and (b) is designed so that the total structure (or each component thereof) can be transported on its own chasis; and (c) is 32 feet in length or longer and 8 feet in width or wider; 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 is otherwise defined herein as a mobile home and is permanently attached to its foundation if:(1) the foundation was constructed in such a manner or at such expense as to make it unlikely that the mobile home placed upon it will later be removed; or (2) the mobile home cannot be removed from the foundation without great expense or severe damage to the mobile home.
- 50.3 Mobile Home Park : A mobile home park is: A piece of land, consisting of a minimum of two (2) acres which is so designed and improved to accommodate two (2) or more mobile homes and is licensed as a mobile home park.
- 50.4 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.
- 50.5 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 this ordinance; (b) that is designed and improved in accordance with the requirements of this ordinance to accommodate a single mobile home.
- 50.6 Structure : The word "structure" shall include the word "building" and shall mean any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50% of its perimeter or has a roof.

- 50.7 Accessory Building : An accessory building is a building customarily incidental and subordinate to the principle, building and located on the same lot with the principle building.
- 50.8 Health Department : A temporary permit is: (a) a certificate issued by the enforcement officer authorizing a non-conforming mobile home park to be maintained and operated for a period of 120 days after the period for compliance as stated according to the provisions of this ordinance; (b) a certificate issued by the enforcement officer authorizing a non-conforming mobile home park to be maintained and operated for a period of 120 days for the purpose of affecting repairs in accordance with the requirements of this ordinance for certification as a conforming mobile home park.
- 50.10 Compliance Operating Permit : A compliance operating permit is a certificate issued ~by the enforcement officer authorizing a conforming mobile home park to operate under the provisions of this ordinance for a period of twelve (12) months after which the permit must be renewed.
- 50.11 Performance Bond-: A performance bond is a legal insurance policy which is taken out by the developer to insure the county government that all minimum standards for development will be met.
- 50.12 Planning Department : The words Planning Department as used in this ordinance "shall mean the Wilkes County Planning Department.
- 50.13 Planning Board: The words Planning Board as used in this ordinance shall mean the Wilkes County Joint Planning Commission.
- 50.14 Board of County Commissioners: The words Board of County Commissioners as used in this ordinance shall mean the Wilkes County Board of Commissioners.
- 50.15 Developer: The developer as used in this ordinance shall mean any person, persons, firm, or corporation engaged in the activity of constructing, building, or expanding a mobile home park.
- 50.16 Enforcement Officer : The enforcement officer is an administrative officer appointed by the County Commissioners and authorized to enforce the ordinances of Wilkes County.
- 50.17 Person : Shall mean a firm, corporation, partnership, sole proprietor, park owner, park manager, individual, or individual acting in behalf of another.

Article VI

Procedure

Section 60: Submission of Sketch Plan or Preliminary Plat and General Information: Prior to the submission of a plat application the developer may submit to the Secretary of the Wilkes County Planning Department, at least seven (7) days prior to an appointment with the Planning Department, a simple sketch plan or preliminary plat of the proposed mobile home park development. Included with the sketch plan or preliminary plat shall be a general vicinity map showing the development and its relationship to the surrounding areas. At an appointed meeting with the planning staff, the proposed development is to be reviewed, the developer should discuss the proposed development and become familiar with all regulations governing mobile homes and the related land uses.

60.1 Procedure for Approval of Sketch Plans or Preliminary Plat:

The procedure for obtaining approval of the sketch plan as preliminary plat is as follows:

- a. Submission of at least three (3) black or blue line prints of the proposed development prepared in accordance with the requirements in Article X of this ordinance. Additional prints may be required when deemed necessary.
- b. Submission of two (2) signed statements describing the proposed mobile home park development and land use, and a draft of any mitigation measure (i.e. buffers, open space, recreation space, etc.) as suggested or as required by this ordinance.
- c. Submission of three (3) copies of all required additional information.

60.2 Before taking any action on the sketch plan or preliminary plat, the Planning Board may request information from the District Engineer of the N. C. Department of Transportation, the Director of the Wilkes County Department of Public Health, the Superintendent of County Schools, and other officials or agencies directly affected by the proposed development. All informative reports shall certify compliance and include all comments on pertinent factors which are in the public interest.

