

Chapter 46

MANUFACTURED HOMES AND TRAILERS*

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*Cross references—Buildings and building regulations, ch. 10; planning and development, ch. 58, subdivisions, ch. 70; zoning, ch. 78.

State law references—Annual registration by counties authorized, G.S. 153A-138; appearance and dimensional criteria authorized, G.S. 153A-341.1.

ARTICLE I. IN GENERAL**Sec. 46-1. Entrance, movement and setup of all pre-1976 mobile homes within the county.**

(a) *Authority.* The county hereby exercises its authority to adopt and enforce a pre-1976 mobile home ordinance under the provision granted by G.S. 153A-121 and 153A-340 and 347.

(b) *Purpose.* The purpose of this section is to promote the protection of the health, safety and welfare of the communities and to provide an acceptable environment for all the residents of Buncombe County. This section is designed to accomplish the following objectives:

- (1) To secure safety from fire, panic and other dangers.
- (2) To protect individuals from hazards associated with electrical dangers.
- (3) To protect surrounding properties and residents.

(c) Jurisdiction.

(1) These regulations shall govern the entrance, movement and set-up of any and all pre-1976 mobile homes within Buncombe County, North Carolina. These regulations apply to all lands lying within the territorial jurisdiction of the county and within the planning jurisdiction of any municipality whose governing body by resolution agrees to such regulation.

(2) No person or persons may locate or cause to be located, any mobile home manufactured prior to 1976 on any lands situated within the county at anytime after the adoption of this section; provided, however, owners of pre-1976 mobile homes currently inhabited shall not be affected by this section but movement of said mobile home is restricted to relocation and inhabitation by the lawful owner or his or her spouse, parent, grandparent and/or child.

(d) *Compliance with other ordinances.* Any and all proposed movement, location and inhabitation of pre-1976 manufactured mobile home within

the county, shall comply with all the requirements of any officially adopted ordinance within Buncombe County, North Carolina.

(e) *Effect of existing legislation.* Where this section conflicts with existing ordinances, statutes, or regulations effective in the jurisdiction of this section and enacted by the county, state, or federal government or their agencies, then the ordinance, statute or regulation requiring the higher standard shall apply.

(f) *Penalty.* Any person or persons violating the provisions of this section shall be guilty of a misdemeanor and shall be subject to fine and/or imprisonment as provided by G.S. 14-4(a) and shall be fined not more than \$500.00. Each day's continuing violation of this section shall be a separate and distinct offense.

Nothing in this section shall be construed to limit the use of remedies available to the county. (Ord. No. 05-05-07, Art. I, 5-3-05)

Secs. 46-2—46-25. Reserved.

ARTICLE II. RESERVED*

Secs. 46-26—46-60. Reserved.

ARTICLE III. MANUFACTURED HOME PARKS**Sec. 46-61. Authority and purpose.**

This article is enacted pursuant to the general police powers granted to the County by G.S.153A-121. The purpose of this article is to protect the health, safety, and general welfare of citizens of the county, particularly those who are residents of manufactured home parks.

(Ord. No. 96-4-5, art. I, § A, 4-2-96; Ord. No. 98-12-3, 12-15-98)

*Editor's note—Ord. No. 97-6-8, § 1, adopted June 17, 1997, rescinded art. II, §§ 46-26, 46-27, 46-41—46-48. Formerly, such sections pertained to mobile homes and derived from Ord. No. 18040, §§ 1—10, 1-1-85; Ord. No. 18914, § 1, 12-1-87.

Sec. 46-62. Definitions.

The following words, terms and phrases, shall have the specific meaning ascribed to them herein. All other words, terms and phrases shall have their ordinary meaning of common usage in the English language:

All-weather surface means a road surface constructed in compliance with street construction standards in section 46-65.5 below.

Developer means any person, corporation, partnership, or other legal entity engaged in development, or proposed development, of a manufactured home park.

Driveway means access to no more than two manufactured homes or home spaces. A shared driveway shall not exceed 20 percent grade.

Manufactured home means (1) a manufactured, year-round, single-family residential dwelling unit, meeting or exceeding the United States Department of Housing and Urban Development code requirements for manufactured homes (all manufactured homes built after June 14, 1976) or (2) a transportable, factory-built home, designed to be used as a year-round, single-family residential dwelling unit and manufactured prior to the United States Department of Housing and Urban Development code requirements for manufactured homes.

