

POLK COUNTY
MOBILE HOME ORDINANCE

Adopted June 2004; Amended May 3, 2021[1]

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Article I - Authority, Purpose, Jurisdiction and Legal Provisions

Section 101. Short Title

This Ordinance shall be titled Mobile Home Ordinance, Polk County, North Carolina, and may be cited as the Mobile Home Ordinance.

Section 102. Authority

Polk County hereby exercises its authority to adopt and enforce a mobile home ordinance under the provision granted by North Carolina General Statutes 153A-121 and 160D-909. A local government may adopt and enforce appearance and dimensional criteria for manufactured homes.[1]

Section 103. Purpose

The purpose of this ordinance is to promote the protection of the health, safety and welfare of the communities and to provide an acceptable environment for all the residents with Polk County. This ordinance is designed to accomplish the following objectives:

a. To secure safety from fire, panic and other dangers.
b. To protect individuals from hazards associated with electrical dangers.
c. To protect surrounding properties and residents.

Section 104. Jurisdiction

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

Section 105 Appeals and Variances

A. Appeals[1]
Appeals may be taken by any person aggrieved, or by any official or board of Polk County affected by, any ruling or decision of the ordinance administrator to the Board of Adjustment. Such appeal shall be taken within 30 days of ruling or decision, as provided by the rules of the Board of Adjustment, by filing with the ordinance administrator and with the secretary of the Board of Adjustment a notice of appeal and specifying the grounds thereof. The ordinance administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the ordinance administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the ordinance administrator and on due cause shown.

B. Variances[1]
The Board of Adjustment may authorize a variance from these regulations when, in the Board's opinion, undue hardship may result from strict compliance with this Ordinance. No variance shall

be granted unless the Board of Adjustment finds, when unnecessary hardships would result from carrying out the strict letter of a regulation, the Board of Adjustment shall vary any of the provisions of the regulation upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Section 106. Compliance with Other Ordinances

Any and all proposed movement, location, and inhabitance of mobile home within Polk County, North Carolina, shall comply with all the requirements of any officially adopted ordinance within Polk County, North Carolina.[1]

Section 107. Effect of Existing Legislation

Where this Ordinance conflicts with existing ordinances, statutes, or regulations effective in the jurisdiction of this Ordinance and enacted by the County, State, or Federal Government or their agencies, then the ordinance, statute or regulation requiring the higher standard shall apply.

Section 108. Penalty

Any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to fine and/or imprisonment as provided by General Statute 14-4. Each day's continuing violation of this ordinance shall be a separate and distinct offense. Nothing in this Section shall be construed to limit the use of remedies available to the County.

Article II Procedure for Securing Approval of Mobile Homes

Section 201. Approval Required

No mobile homes may be installed, moved or relocated within the territorial jurisdiction of Polk County until a permit has been issued by the Administrator, authorizing such installation.[1]

Section 202. Procedures for Review and Approval of a Mobile Home

Prior to the installation of a mobile home, the applicant shall make application to the Administrator for a permit to install such a mobile home on forms required by the Polk County Planning and Zoning Department and the Polk County Building Inspection Department.

Section 203. Issuance of a Zoning Permit and Construction Permit

After receiving application that meets the requirements of this ordinance, the Administrator is authorized to issue a development compliance permit or building permit. A fee schedule shall be established by the Board of County Commissioners.

Article III Minimum Design Standards

This section sets forth minimum design standards which are stated as follows:[1]

Section 301. Installation Requirements

A. Each mobile home shall be installed with stabilization devices in accordance with the State of North Carolina regulations for installation of manufactured/mobile homes adopted and published by the North Carolina Department of Insurance.

B. It is the responsibility of all mobile home owners to provide proper skirting and stairs. Specific requirements are as follows:

Skirting is required prior to issuance of certificate of occupancy. The skirting shall be of solid curtain wall material (i.e. treated wood, vinyl, metal, masonry). Materials are to be erected in a fashion as not to create a fire hazard or harbor trash or rodents. Skirting shall have an access door and be properly vented in accordance with State Regulations. Skirting shall be maintained in a good state of repair.[1]

Article IV Definition of Terms

For the purposes of this ordinance, certain terms or words used herein shall be defined as follows:[1]

Administrator: The person or persons appointed by the Polk County Board of Commissioners to administer and enforce the provisions of this ordinance.

Construction Permit: A permit issued by the Building Inspection Administrator authorizing the mobile home to be installed by the owner/agent in accordance with a site plan approved by the Administrator.

Developer: Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development.

Development Compliance Permit: A permit issued by the Administrator authorizing the applicant/developer to install a mobile home in accordance with the development regulations of Polk County.

Mobile Home/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.
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 semipermanent 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 semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Shall: When used in this Ordinance, it is intended to indicate a mandatory requirement.

Stabilizing Devices: All components of the anchoring and support systems such as piers, footers, ties, anchoring equipment and any other equipment which supports the mobile home and secures it to the ground.

Article V. Effective Date

Effective date of this ordinance shall be the 3rd day of May, 2021.

Adopted this 3rd day of May, 2021.

Polk County Board of Commissioners

_____

Attest:

_____
Clerk to the Board

Approved as to Form:

_____
County Attorney