Section 61: Submission of the Final Plat: Where a permit or bond is required for the construction of any building and/or other improvement, the permit or bond shall not be issued unless and until the requirements of this ordinance shall have been fulfilled and the final plat shall have been approved by the Board of Commissioners. The procedure for obtaining approval of the final plat is as follows:

- 61.1 The developer shall submit to the Secretary of the Planning Board within one (1) year of the date of the preliminary plat review and at least seven (7) days prior to a regularly scheduled meeting, an original linen or mylar tracing drawn in India ink and at least three (3) black or blue line prints of the final plat.
- 61.2 The final plat shall be properly signed and executed as required for filing with the Wilkes , County Planning Department.
- 61.3 Before taking action on the final plat, the Planning Board may request informative reports from the District Engineer of the N. C. Department of Transportation, the director of the Wilkes County Department of Public Health, the Superintendent of County Schools, and other officials or agencies directly affected by the proposed development. All informative reports shall certify compliance with or note deviations from the requirements of this ordinance and include all comments on pertinent factors which are in the public interest.
- 61.4 If the Planning Board fails to act on the final plat within forty-five (45) days after its submission, the developer may seek final approval of the plat at the next regularly scheduled meeting of the Board of County Commissioners.
- 61.5 If the Planning Board disapproves the final plat, the reasons for such action shall be noted in the Commission's Minutes and reference shall be made to the specific section of the ordinance with which the plat does not comply. A copy of the above shall be submitted to the developer.
- 61.6 At the time of submission of the final plat the developer shall pay to the Wilkes County Planning Department a filing fee of five dollars (\$5.00) per lot.
- 61.7 Upon approval of the final plat, the Planning Board shall submit, with recommendations, the plat to the Board of County Commissioners. Said Board shall approve or disapprove the final plat within forty-five (45) days after its submission by the Planning Board.
- 61.8 Action of the Board of County Commissioners shall be noted on the original linen or mylar tracing -and on the three (3) prints of the final plat. One print and the linen or mylar tracing of the plat shall be returned to the developer for filing. One print shall be filed with the County Clerk and one print shall be a permanent record of the Planning Board.

Section 62: Filing of the Final Plat: Within six (6) months after the final plat is approved by the Board of County Commissioners, it shall have been filed with the Wilkes County Planning Department. Should the six (6) month time limit expire before the plat is filed, it must be re-submitted to the Planning Board for re-processing. Upon the adoption of this ordinance, the Register of Deeds and/or the Wilkes County Planning Department not thereafter file or record a plat of mobile home park development located within the territorial jurisdiction of Wilkes County until said plat has been approved by the Board of County Commissioners. Without the approval of the County legislative body, the filing or recording of a mobile home park development plat shall be null and void. The Clerk of Superior Court of Wilkes County shall not order or direct the recording of a plat where such a recording would be in conflict with this ordinance.

Article VII

Installation of Permanent Reference Points and Improvements

Section 70: Permanent Reference Points: Prior to the approval of the final plat, permanent reference points shall have been established as required in the "Wilkes County Subdivision Regulations" Article VII, Section 70.

Section 71: Installation of Improvements: Before the Board of County Commissioners shall approve a final plat for filing or any permits will be issued by the County, the developer shall have complied with the following requirements:

- 71.1 Road Improvements : It is recommended that all roads and streets shall have a forty-five (45) foot right-of-way. Parks with six (6) or less mobile homes, a sixteen (16) foot graveled street may be used. For parks with more than six (6) mobile homes a twenty (20) foot graveled street may be used. Gravel depth on all streets shall be minimum of 4". The Wilkes Joint Planning Board will review and approve all internal street right-of-ways.
- 71.2 Improvements in Flood Plains: All mobile home parks to be developed in areas subjected to the possibility of flooding as determined by the Federal Insurance Administration and the Planning Board, shall be improved in a manner as specified by the Wilkes County Planning Department so as to raise the minimum elevation in the development area to one foot above the 100-year flood elevation.
- 71.3 Utilities: All private water supplies and sewerage systems shall meet or exceed the minimum standards as required by the North Carolina Division of Health Services and/or the North Carolina Department of Natural Resources and Community Development, and certified by the County Health Department as complying.