Manufactured home park means a parcel of land upon which three or more manufactured homes, occupied as residences and for which payment to the landowner is being required, are located. Situations where an individual property owner allows relatives to maintain manufactured homes upon his property free of charge are not considered manufactured home parks for purposes of this article, and manufactured homes occupied by lineal relatives of the park owner or collateral relatives of the park owner within the sixth degree of kinship or closer as determined by G.S. Ch. 104A shall not be counted for purposes of defining a manufactured home park. Temporary or seasonal accommodations for travel, vacation or recreational purposes, such as recreational vehicles or "park model" recreational vehicles, except for those recreational vehicles which are

located within manufactured home parks at the effective date of this resolution shall not be permitted in manufactured home parks.

Manufactured home park construction permit means a permit issued by the planning department authorizing the manufactured home park developer to construct a manufactured home park in accordance with an approved park plan.

Manufactured home park, major means a manufactured home park having 20 or more spaces.

Manufactured home park, minor means a manufactured home park having up to 19 spaces.

Manufactured home park operating permit means a permit issued by the planning department to a manufactured home park owner or operator upon completion of a manufactured home park which conforms to the requirements of this chapter.

Manufactured home park review board means the board established by this article to oversee enforcement and resolve requests for variances.

Ordinance administrator means the individual designated by the county manager to enforce the provisions of this article.

Recreational vehicle means a vehicular type accommodation, other than a manufactured home, designed as temporary or seasonal accommodations for travel, vacation or recreational purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

Site number means the number attached or painted in four-inch high permanent lettering to the street facing the manufactured home. (Ord. No. 96-4-5, art. I, § B, 4-2-96; Ord. No. 98-12-3, 12-15-98; Ord. No. 01-07-06, § 1, 7-24-01; Ord. No. 02-03-05, §§ 1-3, 3-19-02)

Sec. 46-63. Jurisdiction of article.

The provisions of this article shall be applicable to all new and existing manufactured home parks and any addition or expansion of existing manufactured home parks lying within the unincorporated areas of the county, but shall not be applicable to and shall not be enforced within the corporate limits or jurisdiction of any municipal-

ity unless the governing body of said municipality by resolution agrees to the enforcement of this article therein. Section 46-65 shall not apply to manufactured home parks existing at the effective date of this article, as amended on December 15, 1998.

(Ord. No. 96-4-5, art. I, § C, 4-2-96; Ord. No. 98-12-3, 12-15-98)

Sec. 46-64. Manufactured home park review board.

The planning board shall serve as the manufactured home park review board and shall oversee enforcement of this article and resolve request for variances.

(Ord. No. 96-4-5, art. II, 4-2-96; Ord. No. 98-12-3, 12-15-98; Res. No. 01-01-06, § 1, 1-16-01; Ord. No. 02-12-08, § 1, 12-17-02)

Sec. 46-65. Permit required to establish manufactured home park.

It shall be unlawful for any person, corporation, partnership or other entity to establish within the jurisdiction of this article any manufacturing home park as heretofore defined without first obtaining a manufactured home park construction permit from the ordinance administrator.

(Ord. No. 96-4-5, art. III, 4-2-96; Ord. No. 98-12-3, 12-15-98; Ord. No. 01-07-06, § 2, 7-24-01)

Sec. 46-65.5. Criteria for issuance of permit.

In determining whether or not to issue a construction permit for the establishment of a manufactured home park, the ordinance administrator shall require the applicant to submit two copies of the preliminary site plan along with the manufactured home park permit application. The plan shall be clearly and legibly drawn at a scale of not less than one inch = 200 feet. The plan shall depict or have attached the following information:

Title block containing the following:

- (1) Name and address of the owner(s) of record;
- (2) Name of the manufactured home park;
- (3) Location (township, county, state);
- (4) Date of plan;

(5) Scale (graphic or written); and

(5.1) All plans or requests for any permit submitted pursuant to this chapter must comply with the Buncombe County Fire Prevention Ordinance. No permit shall be issued without the prior approval of the county fire marshal, or designee.

(6) Tax parcel identification number, PIN.

The following project data:

- (1) Total area to be developed; and
- (2) Total number of lots.

The following road information:

- (1) Location of roads and drives within or abutting the park (show dimensions and grade); and
- (2) Road names.

