ORDINANCE NO. 47

MANUFACTURED HOME AND MANUFACTURED HOME PARK ORDINANCE

PERQUIMANS COUNTY

ADOPTED: June, 1987
AMENDED: May 6, 2002
AMENDED: June 28, 2004

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MANUFACTURED HOME PARK ORDINANCE
FOR
PERQUIMANS COUNTY, NORTH CAROLINA
JULY, 1999
AMENDED MAY 6, 2002
AMENDED JUNE 28, 2004

ENACTMENT:

An ordinance establishing regulations for manufactured home parks within Perquimans County, North Carolina, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of North Carolina General Statutes 153A-121, and for the repeal of all ordinances in conflict herewith.

PREAMBLE:

Whereas, in order to promote the health, safety, morals, and general welfare of the inhabitants of Perquimans County, North Carolina; to provide for the orderly development of planned manufactured home and travel trailer parks and to abate any conditions detrimental to the public health, safety, and general welfare or any nuisances, real or imagined, associated with such parks, it is desirable and necessary to adopt the Manufactured Home Ordinance for the territorial jurisdiction of Perquimans County as herein set forth.

Now therefore be it ordained by the Perquimans County, North Carolina Board of Commissioners as follows:

ARTICLE I IN GENERAL

Section 1. Authority

The provisions of this ordinance are adopted under authority granted by the General Statutes of North Carolina. (G.S. 153A-121)

Section 2. Jurisdiction

These regulations shall govern every new manufactured home park or any additions to existing manufactured home or travel trailer parks lying within Perquimans County except land within the jurisdiction of any municipality unless the municipality shall have, by resolution, formally requested the County to enforce this Ordinance within its jurisdiction.

Section 3. Title

This Ordinance is entitled the *Manufactured Home Park Ordinance for Perquimans County, North Carolina*, and may be cited as the *Manufactured Home Park Ordinance*.

ARTICLE II DEFINITIONS

Section 1. General

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Section 2. Tense and Number

A) The present tense includes the future tense and the future tense the present tense.

B) The singular number includes the plural number and the plural number the singular.

Section 3. Word Interpretations

A) The word "may" is permissive.

B) The words "shall" and "will" are mandatory.

C) The word "county" shall mean Perquimans County, North Carolina.

D) The words "Planning Board" shall mean the Perquimans County Planning Board.

E) The words "County Commissioners" shall mean the Perquimans County Board of Commissioners.

F) The word "person" includes firm, association, organization; trust, company, corporation, or any legal entity as well as an individual.

G) The words "used" or "occupied" include the phrases: "intended to be occupied or used"; "designed to be occupied or used"; or "arranged to be occupied or used".

Section 4. Definitions

A) All weather, paved road – A road that is suitable for light traffic under all weather conditions and that meets the paved surfacing requirements of the North Carolina Department of Transportation. All interior streets in a manufactured home park must be paved.

B) Construction Permit - A permit issued by the County Enforcement Officer under the provisions of this Ordinance authorizing a developer to construct or expand a manufactured home park.

C) Developer - Any person or other legal entity engaged in the development or the proposed development of a manufactured home park.

D) Enforcement Officer - The enforcement officer for Perquimans County shall be the County Manager or his designated representative. The Director of the District Health Department or his designated representative shall be considered the enforcement officer for all requirements concerning public health and the enforcement of applicable health codes mandated by the State of North Carolina or the District Health Department for Perquimans County.

E) Manufactured Home – A structure that consists of:

1) a single unit mainly assembled at the factory or two (double-wide) or three (triple-wide) principal components mainly assembled at the factory and joined together at the site;

2) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis;

3) is designed to be used as a dwelling and provides complete, independent living facilities for one family; and

4) is not permanently attached to a foundation.

A structure otherwise defined herein as a manufactured home is permanently attached to its foundation if:

(a) the foundation was constructed in such a way or at such expense as to make it unlikely that the manufactured home placed upon it will later be moved; or

(b) if the manufactured home cannot be removed from the foundation without great expense or severe damage to the structure.