Article VIII

General Requirements and Minimum Standards

Section 80: General Requirements

- 80.1 Conformity to Existing Maps and/or Plans : The location and width of all proposed roads shall conform with the official maps and plans of Wilkes County and with existing or amended plans of the Planning Board.
- 80.2 Continuation of Existing Roads : Proposed road layouts shall be coordinated with the existing road system of the surrounding area, and where reasonable, existing principal roads shall be extended.
- 80.3 Contour Map : If, in the opinion of the Planning Board or other County officials or agencies the topographic or drainage characteristics of the land to be developed for use as a mobile home park warrants special consideration, the developer shall submit, upon request, to the Planning Board, a contour map of a specified interval of the area to be developed.
- 80.4 Road Names : All proposed roads which are in alignment with existing roads shall be given the same names. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of the suffix: street, avenue, boulevard, drive, road, court, etc.
- 80.5 Single Mobile Homes : All mobile homes to be used as a single family dwelling by an individual, must comply with all existing or amended requirements and regulations of the "Zoning Ordinance of Wilkes County, North Carolina" with respect to the permitted uses and districts, and shall meet all requirements as specified involving health and safety.
- 80.6 All mobile home parks shall comply with all existing or amended requirements and regulations governing the location of such developments as prescribed in the "Zoning Ordinance of Wilkes County."

Section 81: License and Maintenance Permits :

- 81.1 It shall be unlawful for any person, firm or corporation to maintain or operate a mobile home park within the county except within the provisions as stated in this ordinance and all other applicable laws. The operation of a mobile home park may be continued under a temporary maintenance permit as defined in Section 50.8 for the period of time as specified in Section 81 of this ordinance.

- 81.2 Except as specified in subsection 81.3 and 81.4, the enforcement officer shall not allow electrical hook-ups in any mobile home park not in conformance with this ordinance. The building inspector may periodically inspect any mobile home or mobile home park in Wilkes County for compliance this with ordinance.
- 81.3 A temporary maintenance permit may be issued by the enforcement officer permitting mobile home parks to be maintained and operated for a period of 120 days subject to the provisions as stated in this ordinance.
- 81.4 The permit may be renewed for a period of 120 days if the enforcement officer or Planning Board is satisfied that:
- a. The owner, agent, or lessee shall have diligently demonstrated an effort to make the existing park conform satisfactorily to the requirements and provisions of this ordinance, and;
 - b. Failure to make the existing park conform to the provisions as specified in this ordinance was due to conditions beyond the control of the owner, agent or lessee.
- 81.5 All existing mobile home parks shall be granted a non-conforming status under the 'provisions of this ordinance provided, however, all expansions to existing parks shall conform to the provisions of this ordinance.
- 81.6 Upon the demonstration by the owner, agent or lessee that the mobile home park meets the requirements of this ordinance, to the enforcement officer or Planning Board, an operating compliance permit shall be issued and a fee of five dollars (\$5.00) paid to the Wilkes County Planning Department.
- 81.7 All mobile home park operating privilege licenses shall be valid for a period of twelve (12) months, after which the license must be renewed each year thereafter.

Section 82: Mobile Home Park Minimum Standards : All mobile home parks shall meet the following minimum standards for development and operation in Wilkes County.

- 82.1 Every new mobile home park shall contain at least two (2) or more mobile home lots as defined in this ordinance.
- 82.2 Every mobile home lot as defined in this ordinance shall, provide for the following:
- a. Minimum lot size, with a water system and central sewage system, shall be five thousand (5,000) sq. ft. When public water and/or central sewage system is not

available minimum lot size shall meet Health Department requirements.

- b. Minimum front set-back from all right-of-ways inside the park shall be ten (10) feet.
- c. Minimum rear set-back from the rear lot line shall be fifteen (15) feet.
- d. Minimum side yard set-backs shall be twelve (12) feet.

82.3 No building or support facility shall be located within fifteen (15) feet of the exterior boundary of a mobile home park.

82.4 Where it is determined necessary by the enforcement officer or Planning Board, a buffer shall be placed around the exterior of the park. Fences shall be a minimum of eight (8) feet and provide a visual barrier. Care shall be taken to replace any trees or shrubs that may die.

82.5 Sufficient parking space shall be provided to accommodate two automobiles for each mobile home lot.

82.6 All mobile home parks shall provide all utilities as required in this ordinance.

82.7 All mobile home parks shall be adequately lighted at night. Adequately lighted shall be construed to mean a mercury vapor security light, or its equivalent, with one light placed every four hundred (400) linear feet of street in the park.

Section 83: Facilities : Every mobile home park will provide the essential facilities as stated in this ordinance.

83.1 Each mobile home lot shall be equipped with the plumbing and electrical connections and shall be provided with sufficient electric current as to meet safely peak load demands.