The following utilities information:

- (1) Provisions for electrical and telephone service;
- (2) Proposed sanitary sewer and water distribution system; and
- (3) Provisions for cable television and natural gas service, if applicable.

Other details to be shown are as follows:

- (1) North arrow;
- (2) Any natural features affecting the site;
- (3) The location of the flood hazard, floodway and flood fringe boundaries, if available from county flood maps; and
- (4) Location of lots and lot numbers.

An as-built (as constructed) site plan shall be provided prior to issuance of the park permit. If the preliminary plan is identical to the as-built plan, the final site plan is not required. The plan shall be clearly and legibly drawn at a scale of not less than one inch = 200 feet. The plan shall depict or have attached the following information:

Title block containing the following:

- (1) Name and address of the owner(s) of record;
- (2) Name of the manufactured home park;

(3) Location (township, county, state);

(4) Date of plan;

(5) Scale (graphic or written); and

(6) Tax parcel identification number, PIN.

The following project data:

- (1) Total area developed; and
- (2) Total number of lots.

The following road information:

- (1) Location of roads and drives within or abutting the park (show dimensions and grade); and
- (2) Road names.

The following utilities information:

- (1) Provision of electrical and telephone service;
- (2) Sanitary sewer location and approval by the Metropolitan Sewage Department or the county health department, as applicable;
- (3) Water distribution system location and approval by the Asheville Regional Water Authority, county health department or the state Department of Health, as applicable; and
- (4) Provision of cable television and natural gas service, if applicable.

Other details to be shown are as follows:

- (1) North arrow;
- (2) Any natural features affecting the site;
- (3) The location of the flood hazard, floodway and flood fringe boundaries, if available from county flood maps; and
- (4) Location of lots and lot numbers.

The plan must satisfactorily document that the following provisions will be adhered to and such provisions must be adhered to throughout the operation of the manufactured home park:

- (1) *Street construction standards.*
 - a. Convenient access to each manufactured home space shall be provided

by streets or drives with a minimum of 16 feet graded, drained, and all-weather surfaced for automobile circulation. The owner and/or operator of the manufactured home park shall provide for maintenance of such streets.

- b. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects to a public street or road, the design standards of the state department of transportation shall apply.

Road names—Proposed roads which are obviously in alignment with existing roads should be given the same name. All roads shall comply with the applicable provisions of the county street name, street address, and display ordinance.

- c. A minimum of two automobile parking spaces (all weather surfaced) shall be provided adjacent to each manufactured home space but shall not be located within any public right-of-way or within any street in the park.
- d. Manufactured home park streets to be designated as private shall conform to the following minimum design standards:

Minimum recorded access road right-of-way width: 15 feet

Access roads to manufactured home parks shall traverse a surveyed right-of-way centerline showing calls and distances and its beginning and ending points in relation to adjoining properties.

Minimum manufactured home park street right-of-way: 35 feet

Minimum cul-de-sac right-of-way radius: 45 feet

Horizontal centerline design standards:

Minimum centerline radius: 35 feet

For all roads and drives exceeding 500 feet in length, a turn-around shall be provided by:

1. A cul-de-sac with a minimum street radius of 35 feet; or
2. A T-turnaround to allow a vehicle with a wheel base of at least 25 feet to complete a turning movement with a maximum of one backing movement.

Manufactured home park minimum street width: 16 feet

Street widths and base course shall be increased by 25 percent where street centerline radius is less than 70 feet.

Finished grade, typical cross section, and profiles shall be prepared by a registered land surveyor, professional engineer, or landscape architect currently licensed in the state by the state board of registration for professional engineers and land surveyors of the state board of registration for landscape architects.

- e. All roads within a major manufactured home park shall be paved and have a six-inch minimum compacted aggregated base course (ABC) No. 7 stone and have a minimum of 1 1/2 inches of bituminous surface treatment, type SA or I-2 as specified by NCDOT. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter; minimum compaction rate of subgrade prior to paving shall not be less than 90 percent by modified proctor method, and certified by a licensed engineer.
- f. All roads less than or equal to 12 percent in grade within a minor manufactured home park shall have a six-inch minimum aggregated base course (ABC) No. 7 stone. All roads

exceeding 12 percent grade shall meet major manufactured home parks street construction standards. No base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter; minimum compaction rate of subgrade shall not be less than 90 percent by modified proctor method, and certified by a licensed engineer.

g. Minimum shoulder width on fill slopes shall not be less than two feet.

h. Maximum grades:

Maximum centerline grade: 18 percent

Tangent grades in excess of 15 percent shall not exceed 200 feet in length and shall have a maximum entrance and exit grade of 15 percent. i.e. Grade 1 = maximum 15 percent, Grade 2 = 15.1 percent to 18 percent, i.e. Grade 1 = 15 percent to 18 percent, Grade 2 maximum 15 percent.