Tie downs and other related requirements of this ordinance do not constitute permanent attachment.

F) Manufactured Home Lot – A piece of land within a manufactured home park whose boundaries, design, and improvements are in accordance with the requirements of ordinance to accommodate a single manufactured home.

G) Manufactured Home Park – A parcel of land containing two or more manufactured home lots for the rental purpose for accommodating manufactured homes for occupancy.

H) Manufactured Home Pad – That area of a manufactured home lot that has been reserved and prepared for the placement of a manufactured home.

I) Natural or Artificial Barrier – Any river, pond, roadway, canal, levee, embankment, fence, wall, hedge, tree row, or similar obstruction which limits access or visibility.

J) Operating Permit – A permit issued by the Enforcement Officer to the owner or operator of a manufactured home or travel trailer park whose design, specifications and improvements comply with the requirements of this ordinance.

K) Structural Additions – Any roofed, canopied, enclosed porch or room which is physically attached to a manufactured home. A concrete slab with no roof or walls shall be considered a structural addition.

L) Tract – Any parcel of land whose boundaries have been described or delineated legally and recorded in the office of the Register of Deeds.

M) Travel Trailer – A wheeled vehicular structure built on a chassis, designed to be used as a temporary dwelling for travel or recreational purposes, having a body width not exceeding 8 feet. This is also intended to include structures mounted on auto or truck bodies that are generally referred to as campers.

ARTICLE III REGISTRATION

Section 1. Registration

No person shall place a manufactured home or manufactured structure on any lot or tract for the purpose of using said manufactured home or structure without having first obtained a Manufactured Home Registration Permit from the Perquimans County Building Inspector. The Registration shall be valid only for the lot issued.

Section 2. Certificate of Compliance

Registration Permits shall be issued for a period of 60 days, after which a final Certificate of Compliance shall be obtained.

Section 3. Approval Conditions

A) The final Certificate of Compliance shall be issued when the manufactured home or manufactured structure meets the following conditions.

   1) The structure demonstrates compliance with the relevant North Carolina General Statutes and with the North Carolina regulations for manufactured homes published by the North Carolina Department of Insurance and with Federal Regulations promulgated by the Department of Housing and Urban Development.

   2) The structure has received approval and has been issued a permit for wastewater disposal by the District Health Department.

B) It shall be unlawful to occupy a manufactured home and manufactured structure that does not have a valid certificate of compliance affixed to the outside of the structure and plainly visible from the road.

C) Any person who shall be adjudged to have violated the provisions of this Section shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not to exceed $50 for each offense.

ARTICLE IV APPLICABILITY OF ORDINANCE

No person may locate, or cause to be located, or allow more than one manufactured home for rental to be located on a tract of land under his ownership, possession or control, unless the tract of land is an approved and licensed manufactured home park.

The only exceptions to this rule shall be when:

The manufactured homes are located on a manufactured home sales lot. In this case, only one manufactured home may be used as a sales office and as a convenience to customers and employees.

Section 1. Contents of the Plat

The plat shall be prepared by a registered surveyor or engineer and shall be drawn at a scale of 50, 100, or 200 feet to one inch and shall contain the following:

A) The location of existing and platted property, buildings, streets, railroads, bridges, culverts, watercourses, transmission lines, sewers, drainage ditches, drain pipes, water mains, town and county boundary lines, and other public utility easements. Existing and platted streets on adjoining property shall be illustrated.

B) Boundaries of tracts shown with bearings, distances, and closure.

C) Wooded areas, pond or lakes, streams or streambeds, marsh swamp, floodplain, and other physical conditions affecting the site.

D) Names of adjacent property owners or subdivisions.

E) Proposed streets, street names, rights-of-way, pavement widths, and approximate grades.