83.2 All mobile home parks shall provide water from public water supply when available, and when unavailable, from a source approved by the district sanitarian. The supply shall be sufficient enough to meet the water requirements for all the mobile homes which the park was designed to accommodate.

83.3 All mobile home parks shall provide for each mobile home lot an adequate sewage disposal system, either by connection to a public sewage system or to a septic tank system constructed in compliance with regulations of the North Carolina division of Health Services and the Wilkes County Department of Public Health. All sewage wastes from each mobile home lot, regardless of origin, shall be piped into the mobile home

park sewage disposal system. Stormwater drainage systems shall not be piped into or in any way connected to the sewage disposal system.

- 83.4 Solid Waste Disposal : All mobile home parks shall provide some method of regular solid waste disposal. All solid waste disposal practices shall be in compliance with accepted practices established by the Board of County Commissioners.
- 83.5 Recreation: All mobile home parks shall provide a recreational area.

Article IX

Recreational Vehicle Parks

Section 90: Purpose : The intent of this article is to establish minimum standards for; the orderly lay out of Recreational Vehicle Parks, to secure safety from fire, panic, and other dangers, to provide adequate light and air, and to insure that facilities for transportation, parking, water, sanitation and yard areas are provided.

Development of Recreational Vehicle (RV) Parks shall conform to and comply with the rules and regulations of the Mobile Home Parks Ordinance except as herein noted.

Section 91: Definitions :

- 91.1 Recreational Vehicle : A vehicular, portable structure build on a chassis, designed to be used, as a temporary residence for travel, recreational and vacation uses, permanently identified as a recreational vehicle by the manufacturers of the unit which either has its own motive power or is mounted on or drawn by another vehicle. The term shall include, but not limited to, travel trailer, camper, truck camper or motor home.
- 91.2 R.V. Park : A parcel, tract, plat or lot, consisting of a minimum of one acre which is designed and improved to accommodate two (2) or more R.V.'s and is licensed as a R.V. Park.
- 91.3 R.V. Site (lot) : A piece of land within an R.V. Park whose boundaries are delineated in accordance with this ordinance and designed and improved to accommodate a R.V.
- 91.4 Service Building : A structure housing a toilet, lavatory and other such facilities as the, Planning Board or Health Department may require.

Section 92: Requirements : The developer shall meet the requirements of Article VI of the Wilkes County Mobile Home Park Ordinance. Also, the developer shall submit a preliminary and final. plat as required by Article VI of the Wilkes County Mobile Home Park Ordinance.

Section 93: Installation of Permanent Reference Points and Improvements :

93.1 Permanent reference points shall be installed in accordance with Article VII, Section 70 of the Wilkes County Mobile Home Park Ordinance.

93.2 Road Improvements :

a. access roads leading to the park shall have a 60' right-of-way.

b. internal streets shall meet the following requirements:

one-way with no parking - 12'

one-way with parking on one (1) side - 18'

two-way with no parking - 20'

two-way with parking on one (1) side - 26'

two-way with parking on two (2) sides - 32'

93.3 Streets shall be maintained in a state conducive to safe vehicular circulation. It is recommended that streets be paved, however, in lieu of paving; gravel may be used but in no case shall the gravel depth be less than 4". Unless other arrangements are made, the developer will be responsible for all road upkeep.

93.4 Utilities : All water supplies and sewerage systems shall meet or exceed the minimum standards as required by the N.C. Division of Health Services and/or certified by the County Health Department.

93.5 Easements : An easement shall be placed on each lot for the purpose of access to the property for inspection and/or maintenance operations.

Section 94: General Requirements

94.1 The developer shall meet the requirements of Article VIII, Section 80 and Section 81.

Section 95: R.V. Park Minimum Standards: involving the selling of lots : All R.V. Parks developed for the purpose of selling R.V. sites shall meet the following minimum standards:

95.1 Every R.V. Park shall contain at least two (2) R.V. lots.

95.2 Every R.V. Lot shall provide for the following:

a. minimum lot size - 2400 sq. ft. Minimum lot size shall, if necessary, be increased to meet Health Department requirements.

b. minimum frontage - 40 ft. Minimum lot frontage shall, if necessary, be increased to meet Health Department requirements.

- c. no accessory buildings shall be -located within 8' of a lot line.
- d. each R.V. lot shall be equipped with plumbing and electrical connections sufficient to safely meet demands.

