

## PAMLICO COUNTY

### MANUFACTURED HOME PARK ORDINANCE

#### **Article 1**

##### **Purpose**

The purpose of this Ordinance is to regulate the design, construction and operation of new and expanded Manufactured Home Parks, in order to promote the public health, safety, and general welfare of the inhabitants of Pamlico County.

#### **Article 2**

##### **Authority**

This Ordinance is adopted pursuant to the authority and provisions granted to it under Chapter 153A of the North Carolina General Statutes.

This Ordinance shall govern every new Manufactured Home Park, or any addition to an existing Manufactured Home Park, lying within the County outside the jurisdiction of any municipality, or within the territorial jurisdiction of any municipality whose governing body agrees by resolution to this Ordinance upon the consent of the County.

#### **Article 3**

##### **Definitions**

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where consistent with the context. The term "shall" is mandatory and the present includes the future tense.

1. Administrator: The enforcement officer of this Ordinance as designated by the Board of Commissioners.
2. Certificate of Compliance: A certificate issued by the Administrator after the Manufactured Home Park has been completed and developed as required by the standards of this Ordinance. Pamlico County has the authority to inspect the Manufactured Home Park at any time to ensure compliance.
3. Health Department: Pamlico County Health Department.
4. 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 semi-permanent 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 semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

5. Manufactured Home Park: A Manufactured Home Park shall be defined as a Tract of land on which three (3) or more Manufactured Homes are located or on which three (3) or more Manufactured Homes are intended to be placed. For the purposes of this Ordinance, a Manufactured Home used in accordance with the following stated uses shall not be included in computation of the number of Manufactured Homes used to determine whether or not a Tract is classified as a Manufactured Home Park:

- A. Any Manufactured Home occupied as a residence by the parents of the landowner.
- B. Any Manufactured Home occupied as a residence by the children of the landowner.
- C. Any Manufactured Home occupied as a residence by the brother or sister of the landowner.
- D. Any Manufactured Home occupied as a residence by the grandparents of the landowner.
- E. Any Manufactured Home occupied as a residence by the grandchildren of the landowner.
- F. All of the relationships stated above include "step" and "half" relationships.

Any single Tract of land containing more than four (4) Manufactured Homes as described above in subsections A-F of Article 3, Section 5 of this ordinance in any combination shall be considered a Manufactured Home Park.

6. Manufactured Home Space: A plot of ground within a Manufactured Home Park designated for the accommodation of not more than one Manufactured Home.
7. Person: Any individual, partnership, firm, joint-stock company, corporation, limited liability company, association, trust, estate, or other legal entity.

8. Tract: A piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Register of Deeds of Pamlico County.
9. Service Building: A building housing facilities such as recreational, maintenance, laundry, and office, necessary to the successful development and management of a Manufactured Home Park.

**Article 4**  
**Procedure for Obtaining Approval of a Manufactured Home Park**

No person shall begin construction on, or operation of, any new or expanded Manufactured Home Park until a plat has been reviewed by the Pamlico County Planning Board, and approved by the Pamlico County Board of Commissioners. No Manufactured Home may be occupied within a Manufactured Home Park until a Certificate of Compliance has been issued. To obtain plat approval, the landowner shall follow these steps:

- A. Pre-submission Meeting. It is required that the landowner or his agent meet with the Administrator of this Ordinance to discuss plans and ideas pertaining to the Manufactured Home Park.
- B. Plat of the Manufactured Home Park.
  1. The landowner shall submit nine (9) copies of the plat and any supplementary materials to the Administrator at least thirty (30) days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered.
  2. The Administrator shall inspect the site. The landowner or his agent shall be required upon request to accompany the Administrator.
  3. The plat shall be checked against the design standards and plat requirements by the Administrator. It shall be the Administrator's responsibility to ensure the following agencies are given the opportunity to review and make recommendations on the plat:
    - (a) The County Health Department as to the proposed water and sewage systems, insect and rodent control measures, and any other systems or methods related to the jurisdiction of the Health Department. Acknowledgement of the review and any recommendations made by the Health Department as described in this Ordinance shall be obtained in writing from the Health Department by the landowner. If other agencies are providing water or sewer services, their review will be required, as well as a binding commitment in writing from such agency indicating the provision of water and/or sewer services.
    - (b) Any federal or state agency with jurisdiction over any aspect of the Manufactured Home Park.

(c) Other agencies and officials as the Administrator and Planning Board deems necessary.

C. The Planning Board shall recommend approval, conditional approval, or disapproval of the plat to the Board of Commissioners.