F) Locations of proposed street lights and utility lines (drainage or underground drainage, water, electricity, and telephone) showing connections to existing supply systems. In the case of water, the size of the lines must be shown. If a dumpster site is proposed the location, size, number of dumpsters, type of screening material, and proposed lighting must be shown.

G) The location, width, and purposes of other proposed rights-of-way or easements.

H) Proposed areas for recreational space.

I) Proposed lot lines, lot and block numbers, and lot dimensions.

J) Location of manufactured home pad, water, sewer, and electrical risers, and the location of off-street parking and driveway areas.

K) Title, date of plat preparation, magnetic and true north arrows, graphic scale, the name of the township(s), county, and state in which the manufactured home park is located.

L) Name of owner, surveyor, or engineer, and the proposed name of the Manufactured Home Park.

M) A Vicinity Map showing the relationship between the Manufactured Home Park and the surrounding areas at a scale of not less than one inch to four hundred feet.

N) All plats shall contain the following certifications.

1. <u>Certification of Approval by the Planning Board</u>

   The Perquimans County Planning Board hereby approves the final plat for the _____ Manufactured Home Park.

   Date_____

   _____, Chairman
   Perquimans County Planning Board

2. If the County Commissioners approve the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

   Certificate of Approval for Recording

   I hereby certify that the Manufactured Home Park plat shown hereon has been found to comply with the Manufactured Home Park Ordinance for Perquimans County, North Carolina, and that this plat has been approved by the Perquimans County Commissioners for recording in the Office of the Register of Deeds of Perquimans County.

   Date_____

   _____, Clerk
   Perquimans County

3. All interior streets in the manufactured home park must be paved and shall, at a minimum, comply with the current North Carolina Department of Transportation, Division of Highways standards for subdivision streets.

   The Manufactured Home Park Plat shall not be reviewed for approval by the Perquimans County Planning Board without the following signed certificate of approval from the NC Department of Transportation, Division of Highways.

   Certificate of Approval of Interior Streets

   I hereby certify that I have been provided and have reviewed certified documents regarding the construction results of the streets in _____ Manufactured Home Park as compared to the Division of Highways Standards for street construction and have determined that they meet these minimum standards.

   Date_____

   _____
   County Enforcement Officer

4. Certificate of Ownership and Dedication

   I (we) hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of Perquimans County and that I hereby adopt this Manufactured Home Park Plan with my free consent and hereby dedicate all water lines and easements thereto to Perquimans County.

   Date_____

   _____
   Owner(s) or President of Corporation

5. Certification of Approval of Water Supply and Sewage Disposal Systems

   I hereby certify that the water supply and sewage disposal systems installed, or proposed for installation in _____ Manufactured Home Park meet the necessary public health requirements and are hereby approved.

   Date_____

   _____
   County Health Officer or his Authorized Representative

6. Certificate of Survey and Accuracy

   I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____, etc.) (other); that the error of closure as calculated by latitudes and departures is 1:___, that the boundaries not surveyed are shown as broken lines platted from information found in Book ____, Page____, that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this ____ day of _____A.D., 19___.

   _____
   Registered Surveyor or Professional Engineer

7. Certificate of Approval of the Design and Installation of Utilities and other Required Improvements

   I hereby certify that all utilities and other required improvements have been installed in an acceptable manner and according to county specifications and standards in the _____ Manufactured Home Park or that guarantees of the installation of the required improvements in an amount and manner satisfactory to Perquimans County has been received and that the filing fee for this plat in the amount of $_____ has been paid.

   Date_____

   _____
   County Enforcement Officer

Section 2. Review of the Plat

A) It is recommended that the developer meet with the County Enforcement Officer to discuss his plans and ideas pertaining to the development of or to the addition to a manufactured home park.

B) Plat of the manufactured home or park.

   1. The developer shall submit eight (8) copies of the plat and any supplementary material to the Planning Board Chairman at least fifteen (15) days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered.

   2. The Planning Board Chairman or County Enforcement Officer shall inspect the site. The developer may be asked to accompany the inspection party.