95.3 No R.V. lot shall be placed on any R.V. lot in an area that is subject to natural disasters; i.e.: flooding, rock falls, land slides, etc.

Section 96: R.V. Park Minimum-Standards; involving the leasing of lots:

96.1 Every R.V. Park shall contain at least two (2) R.V. lots.

96.2 a. maximum density shall be twenty-five (25) spaces per usable acre.

b. each R.V. lot shall be equipped with plumbing and electrical connections sufficient to safely meet demands.

c. at least one service building shall be provided.

d. no R.V. shall be placed on any R.V. lot in an area' that is subject to natural disasters.

Section 97: Facilities :

97.1 Every R.V. Park shall have adequate parking areas. if parking is not available on the lot, than provisions shall be made in other areas. Parking areas may be paved or graveled.

97.2 All R.V. Parks shall provide some method of regular solid waste disposal. All disposal practices shall be in compliance with accepted practices as established by the Wilkes County Board of Commissioners.

97.3 All R.V. Parks shall provide for a recreation area.

Section 98: Restrictions :

98.2 No mobile home, as defined in the Wilkes County Mobile Home Park Ordinance, shall be placed in an R.V. Park except as an office area for the R.V. Park or as a residence for the Park owner.

Article X

Plat Requirements

Section 100: Sketch Plan : A simple sketch plan shall be drawn at an approximate scale of 200 feet to one inch and shall show the tentative street layout, approximate right-of-way width, lot arrangements, drainage and utility easements, sites for schools, parks, churches, . and other nonresidential uses, existing structures, water courses, wooded areas, number of acres devoted to each use, total acres, average lot sizes, approximate number of lots, and existing zoning both on the land to be subdivided and the land immediately adjacent to the proposed development.

Section 101: Preliminary Plat : The preliminary plat or sketch plan shall be at a scale of 100 feet to one inch and will be drawn on a sheet 18 inches by 24 inches. The preliminary plat shall be prepared by an engineer or registered surveyor and shall show the following information:

- 101.1 The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drainpipes, water mains, town limit lines and any other utility easements.
- 101.2 Boundaries of tract shown with bearings and distances.
- 101.3 Wooded areas, marshes, and any other features which should be considered in development of the site.
- 101.4 Names of owners of adjoining property of subdivisions.
- 101.5 Zoning classification, if any, both on the land to be developed and on adjoining lands.
- 101.6 Proposed streets, street names, right-of-ways, pavement widths, and approximate grades.
- 101.7 The location of proposed utilities (sewer, water, gas, electricity) showing connections to existing systems or plans for individual water supply, sewage disposal, storm drainage, etc.
- 101.8 Other proposed right-of-ways easements; locations, widths, and purposes.
- 101.9 Proposed lot lines, lot and block numbers, and approximate dimensions.
- 101.10 Proposed minimum building set back lines.
- 101.11 Proposed parks, school, sites, or other public open spaces, if any.
- 101.12 Title, date, north point, and graphic scale.
- 101.13 Name of owner, engineer or registered surveyor and land planner.
- 101.14 Site Data:
 - a. Acreage in total tract

- b. Acreage in park or other land usage
- c. Average lot size
- d. Lineal feet in streets

101.15 Sketch vicinity map showing relationship between mobile home park and surrounding area.

Section 102: Final Plat : The final plat shall be drawn with India ink at the same scale and on the same sheet size as the preliminary plat and shall conform substantially to the preliminary plat as approved. The final plat shall constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this ordinance. The final plat shall be prepared by an engineer or registered surveyor and shall show the following information:

- 102.1 The right-of-way lines of all roads.
- 102.2 Lot lines and lot numbers.
- 102.3 Minimum building set back lines.
- 102.4 Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 102.5 Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every road line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point.

This should include the radius, central angle, point of tangent, tangent distance and arcs and chords of all curved roads and curved property lines.
- 102.6 All dimensions to the nearest one-tenth (1/10) of a foot and angles to the nearest minute.
- 102.7 Accurate location and description of all monuments and markers.
- 102.8 The names and locations of adjoining subdivisions and roads, and the location and ownership of adjoining property.
- 102.9 Title, date, name and location of mobile home park, and graphic scale.
- 102.10 Name of developer, engineer or registered surveyor and land planner.

- 102.11 Utility layouts:
a. Water
b. Gas
c. Sanitary sewer
d. Storm drainage

102.12 Sketch vicinity map showing relationship between mobile home park and surrounding area.

102.13 Final certifications : The following certifications shall be neatly placed together on the mylar and where possible, aligned horizontally across the top border of the mylar:

- a. Certificate of approval by the Joint Planning Commission.