Maximum grade 15 percent where road centerline radius is less than 90 feet.

Grades for 30 feet each way from an intersection shall not exceed 10 percent.

Grades for cul-de-sac and T-turn-arounds shall not exceed 10 percent.

(2) *Manufactured home spaces.*

a. Public sewer: All manufactured homes shall be located on individual manufactured home spaces. Each manufactured home space shall contain at least 6,223 square feet of ground area (seven spaces per acre) measured from the centerline of the major or minor manufactured home park road.

No public sewer: All manufactured homes shall be located on individual manufactured home spaces. Each manufactured home space shall contain at least 10,000 square feet of

ground area measured from the centerline of the major or minor manufactured home park road. When individual septic tanks are proposed, the minimum space size specified above shall be increased if required by the County Health Department.

b. Each manufactured home space shall be clearly defined.

c. Each manufactured home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

d. Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 15 feet from the manufactured home park boundary and at least ten feet from the edge of any interior street.

(3) The county general services department shall inspect electrical service before a park may receive final approval.

(4) Every manufactured home park owner or operator shall maintain an accurate record or register which indicates the name of owner and/or occupant of each manufactured home, manufactured home space number, and date of arrival and departure of the occupants. Such records shall be maintained for each owner or occupant for a minimum of three years subsequent to departure.

(5) The ordinance administrator, the county health department, the county general services department, and erosion control division of the planning department are authorized and directed to make such inspections as necessary to determine satisfactory compliance with this article, and shall have free access to the premises of manufactured home parks at reasonable times for the purpose of inspections.

(6) Each manufactured home will have a four-inch site number of permanent nature attached or painted to its street side.

- (7) It is recommended that each manufactured home have an accessible water cut-off valve outside the skirting.
- (8) All applications for a permit must be accompanied by a payment of a nonrefundable processing fee in the amount of \$100.00 in order to help cover the costs of design reviews and inspections.

(Ord. No. 96-4-5, art. IV, 4-2-96; Ord. No. 96-5-9, § 1, 5-7-96; Ord. No. 98-12-3, 12-15-98; Ord. No. 01-07-06, § 3, 7-24-01; Ord. No. 02-01-01, § 1, 1-5-02; Ord. No. 06-11-08, § 1, 11-21-06)

Sec. 46-65.7. Issuance of a manufactured home park construction permit and manufactured home park operating permit.

(a) After the manufactured home park application is approved, the planning department shall issue a manufactured home park 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 article.

(b) If the construction of the park has not begun within 12 months from the issue date of the manufactured home park construction permit, the permit shall be null and void. The administrator may grant a one-year extension of the manufactured home park construction permit if the developer shows cause.

(c) When the construction of the manufactured home park is completed, the developer shall apply to the planning department for a manufactured home park operating permit. If the manufactured home park conforms to the park plan approved by the administrator and other agencies, the planning department shall issue the developer a manufactured home park operating permit. If the park does not conform to the approved plan, the planning department shall delay issuance of the manufactured home park operating permit until it comes into conformity. The manufactured home park operating permit issued to the developer shall constitute authority to lease or rent spaces in the manufactured home park.

(Ord. No. 01-07-06, § 4, 7-24-01)

Sec. 46-66. Requirements for all manufactured home parks.