3. The plat shall be checked against the design standards and plat requirements by the Chairman of the Planning Board or the County Enforcement Officer. It shall be their responsibility to ensure the following agencies are given the opportunity to review and make recommendations on the plat:

   a) The District Health Department as to the proposed water and sewer systems, rodent and insect control measures, and any other systems or methods related to the jurisdiction of the Health Department.

   b) The County Building Inspector to insure accuracy of floodway and flood plain delineation and the need for elevation monuments.

   c) The superintendent of the Perquimans County Water System to determine the need and suitability of fire hydrants and sizes of water lines.

   d) If the proposed park contains waterfront access lots or property or canals are to be excavated, the Corps of Engineers and the CAMA permits will be attached.

   e) Such other agencies and officials as the Planning Board deem necessary.

Section 3. Plat Approval

A) The Planning Board shall approve, or disapprove the plat.

   1. If disapproved, the reasons shall be stated and, if necessary, the Planning Board may require the developer to submit a revised plat.

   2. If the plat is approved, 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.

B) The Board of Commissioners shall take action on the plat at its first meeting following the plats approval by the Planning Board. The Board of Commissioners may approve, or disapprove the plat.

   The Board of Commissioners' approval authorizes the developer to begin construction on the manufactured home park. No construction or installation of improvements shall commence until the Board of Commissioners, by vote of the Board, has given its authorization to begin construction.

C) No plat shall be approved until all the Certificates required by this ordinance to appear on the plat have been properly filled out, recorded and an inspection fee of $1.00 per lot or space, or a minimum of $10.00 (whichever is greater) has been paid to Perquimans County.

D) A one-time Recreational Fee of $200 is charged per each individual lot within a Manufactured Home Park to be placed in a Reserve Fund for Future Recreational Expenditures. This Recreational Fee must be paid to Perquimans County at the same time as the Inspection Fee and must be paid prior to the Certificate of Compliance issuance.

Section 4. Certificate of Compliance

After the construction and development of the manufactured home park has been completed, the County Enforcement Officer shall issue a Certificate of Compliance to the owner or operator, which shall be authorization for the parks operation. This certificate will be issued only after the County Enforcement Officer is satisfied that the park has been completed in compliance with this

Ordinance and any variance stipulated in the plat approval. At any time after the issuance of the permit, the Perquimans County Planning Board shall revoke the Certificate of Compliance if the Manufactured Home Park is operating in violation of the requirements of this Ordinance.

ARTICLE V SPECIFICATIONS FOR MANUFACTURED HOME PARKS

Section 1. General Provisions

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 Manufactured Home Park development, but such land may be set aside for such uses as will not be endangered by periodic or occasional flooding. The Planning Board, in making its determination shall be guided by an analysis of available data on topography, soils, flood hazards, drainage and ground and surface water.

Section 2. Interior Drives and Walkways

All new manufactured home lots, whether in a new development or in the expanded area of an existing manufactured home park, shall abut upon a hard, paved surface road that is built to meet the NC DOT Road Standards. All manufactured home lots shall have driveway access to said paved surface road. All interior drives, walkways, and parking spaces shall be constructed and maintained by the owner. The construction of cul-de-sacs and dead end streets shall comply with the *Perquimans County Subdivision Regulations* concerning cul-de-sacs and dead end streets.

Streets shall be constructed to meet N.C. Department of Transportation Road Standards regarding paved roads. The Developers shall contract with an independent company, approved by the Division of Highways, who will provide the County Enforcement Officer with certifying documents which compare the manufactured home park streets to the following N.C. Department of Transportation subdivision road standards as detailed in the N.C. Standard Specifications for Road Construction Handbook.