I, _____, Chairman of the Wilkes County, Wilkesboro, North Wilkesboro Joint Planning Commission, hereby certify that said Commission duly approved the final plat of the Mobile Home Park entitled _____ on the _____ day of _____, 19__.

Chairman

- b. Certificate of Ownership and Dedication.

I (We) hereby certify that, I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby adopt this plan of mobile home park development with my (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted. Further, I (we) certify the land as show hereon is within the platting jurisdiction of Wilkes County.

Date

Owner or Authorized Agent

Owner or Authorized Agent

- c. Certificate of Accuracy
(As required under General Statutes 47-03 as amended)

Date

Engineer or Registered Surveyor

d. Certification of the Approval of Private Water and Sewer System.

This certification is issued subject to the approval of each individual lot by the Wilkes County Health Department and the issuance of an improvements permit for each lot as required by the General Statutes of North Carolina.

Any restrictions or reservations dealing with specific lots and their inability to meet North Carolina law and herein listed below

Date

County Health Officer or his Legal Representative

e. Certificate of approval for Filing Plat and Acceptance of Dedications.

I, _____, the County Clerk of Wilkes County, North Carolina, do certify that on the _____ day of _____, 19__ the Board of County Commissioners approved this plat for filing and accepted the dedication of the roads, easements, right-of ways and public parks and other sites for public purposes as shown hereon, but assume no responsibility to open or maintain the same until, in the opinion of the governing body of Wilkes County it is in the public interest to do so.

Date

County Clerk

Article XI

Exceptions and Variances

Section 113: Exceptions : The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a complete group development, which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 114: Variances : Where because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this ordinance would cause an unnecessary hardship, the Planning Board may recommend and the Board of County Commissioners authorize a variance, if such variance can be made without destroying the intent of this ordinance. Any variance thus authorized is required to be entered in writing in the Minutes of the Planning Board and of the Board of County Commissioners and the reasoning on which the departure was justified set forth.

Article XII

Penalties

Section 120: Penalties : Any person who violates the provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding fifty (\$50.00) dollars and/or! imprisonment not to exceed thirty (30) days. Each day of violation shall be a considered a separate offense.

Article XIII

Remedies

Section 130: Remedies : This ordinance may be enforced by each and every remedy enumerated in the General Statutes (153A-123) of North Carolina. In addition to other remedies, the Enforcement Officer, person damaged by the violation, or any appropriate county authority, any institute injunction, order of abatement, or other appropriate action in proceeding to prevent the violation.

Article XIV

Amendments

Section 140: Amendment Procedure : This Ordinance may be amended from time to time by the Board of County 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 thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

Article XV

Legal Status Provisions

Section 150: Validity- : Should any Section or, provision of this ordinance be declared by the courts to be unconstitutional or invalid such declaration shall not affect the ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

Section 151: Effective Date : This ordinance shall take effect and be in force from and after its adoption, the public health and welfare demanding it.

Section 152: Repeal of Conflicting Ordinances : All ordinances or parts of ordinances other than the "Zoning Ordinance of Wilkes County: which are in conflict herewith are hereby repealed. Should the requirements of this ordinance conflict with those of the Zoning Ordinance the more stringent requirement shall prevail.

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FILED WILKES COUNTY NC 06/16/2000 4:51 PM RICHARD L. WOODRUFF
Register



Deputy/Asst.
WILKES COUNTY NC

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04/28/2000 4:45 PM
RICHARD L.
WOODRUFF
Register of Deeds

WILKES COUNTY, NORTH CAROLINA

AMENDMENT TO
AN ORDINANCE ESTABLISHING A MORATORIUM ON THE LOCATION,
PLACEMENT, OR TRANSPORTATION OF CERTAIN MOBILE HOMES INTO
WILKES COUNTY, NORTH CAROLINA, FROM OUTSIDE THE COUNTY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
COUNTY OF WILKES IN REGULAR SESSION ASSEMBLED:

THAT ORDINANCE ESTABLISHING A MORATORIUM ON THE
LOCATION, PLACEMENT, OR TRANSPORTATION OF CERTAIN
MOBILE HOMES INTO WILKES COUNTY, NORTH CAROLINA,
FROM OUTSIDE THE COUNTY, AS ENACTED BY THE WILKES
COUNTY BOARD OF COMMISSIONERS EFFECTIVE NOVEMBER 1,
1999, IS HEREBY AMENDED AS FOLLOWS:

The moratorium established under Article IV. of the Ordinance is hereby
extended for a period of six (6) additional months, through and including
the 1st day of November, 2000, or until the adoption of a new
Manufactured Home Park Ordinance by the County, whichever shall occur
first.