1. If recommended for conditional approval, the conditions and reasons thereof shall be stated; the Planning Board may request that the landowner to submit a revised plat.
2. If the plat is recommended for approval, approval shall be indicated on the appropriate certificate of the plat, and the plat shall be forwarded to the Board of Commissioners for final approval.

D. Approval by Board of Commissioners. The Board of Commissioners shall consider an application and plat at its first regular meeting following the final consideration and recommendation by the Planning Board, or as soon thereafter as it may be reasonably considered. The Board of Commissioners shall approve, conditionally approve, or disapprove the application and plat. Approval or conditional approval (once all conditions have been met) shall authorize the owner to proceed with the construction and/or improvements to the Manufactured Home Park as approved. Failure of the Board of Commissioners to consider the application and plat, or failure to take action on the same, shall not constitute approval.

E. Certificates; Fees. No plat shall be accepted or approved until the certificates required to appear on the plat have been properly filled out and signed, and an inspection fee set by the Board of Commissioners has been paid to Pamlico County.

F. Contents of the Plat: The plat shall be prepared by a registered surveyor and/or engineer and shall be drawn to a scale not less than 200 feet to one inch and shall contain or be accompanied by the following:

1. Title, date, and location of the Manufactured Home Park.
2. Name of the owner and surveyor.
3. Scale with bar graph and north point.
4. Sketch vicinity map showing relationship between the Manufactured Home Park and the surrounding area.
5. Topographical map upon request.
6. Lines of all Manufactured Home Spaces, dimensions, driveways, parking areas, streets, roads, road dimension, and square footage of each Manufactured Home Space.
7. Recreation area and parking area.

8. Location and intensity of area lights and drawing showing typical connections to Manufactured Homes and a statement from the power company serving the area where the Manufactured Home Park is to be located indicating that it will be responsible for design and installation of the electrical system.
9. A statement indicating whether the property on which the Manufactured Home Park is to be located is or is not in a flood zone.
10. If the property is located in a flood zone, base flood elevation.
11. Water supply, sanitary sewerage disposal, and storm drainage systems.
12. Surface water drainage plans.
13. Location of fire hydrants.
14. Certificate of Ownership, Certificate of Planning Board approval unsigned, and Certificate of Board of Commissioners approval, unsigned, and any other certificates required by the administration.

G. Upon completion of the preceding requirements, the landowner may begin construction of the Manufactured Home Park.

H. Any new addition of Manufactured Home Spaces to a Manufactured Home Park shall be submitted as a new plat and meet the procedures and requirements of this Ordinance.

#### **Article 5** **Certificate of Compliance**

After the construction and development of any new Manufactured Home Park has been completed, the Administrator shall issue a Certificate of Compliance to the landowner, which is authorization for operation of the Manufactured Home Park. The certificate will be issued only after the Administrator is satisfied that the Manufactured Home Park has been completed as approved on the plat and in accordance with any conditions. At any time after the issuance of the permit, the Administrator shall revoke the Certificate of Compliance if the Manufactured Home Park is operating in violation of the requirements and terms of this Ordinance.

#### **Article 6** **Variances**

The Pamlico County Board of Commissioners, upon review and recommendation of the Pamlico County Planning Board, may authorize a variance from this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners and 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. No variance shall be granted unless the Pamlico County Board of Commissioners, after review and recommendation by the Pamlico County Planning Board, finds:

- (a) That (1) there are special circumstances or conditions affecting said property such that the strict application of the provisions of this regulation would deprive the applicant of reasonable use of his land, or (2) the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and,
- (b) That the circumstance giving rise to the need for the variance is peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance; and,
- (c) That the granting of the variance will not be detrimental to the purpose of this Ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

In the event that the Pamlico County Board of Commissioners grants a variance under the provisions of this section, the fact that a variance has been granted shall be noted on the final plat together with the date of approval of the variance by the Pamlico County Board of Commissioners.

**Article 7**  
**Design Standards for Manufactured Home Parks**

A. General Provisions:

- 1. Any land within the jurisdiction of this Ordinance deemed by the Planning Board to be subject to flooding or unsuitable for residential occupancy may be prohibited for residential development, but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation. The planning board in making its determination shall be guided by an analysis of available data on topography, soils, floodplains, drainage, or ground and surface water information. All Manufactured Homes within the flood hazard areas must meet the requirements set forth in the Pamlico County Flood Damage Prevention Ordinance, and any other applicable ordinance.

B. Interior Drives and Walkways: All new Manufactured Home Spaces shall abut upon an interior gravel drive or hard surface of no less than 18 feet in width which shall have unobstructed access to a public street or highway. All interior drives and walkways within the Manufactured Home Park shall be adequately maintained by the owner.