I. <u>Base Soil Type</u>
   - A. Thickness
   - B. Density
   - C. Gradation

II. <u>Surface Material</u>
   - A. Thickness
   - B. Gradation
   - C. Asphalt Content

III. <u>ABC Base</u>
   - A. Thickness
   - B. Density
   - C. Gradation

Section 3. Street Signs

It shall be the responsibility of the owner or developer to install signs identifying streets at the intersections of all interior streets or drives and on those named private drives within the development. Such signs shall be in accordance with the specifications as determined by the Perquimans County Board of Commissioners.

Section 4. Off-Street and Off-Drive Parking

Each new manufactured home lot shall be provided with at least two (2) paved surfaced off-street or off-drive parking spaces prior to the beginning of operations of the park. Each space shall be a minimum of twenty (20) feet long and ten (10) feet wide.

The Parking Area must be 20' x 20' with the driveway having a minimum width of ten (10) feet. These parking spaces must be, at a minimum, within ten (10) feet of the manufactured home, and they must also be approved, as to location and layout, by the Planning Board."

Section 5. Required Manufactured Home Lot Area

The sizes of new manufactured home lots shall meet District Health Department Standards. Please see pages 15 and 16 of this Ordinance which provides the minimum size for Manufactured Home Lots.

Lot Requirements:

1. Minimum of 15,000 sq. ft. if water and sewer are provided. Minimum 90 ft. width at street right-of-way line, or in the event of a lot on a curve of a cul-de-sac a minimum of 50 ft of road or street frontage.

2. Minimum of 43,000 sq. ft. if public or community water is provided, but no central sewer system and the District Health Department finds the soil to be suitable for septic tank use.

3. Minimum of 43,000 sq. ft. if public water and sewer is not provided and the District Health Department finds that the soil is provisionally suitable for septic tank use.

		PUBLIC WATER NO SEWER	
	PUBLIC WATER & SEWER PROVIDED	Suitable Soils	Provisionally Suitable Soils
Minimum Lot Area	15,000 sq. ft	43,000	43,000
Lot Width	90 ft.	125	125
Front Yard Setback	25 ft.	30 ft.	30 ft.
Rear Yard Setback	25 ft.	30 ft.	30 ft.
Side Yard Setback	12 ft.	15 ft.	15 ft.

Section 6. Refuse Collection Facilities

Individual, water-tight, covered refuse containers of not less than 30 gallon capacity shall be provided by the manufactured home park owner or operator at each manufactured home space, a concrete slab with a surface measurement of at least three feet by two feet (3' x 2') and a thickness of not less than four (4) inches equipped with a stand designed to hold the container in an upright and secure position shall be provided at each manufactured home lot. The owner or operator of the manufactured home park shall arrange for commercial pick-up for each manufactured home lot occupant at a frequency of not less than one pick-up per week.

Section 7. Recreation Area

A. At least one lot comparable in size and standards to other lots in the manufactured home park shall be provided for recreational purposes in all manufactured home parks designed to accommodate 25 manufactured home lots. The Planning Board shall make a determination as to the adequacy of the recreational space for all developments and shall make recommendations to the developer. The intent of this section is to prevent the developer from setting aside lots that are too small or unsuitable for recreational purposes.

B. When the Manufactured Home Park is located on a Water-Way, Lake or Pond, water access must be provided for all residents within the Park. One lot equal in size, shape and elevation to the other residential lots in the Park must be maintained by the Owner as a Water Access Lot for use by Park residents. This lot must be acceptable to the Planning Board.

C. The Recreation Park must abut a street and must have a minimum of 100 feet frontage on the street where located.

D. The Developer must locate and maintain at least one street-light of the same light intensity as is required for the street-lights within the Recreation Park. This light is not included as a street-light and should therefore be located within the Recreational Area rather than on the street.

Section 8. Fire Protection

A) Any new manufactured home lots being served by a municipal water supply or the County Water System shall have in place a fire hydrant within 500 feet of all manufactured home lots.

B) Whenever there is a public water system determined by the Planning Board to be available to the manufactured home park, the owner of the manufactured home park shall provide the connection to the system. All lines, fire hydrants, valves, and other hardware shall be installed at the owner's expense as required by the County or municipality operating the system.