The following requirements shall be applicable to all manufactured home parks, whether new, existing or an expansion of an existing park:

- (1) It is the duty of each park owner to arrange for the provision of solid waste receptacles of a type approved by the director of general services of the county. Each container shall be constructed of a durable material in such a manner as to be strong, not easily corrodible and shall have tight fitting covers. Containers shall be kept clean so that no insect breeding, odor or other nuisance will exist. A sufficient number of containers shall be provided to hold at least one week's accumulation of garbage. All waste receptacles shall be emptied and such waste removed from the park property at least once a week. The owner may remove such wastes himself or contract with a collector serving the area.
- (2) Each park owner shall maintain the park property in a clean, sanitary and orderly appearance and vegetation shall be neatly trimmed. The park owner shall not permit the accumulation upon such property, except in approved receptacles, of garbage, refuse, rubbish, litter, trash or other discarded materials, including used building materials, batteries, scrapped appliances, rags, paper, rubber, dismantled or wrecked automobiles or parts thereof, and other ferrous or nonferrous material. Safety hazards such as, but not limited to, open wells, open manholes and abandoned appliances shall be promptly corrected or removed.
- (3) It is the duty of the park owner to ensure that all manufactured homes be equipped with underskirting within 60 days of approval of electrical service. If the park owner also owns the home, the underskirting shall be provided by the park owner. All skirting shall be of a material and type manufactured for that purpose and shall be securely attached. Skirting shall be

sized from the ground to the lower perimeter of the structure and shall be maintained free from broken sections or pieces. Masonry foundation shall be approved as an alternative to this requirement.

- (4) Every home shall be provided with an adequate potable water supply system. "Potable water supply" means direct connection to a well, to a public water utility or equivalent water service delivery system, and does not include water delivered through a hose or via containers. Every home shall be properly connected to an approved water and sewer system as long as the home is occupied.
- (5) It is the duty of the park owner to ensure that all manufactured homes be equipped with anchored steps or stairs from at least two exits. If the park owner also owns the home, steps for the two exits shall be provided by the park owner. Stairs and steps shall be free of holes, grooves and/or cracks large enough to constitute accident hazards. Risers shall be reasonably uniform in height. Handrails, continuous on all open sides of stairs exceeding four risers, shall be installed at least 30 inches high.

(Ord. No. 98-12-3, 12-15-98; Ord. No. 01-07-06, § 5, 7-24-01)

Sec. 46-67. False statements; penalty for violation.

(a) It shall be unlawful for any person to make any false statement or to submit any altered document in connection with or in support of any application for a permit to establish and operate a manufactured home park. Any violation of this section shall be punishable as class 3 misdemeanor as provided in G.S. 14-4(a).

(b) The establishment or maintenance of a manufactured home park in violation of this article shall be a misdemeanor subject to the penalties and enforcement provisions of G.S. 153A-123. Whenever the ordinance administrator determines that a mobile home park is being operated in violation of the ordinance, a notice will be issued to the owner and/or operator of the park

which shall describe the violations with particularity. The owner and/or operator shall have 45 days from the issuance of the notice to correct the deficiencies before any legal proceedings are initiated, except that the notice period may be reduced to no less than five working days upon a finding by the ordinance administrator that the violations are of such serious nature as to constitute an immediate danger to health and safety. No legal action shall be initiated against the park owner, if the park owner files an action for summary ejection against the owner of the manufactured home, which is the subject of the notice to correct deficiencies, within the 45-day notice period.

(Ord. No. 96-4-5, art. V, 4-2-96; Ord. No. 98-12-3, 12-15-98; Ord. No. 03-02-05, § 1, 2-18-03)

Sec. 46-68. Appeals and requests for variances.

The denial of a permit by the ordinance administrator, the imposition of any conditions precedent to the issuance of such permit by the ordinance administrator, or any other actions taken by the ordinance administrator in the enforcement of this article, may be appealed to the manufactured home park review board by giving written notice within 15 days of notification of the ordinance administrator's action. Further appeal shall be to the superior court of the County in the nature of certiorari. A petition for writ of certiorari in the superior court must be filed with the clerk of superior court within 30 days after the decision of the manufactured home park review board is sent by first class mail to the adversely affected party. All requests for variances from the requirements set forth in sections 46-65.5 and 46-66 shall be submitted in writing to the manufactured home park review board, and shall state with particularity the reasons for the request and the nature and extent of the variance requested. The board shall act upon the request within 30 days. Appeal from the denial of a variance shall be to the superior court of the county in the nature of certiorari, and shall follow the same procedures as heretofore provided for other appeals from decisions of the manufactured home park review board.

(Ord. No. 96-4-5, art. VI, 4-2-96; Ord. No. 98-12-3, 12-15-98)

Sec. 46-69. Effective date.

This article shall become effective upon adoption.

(Ord. No. 98-12-3, 12-15-98)