C. Off Drive Parking: Each new Manufactured Home Space shall be provided with at least two (2) parking spaces that are adequately graveled and maintained or hard surfaced.

- D. Required Manufactured Home Space Area: In no event shall there be any more than four (4) Manufactured Homes per acre located on the parcel of real property on which the Manufactured Home Park is located or will be located.
- E. Yard Requirements: Each new Manufactured Home Space shall be at least fifty (50) feet wide and clearly defined. There shall be at least one eighteen (18) foot wide side yard and a twenty-five (25) foot clearance between Manufactured Homes, including those parked end to end. No Manufactured Home shall be located closer than twenty-five (25) feet to any building or street within the Manufactured Home Park, nor within twenty (20) feet of any exterior street or boundary line of the Manufactured Home Park.
- F. Setback from Waterways: No Manufactured Home Space, Manufactured Home, Service Building, appurtenance, accessory structure or other improvement found in the Manufactured Home Park shall be located less than seventy-five (75) feet from any waterway, tributary, or public trust waters.
- G. Floodways: No Manufactured Home Space, Manufactured Home, Service Building, appurtenance, accessory structure or other improvement found in the Manufactured Home Park shall be placed or constructed in a Regulatory Floodway as defined and designated by the Federal Emergency Management Agency.
- H. Minimum Indoor Plumbing: A Manufactured Home which does not contain a built-in bathroom with water lavatory and shower or tub in working condition shall not be placed in a planned Manufactured Home Park.
- I. Refuse Collection Facilities: Individual, watertight, covered refuse containers with a minimum capacity of fifty (50) gallons shall be provided at each Manufactured Home Space by the landowner. A stand must be provided to keep containers securely and upright.
- J. Drainage: The new Manufactured Home Park shall be located on a well-drained and properly graded site. Necessary site drainage improvements may be required by the County.
- K. Water Supply:
1. Water lines used shall be consistent with the specifications and recommendations of the County water department, but in no circumstance shall the water line specifications be inconsistent with applicable state and federal laws or Pamlico County ordinances and policies regarding the use, installation, repair, or removal of water lines and shall be constructed of material approved by the County Health Department.
  2. Every well or suction line of the water supply system shall be located in such a manner that neither underground nor surface contamination will reach the water supply from any source.
  3. Well casings, pumping machinery or suction pipes shall be enclosed for proper protection and drainage. Such installation shall not be permitted in any room or space above ground

which is walled in or otherwise enclosed. Such installation may be allowed where free drainage by gravity to the surface of the ground is provided.

L. Individual Water-Riser Pipes and Connections:

1. Individual water and riser pipes shall be provided and located within the confined area of the Manufactured Home stand at a point where the connections will approximate a vehicle position.
2. Water riser pipes shall extend at least ten inches above ground elevation and the pipe shall be at least three-quarter inches in diameter. The water outlet shall be capped at all times when a Manufactured Home does not occupy the lot or when the supply is not in use.
3. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions during freezing weather. Surface drainage shall be satisfactorily diverted from the location of the riser pipes. Sewer riser pipes should be at least six (6) inches above ground level.
4. All water and sewer pipes and connections shall meet state plumbing regulations.

M. North Carolina Regulations for Manufactured Homes: Each Manufactured Home shall be anchored to meet the requirements of the North Carolina Regulations for Manufactured Homes. All Manufactured Homes must meet current hurricane standards.

N. North Carolina State Electrical Code: Each new Manufactured Home Park and any additional home sites and any expansion of an existing Manufactured Home Park shall meet the current North Carolina State Electrical Code.

O. Service Administrative and Other Buildings: One site within the Manufactured Home Park may be used as an administrative office. All administrative and Service Buildings housing sanitation and laundry facilities or any such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.

P. Lighting: All interior drives and walkways within the Manufactured Home Park shall be lighted at night with electrical lamps providing sufficient lighting at street level throughout the Manufactured Home Park to ensure safety.

Q. Buffer Zones: A buffer strip at least ten (10) feet wide adjacent to each exterior property line shall be densely planted and maintained when bordering a nonresidential use.

R. Nonresidential Purposes: No part of any Manufactured Home Park may be used for nonresidential purposes that may create any unusual noises, odors, pollution, or other offensive matters that are not associated with residential living.

- S. Site Address: Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. All Manufactured Home Parks must adhere to the Pamlico County Road Naming and Addressing Ordinance.
- T. Compliance with State Guidelines for Areas of Environmental Concern: Prior to approval of any Manufactured Home Park/manufactured camp park, the local Manufactured Home regulation enforcement officer and the local AEC Permit Officer shall determine if the site, in whole or in part, is located within or outside any Area of Environmental Concern. This determination shall result from both an onsite investigation and a review of the official overlay map.