Section 9. Drainage

All new manufactured home lots shall be located on a well-drained and properly graded site. Necessary site drainage improvements as directed by the Planning Board shall be provided. At a minimum, each manufactured home lot must be properly graded to provide for adequate drainage of water with a minimum of one (1) inch increase in height per each ten (10) feet of distance

from the side lot line to the center of the lot. The Building Inspector shall review the proposed park to determine if it lies within the 100-year flood hazard area.

Section 10. Water Supply

A. Prior to preliminary plat submission, the Planning Board or its authorized representative shall determine if Public Water Services are available for the proposed Manufactured Home Park:

1) If public water service is not available, the plans for construction of the proposed facilities shall meet the standards of the State Commission for Health Services in the Division of Environmental Management, plans shall be submitted with a preliminary plat.

2) If public water service is determined to be available for the lots in a new Manufactured Home Park, the developer shall construct the new water service according to County/State Specifications in such a fashion as to allow the County to connect the individual water services at a later time by installation of only the Water Meter after the application has been made and required fees paid by the owner of the Manufactured Home Park and by the Renter.

3) The Planning Board shall review the following criteria when making its determination on the availability of public water service to the Manufactured Home Park.

   a) Whether the water system with jurisdiction has/will have the capacity to serve the proposed Manufactured Home Park.

   b) The distance and location of the proposed Manufactured Home Park to the nearest available public water service.

   c) The number of lots in the proposed Manufactured Home Park with regard to the distance of the main water line to be constructed to the Manufactured Home Park.

   d) Estimated cost of extending the water service to the Manufactured Home Park regarding economic feasibility.

(COST/DISTANCE/MANUFACTURED HOME PARK)

4) If the developer is developing new lots within the service area of the Perquimans County Water System, the developer shall construct a water system and connect it to the system owned and operated by Perquimans County, subject to the following conditions:

   a) Construction plans for the proposed system shall be prepared by a registered engineer, materials and construction to be in accordance with the specification for the Perquimans County Water System as prepared by the County Engineer, and submitted with the preliminary plat for approval by the Planning Board, County Water Supervisor and the appropriate State Agencies.

   b) The cost of the construction, connection and approval of the Manufactured Home Park water system shall be paid by the developer.

   c) All water mains, laterals, meter box and easement shall be dedicated to the County Water system. Water lines shall be installed on the street right-of-way where possible.

5) The Perquimans County Planning Board and/or the Perquimans County Board of Commissioners may, in consultation with the County's Engineer, determine that certain

improvements will be required for the County Water System due to the projected consumption of water when all proposed Manufactured Home Park lots are connected to the Perquimans County Water System. The Perquimans County Board of Commissioners will require the Developers to make and pay for those improvements. The County Engineer will be the selected Engineer for the Construction Project unless otherwise approved by the Board of County Commissioners. The Engineer's Fee will be paid for by the Developer.

Section 11. Individual Riser Pipes and Connections

A) Individual water and riser pipes shall be provided and located within the confined area of the manufactured home pad at a point where the connections will approximate the structures placement.

B) Water riser pipes shall extend at least ten inches above the ground elevation and the pipe shall be at least three-quarter (3/4) 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.

C) 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 risers should be at least six (6) inches above ground level.

Section 12. Anchoring

All manufactured homes and manufactured structures shall be anchored in a manner approved by the *State of North Carolina Regulations for North Carolina Manufactured Homes* as from time to time amended and published by the North Carolina Department of Insurance.

Section 13. Electrical Connections and Risers

Each new manufactured home lot shall meet the current North Carolina Electrical Code. In addition, each lot shall have a pedestal riser consisting of a pedestal of channel iron 2"x8" and 6½ inches in length, or a 4"x8" pedestal of pressure treated material 6½ inches in length. This pedestal shall be encased in 4 inches of concrete and buried at least 30 inches underground and attached to a riser extending from the pedestal base to a height not to exceed 4 feet above the ground elevation. The meter base shall be mounted at the top of the riser, with a main ampere switch located directly beneath the base.