THE EFFECTIVE DATE OF THIS AMENDMENT SHALL BE MAY 1, 2000.

ON MOTION OF Commissioner Joe Woodie,
SECONDED BY Commissioner Jack Welborn, THE
FOREGOING ORDINANCE WAS READ, APPROVED, AND ADOPTED
BY THE BOARD OF COMMISSIONERS OF WILKES COUNTY, IN
REGULAR SESSION ASSEMBLED ON THE 18th DAY OF APRIL, 2000,
BY UNANIMOUS VOTE.

WILKES COUNTY BOARD OF COMMISSIONERS

By
Robert Handy, Chairman
Wilkes County Board of Commissioners

ATTEST:

Arlene E. Faw, Clerk

This Amendment is re-recorded on the 16th day of June, 2000, for the reason that, at the time of its initial recording on April 28, 2000, a separate instrument (Sixth Amendment to an Ordinance Establishing a Moratorium on the Construction of Wireless Communication Towers in Wilkes County, North Carolina) was mistakenly attached to and recorded as a part hereof.

WILKES COUNTY, NORTH CAROLINA

AMENDMENT TO
AN ORDINANCE ESTABLISHING A MORATORIUM ON THE
LOCATION, PLACEMENT, OR TRANSPORTATION OF CERTAIN
MOBILE HOMES INTO WILKES COUNTY, NORTH CAROLINA,
FROM OUTSIDE THE COUNTY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
COUNTY OF WILKES IN REGULAR SESSION ASSEMBLED:

Article 1. Authority.

The Wilkes County Board of Commissioners enacts this Ordinance pursuant to Article 18, Chapter 153A, North Carolina General Statutes.

Article II. Purpose.

The purpose of this Ordinance is to prohibit pre-June 15, 1976 manufactured homes (as defined below) from being located, placed, transported, or otherwise moved into Wilkes County from outside the County, for a sufficient period of time to allow the Wilkes County Planning Board, with input from the public and interested parties, to develop and present to the Wilkes County Board of Commissioners a completely revised ordinance regulating manufactured homes and manufactured home parks in Wilkes County. This time period will allow the Wilkes County Planning Board to address, among other concerns, the location, placement, design, appearance, approval, and other requirements with respect to manufactured homes and manufactured home parks.

Article III. Definitions.

A. *County* - The County of Wilkes.

B. *Person* - A firm, corporation, general partnership, limited partnership, limited liability company, sole proprietor, individual, individual acting on behalf of another, or any other entity of any type whatsoever.

C. *Manufactured Home* - Any structure that consists of a single unit completely assembled at the factory or two (2) (doublewide) or more components, totally assembled at the factory and joined together at the site, that is designed so that the total structure (or each component thereof) can be transported on its own chassis and can be placed on a temporary or semi-permanent foundation; and that is thirty-two (32) feet or longer in length and eight (8) feet or longer in width.

D. *Pre-June 15, 1976 manufactured home* - A manufactured home which was manufactured or built prior to June 15, 1976, as set forth in 24 C.F.R. §§3282.1, *et seq.*, and is therefore not HUD (United States Department of Housing and Urban Development) approved pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401, *et seq.*).

Article IV. Moratorium.

The Wilkes County Board of Commissioners hereby places a moratorium on the location, placement, or transport of pre-June 15, 1976 manufactured homes into Wilkes County, North Carolina, for a period of six (6) months following the effective date of this Ordinance, or until the adoption of a new Manufactured Home Park Ordinance by the County, whichever shall occur first. During the period of the moratorium, no person shall locate, place, transport, or otherwise move a pre-June 15, 1976 manufactured home into Wilkes County from outside the County.

Article V. Exemption.

Specifically exempted from the moratorium enacted by this Ordinance shall be all pre-June 15, 1976 manufactured homes already located in Wilkes County at the time of the effective date hereof, regardless of whether the same are subsequently moved to another location inside the County or whether use of the same is discontinued for a period of time and then re-established. This moratorium shall prohibit only the location, placement, or transport of pre-June 15, 1976 manufactured homes into the County from a point outside the County.