If the site is, in whole or in part, within any Area of Environmental Concern, the proposed development will comply with development standards of the State Guidelines for Areas of Environmental Concern prior to the issuance of any development permit; and a certification of compliance to that effect shall be signed by both the AEC Permit Officer and the local enforcement officer.

### **Article 8** **Responsibilities of Management and Occupants**

1. The person to whom a permit for a new Manufactured Home Park or an expansion of an existing Manufactured Home Park is issued shall operate the Manufactured Home Park in compliance with this Ordinance and shall provide adequate supervision to maintain the Manufactured Home Park, its facilities and equipment in good repair and in a clean and sanitary manner. Further, such person shall ensure compliance with all federal, state, and local rules and regulations by the occupants of the Manufactured Home Park.
2. The person to whom a permit for a Manufactured Home Park is issued shall be solely responsible for the collection and disposal of solid waste produced by the park and its residents. Collection and disposal of such solid waste shall be in a manner consistent with federal, state, and local laws and policies.
3. The Manufactured Home Park management shall notify all Manufactured Home Park occupants of applicable provisions of this Ordinance and inform them of their responsibilities.
4. The Manufactured Home Park management shall supervise the placement of each Manufactured Home on its stand, ensuring its stability and proper installation of all utility connections.
5. The Manufactured Home Park management shall maintain a complete register containing all information necessary for identifications and location of all Manufactured Home Park occupants. Such register shall be available to any authorized person inspecting the Manufactured Home Park.

6. The Manufactured Home Park management shall notify the health director immediately of any suspected communicable or contagious disease within the Manufactured Home Park.
7. The Manufactured Home Park management shall be responsible for the lawful operation of the Manufactured Home Park.
8. Each Manufactured Home Park occupant shall comply with all applicable requirements of this Ordinance and shall maintain the Manufactured Home lot in a clean and sanitary manner.
9. The Manufactured Home Park occupant shall be responsible for proper placement of the Manufactured Home on its stand and of proper installation and operation of all utility connections in accordance with this Ordinance.

**Article 9**  
**Administration**

1. Amendments. The provisions of this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the county commissioners.
2. Severability. Should any section or provision of this Ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.
3. Conflict. When the requirements of this Ordinance conflicts with the requirements of other lawfully adopted rules, regulations, or ordinance of Pamlico County, the more stringent or higher requirements shall govern.
4. Penalties.

A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation or pay any civil penalty within twenty (20) days after being cited for said violation (or within ten (10) days of the time prescribed by a citation to remedy the violation if it provides for a longer period of time than ten (10) days to remedy such violation), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue ten (10) days from the date of the first notice of violation if the violation has not been remedied by the offender by that time (or within the time prescribed by a citation if it provides for a longer period of time than ten (10) days to remedy the violation).

B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.

C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be

paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.

D. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

F. In addition to the provisions of this Section, any provision of this Ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123, excluding misdemeanor charges as provided in G.S. 14-4.

5. Prior Ordinance. The Pamlico County Mobile Home Park Ordinance is hereby superseded by this Ordinance as to all new and expanded Manufactured Home Parks from the effective date of this Ordinance. The Pamlico County Mobile Home Park Ordinance shall continue in effect as to all mobile home parks, as defined therein, existing as of the effective date of this Ordinance.

**Article 10**  
**Certificates on Final Plat**

All final plats must include the following certificates, and any additional site-specific certificates required by the County, and any certificates required by The North Carolina Board of Examiners for Engineers and Surveyors.

1. Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described here on and that I (we) hereby adopt this plan of the Manufactured Home Park with my (our) free consent. I (we) also certify that the land shown on this plat falls within the Manufactured Home Park jurisdiction of Pamlico County.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

2. Certificate of Approval by the Planning Board

The Pamlico County Planning Board hereby approves the final plat for the \_\_\_\_\_ Manufactured Home Park.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Planning Board

3. Certificate of Approval by the Board of County Commissioners

The Pamlico County Board of Commissioners hereby approves the final plat for the \_\_\_\_\_ Manufactured Home Park.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Board of Commissioners

**Article 11**  
**Enactment**

The Pamlico County Board of Commissioners hereby adopts this Ordinance effective this \_\_\_\_ day of \_\_\_\_\_, 2014.

Pamlico County

\_\_\_\_\_  
Paul Delamar, Chairman  
Pamlico County Board of Commissioners

Attest:

\_\_\_\_\_  
Kathy Cayton,  
Clerk to Board of Commissioners

-county seal-

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