Section 14. Lighting

All streets in the manufactured home park shall be adequately illuminated from one half-hour after sunset until one half hour before sunrise. The minimum size street lamp shall be a 175 watt mercury vapor lamp or equivalent (approximately 7000 lumen class) spaced at four hundred feet intervals.

Section 15. Use Restrictions

No part of any new manufactured home park may be used for non-residential purposes that may create any unusual noises, odors, or other offensive nuisances affecting residential living.

Section 16. Buffer Zones

A buffer strip at least ten (20) feet wide adjacent to each exterior property line shall be densely planted and maintained by the Developer.

Plant spaces must be of sufficient growth capacity and maturity at planting that within three (3) years of planting, the plants will grow to a minimum height of five (5) feet. Acceptable plant species include but are not limited to the following: (a) Wax Myrtle, (b) Autumn Olive, (c) Photinia, (d) Euonymus, (f) Leyland Cypress. The building of structures in the Buffer Zone is prohibited.

Section 17. Plantings

Plantings shall be maintained by the Developer for each lot.

A) Each lot must be provided a minimum of two ornamental trees to be located in the rear or side yards of each lot.

B) Each lot, along the rear and side yard lines, must have ornamental shrubs planted every twenty feet. These shrubs should be similar to the shrubs planted in the Buffer.

ARTICLE VI AMENDMENTS

Section 1. Amending the Ordinance – Who May Petition

A petition for an amendment to this ordinance may be initiated by any citizen or agency within the County's jurisdiction.

Section 2. Procedure

A) The Planning Board shall consider and make recommendations to the County Board of Commissioners concerning proposed amendments.

B) No amendment shall be adopted until after a Public Hearing with proper Public Notice as mandated by the North Carolina General Statutes has been held.

ARTICLE VII APPEALS

The Perquimans County Board of Commissioners shall hear and decide appeals arising from orders, requirements, decisions, or determinations made by the local Enforcement Officer charged with enforcement of this ordinance.

ARTICLE VIII VARIANCE

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause unnecessary hardship, the Planning Board may recommend and the Board of Commissioners may 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 the Minutes of the Planning Board and of the County Board of Commissioners and the reasoning on which the departure was justified set forth.

ARTICLE IX SEPARABILITY

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.

ARTICLE X ANNUAL INSPECTION

To verify compliance with the requirements of this Ordinance, the Planning Board or its designee will make an Annual Inspection of each Manufactured Home Park registered in Perquimans County and will notify the owner(s) of the results of this inspection. The owner(s) will then be given sixty (60) days from the date of the notice to make the required corrections.

If the required items are not corrected within the sixty (60) days period, a $50 per day fine will be imposed by the Planning Board for Perquimans County on the owner. The Planning Board or its Designee will then, with the assistance of the County Attorney, take all necessary steps to secure a Court Order requiring compliance by owner(s). The Planning Board or its designee will notify the County Building Inspector of the non-compliance. The building inspector will not allow any new siting within the Park, including replacement for existing manufactured homes until the issue has been resolved.

ARTICLE XI RE-ENACTMENT AND REPEAL OF EXISTING MANUFACTURED HOME AND MANUFACTURED HOME PARK ORDINANCE

This ordinance carries forward by re-enactment some of the provisions of the Manufactured Home Park Ordinance of Perquimans County, adopted by the Board of Commissioners on July 20, 1987, as amended. It is not the intention to repeal but rather to re-enact and continue to enforce such existing provisions of this ordinance so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of this ordinance, which are not re-enacted herein, are hereby repealed.

This ordinance shall take effect and be in force from and after its passage and adoption.

Duly adopted by the Board of Commissioners of Perquimans County, North Carolina, this the 28th day of June, 2004.

Mack E. Nixon
Chairman
Perquimans County Board of Commissioners