Article VI. Violations, Enforcement, and Penalties.

A. Violations; Penalties.

1. The violation of any provision of this Ordinance shall be a Class 3 misdemeanor.
2. Each day's continuing violation of this Ordinance, where applicable, shall constitute a separate and distinct offense.

B. Equitable Enforcement; Order of Abatement.

This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by an order of abatement, as provided under G. S. § 153A123(d) and (e).

C. Cumulative Remedies.

The remedies and penalties for violation of this Ordinance shall be cumulative, and the election of a remedy or enforcement of a penalty by the County hereunder shall not preclude the election of any other remedy or enforcement of any other penalty by the County which may be provided under this Ordinance or by law.

D. Evidence and Burden of Proof.

In any action or proceeding for a violation of this Ordinance, the failure of the person charged with the violation to produce either (i) an application for a septic tank permit which has been filed with the Wilkes County Health Department prior to the effective date hereof, or (ii) records from the Wilkes County Tax Office demonstrating that the pre-June 15, 1976 manufactured home was located in Wilkes County for ad valorem tax purposes prior to the effective date hereof, shall create a rebuttable presumption that said manufactured home was not located in Wilkes County prior to the effective date of this Ordinance. Said presumption may be rebutted only by clear and convincing evidence that the manufactured home was

located in Wilkes County prior to the effective date hereof, and the burden of proof with respect to rebutting said presumption shall be on the person charged with the violation.

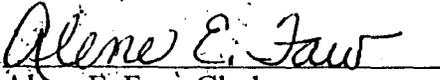
Article VII. Effective Date.

The effective date of this Ordinance shall be the 1st day of November, 1999.

ON MOTION OF COMMISSIONER JOE WOODIE, SECONDED BY COMMISSIONER JACK WELBORN, THE FOREGOING ORDINANCE WAS READ, APPROVED, AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WILKES COUNTY, IN REGULAR SESSION ASSEMBLED ON THE 1st DAY OF NOVEMBER, 1999, BY UNANIMOUS VOTE.
WILKES COUNTY BOARD OF COMMISSIONERS

By Roy Absher Chairman
Wilkes County Board of Commissioners

ATTEST:


Alene E. Faw, Clerk

Handy, Commissioner Jerry Sidden, Commissioner Jack Welborn, and Commissioner Joe Woodie.

Also present for the meeting were Tony Triplett, County Attorney; Gary Page, County Manager; and Alene Faw, Clerk to the Board.

The meeting was called to order by Chairman Roy Absher who welcomed those in attendance.

INVOCATION AND PLEDGE OF ALLEGIANCE - The Invocation and Pledge of Allegiance were led by Conley Call, Mayor of North Wilkesboro and Chairman of the Economic Development Commission.

MINUTES - Motion was made by Commissioner Jack Welborn seconded by Commissioner Joe Woodie unanimously adopted to approve the Minutes of the Board's Meeting on October 19, 1999.

BUDGET AMENDMENTS & TRANSFERS - Motion was made by Commissioner Joe Woodie seconded by Vice Chairman Robert Handy and unanimously adopted to approve Budget Amendments No. 18 (Cooperative Extension), No. 19 (Health - Diabetes Today), No.-20 (General Fund - Governing Body), and No. 21 (General), and Budget Transfers ,No. 15 (Health - General), and No. 16 (Central Garage).

ROAD PETITION - Motion was made by Commissioner Joe Woodie seconded by Commissioner Jack Welborn and unanimously adopted to approve the following road petition:

**Shamrock Boulevard & Lee Street
REQUEST: Addition to State System**

MOBILE HOME MORATORIUM ORDINANCE- County Attorney Tony Triplett stated the Mobile Home Moratorium is before the Board for action.

Commissioner Joe - Woodie made a motion to adopt the Mobile Home Moratorium Ordinance imposing a moratorium on pre-June 15, 1976 mobile homes being brought into the County from other counties for a period of six months on until the adoption of a new Mobile Home Ordinance which ever should occur first with additional language added which would provide if an owner of a mobile home is unable to provide a septic tank inspection or tax records showing the mobile home was in the County prior to the effective date of November 1, 1999, a rebuttable presumption has been established that the mobile home was not in the County and the owner must produce clear and convincing evidence to overcome the presumption. The motion was seconded by Commissioner Jack Welborn and unanimously approved.