

THE MANUFACTURED HOME
AND
TRAVEL TRAILER PARK ORDINANCE
OF
DUPLIN COUNTY, NORTH CAROLINA

PREPARED BY
THE DUPLIN COUNTY PLANNING BOARD
AND
THE DUPLIN COUNTY PLANNING DEPARTMENT

Effective December 1, 2002

ENACTMENT

This is an ordinance establishing regulations for manufactured home and travel trailer parks within the jurisdiction of Duplin County, North Carolina and providing for the administration enforcement and amendment thereof and repealing the Duplin County Manufactured Home and Travel Trailer Park Ordinance effective Dec. 1, 1998.

PREAMBLE

WHEREAS, in the opinion of the Duplin County Board of Commissioners to promote the health, safety, morals, and general welfare of the residents of Duplin County it is necessary and advisable to establish regulations to further the orderly layout of manufactured home and travel trailer parks, to secure safety from fire, flood and other dangers, to insure adequate facilities for transportation, parking, water, sewerage, and recreation, and

WHEREAS, the Duplin County Planning Board has developed this ordinance with due consideration and has submitted final recommendations to the Duplin County Commissioners, and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met.

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF DUPLIN AS FOLLOWS:

ARTICLE I AUTHORITY

SECTION 10

The provisions of this ordinance are adopted under authority granted by North Carolina General Statute 153A-121.

ARTICLE II - JURISDICTION

SECTION 20

This regulation shall govern the establishment of each and every new manufactured home and travel trailer park and the alteration or expansion of existing manufactured home and travel trailer parks within the jurisdiction of Duplin County. The jurisdiction of Duplin County shall not include the area within the extra territorial jurisdiction of any municipality.

ARTICLE III - APPLICABILITY

SECTION 30

After the effective date of this ordinance it shall be unlawful for any person to establish, operate or expand a manufactured home park or travel trailer park in a manner which is inconsistent with the provisions and requirements of this ordinance.

ARTICLE IV TITLE

SECTION 40 This ordinance shall be known and referred to as The Manufactured Home and Travel Trailer Park Ordinance of Duplin County, North Carolina.

ARTICLE V INTERPRETATIONS

SECTION 50 Tense and Number

- (1) The present tense includes the future tense and the future tense includes the present tense.
- (2) The singular number includes the plural number and the plural number includes the singular number.

SECTION 51 Word Interpretations

For the purposes of this ordinance the following words shall be interpreted as specified below:

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "County" shall mean the County of Duplin, North Carolina.
- (4) The words "Planning Board" shall refer to the Duplin County Planning Board.
- (5) The words "County Commissioners" shall refer to the Duplin County Board of Commissioners.
- (6) The word "person" shall include firm, organization, association, company trust, corporation or other entity.
- (7) The words "used" or "occupied" includes intended, designed and arranged.

SECTION 52 Definitions

For the purposes of this ordinance the following terms shall be defined as specified below. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

- (1) Buffer Strip
A 10 foot wide strip of living plant material planted with one or more species of trees and or shrubs at spacings which will provide a permanent, continuous, year-round, visual screen extending from the surface of the ground to a minimum height of six (6) feet at maturity.
- (2) Construction Permit
A permit issued by the enforcement officer authorizing the manufactured home park owner to construct a manufactured home park or travel trailer park in accordance with a plan approved by the Planning Board.

- (3) Developer
Any person, firm, trust, partnership, association or corporation engaged in development or proposed development of a manufactured home or travel trailer park.
- (4) Enforcement Office
This ordinance shall be enforced by the Duplin County Planning Department.
- (5) 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 semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.
- (6) Manufactured Home Park
Shall mean and include any place, area or tract of land maintained, offered or used for the parking of more than two manufactured homes used or intended to be used for human habitation purposes. Provided further that this regulation shall not apply where up to three manufactured homes are used by an immediate family relationship such as father and son or a relationship considered by the Health Department as equal to this and no rent is charged or paid. Also provided that this ordinance shall not apply to permitted migrant labor camps or subdivisions.

- (7) Manufactured Home Lot
Any parcel or ground within a manufactured home park designated for the exclusive use of one manufactured home.
- (8) Operation Permit
A permit issued by the Enforcement Officer to a manufactured home or travel trailer park owner, upon the completion of a manufactured home park which authorizes the lease or rental of spaces and operation of the park.
- (9) Permitted Migrant Labor Camp
Manufactured homes under valid permit by the Duplin County Health Department and other applicable agencies for use as housing for migrant laborers. Manufactured home parks as defined by this ordinance will be subject to the requirements of this ordinance when not under valid permit as a migrant labor camp.
- (10) Site Plan
A plan of a proposed manufactured home or travel trailer park, prepared in accordance with this ordinance and presented to the Duplin County Planning Board for approval.
- (11) Travel Trailer
A wheeled vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and/or recreational purposes, having a body width not exceeding 8 feet. This is also intended to include structures mounted on auto or truck bodies commonly referred to as campers.
- (12) Travel Trailer Park
Any site or tract of land upon which is located six or more travel trailer spaces, regardless of whether or not a charge is made for such service.
- (13) Travel Trailer Space
A plot of land within a travel trailer park designed for the accommodation of one travel trailer.
- (14) Variance
A modification of terms of this ordinance where, owing to conditions peculiar to the property, a literal enforcement of this ordinance would result in an unnecessary hardship.
- (15) Screen Fence
A structure of wood, stone, brick, block, or metal from the surface of the ground to a minimum height of 6 feet and of such materials and construction which creates a permanent, continuous, visual barrier.

ARTICLE VI MANUFACTURED HOME PARK DESIGN STANDARDS

SECTION 60

Suitability of Land

Land subject to flooding, improper drainage, erosion, or that is for topographical or other reasons unsuitable for residential use as determined by the Planning Board, shall not be developed for manufactured home parks if such use would continue or increase the danger to health, safety, or property unless the hazards can be, and are corrected or avoided.

SECTION 61

General Requirements

- (1) The owner/operator of a manufactured home park shall not sell manufactured homes on or within a manufactured home park unless the manufactured home unit for sale is individually and separately located upon an existing manufactured home lot where all design standards have been met and all utilities have been installed as required by this ordinance. An individual manufactured home owner residing in the park may sell his own manufactured home.
- (2) The transfer of individual manufactured home lots within the park by sale or other means shall be prohibited while the park is in operation.
- (3) No enclosed structure in excess of 500 square feet shall be attached to any manufactured home. Such additions shall not encroach into the minimum setbacks or separation requirements.
- (4) Open porches and decks shall not be constructed nearer than five feet to adjacent interior or exterior lot lines.
- (5) Only manufactured homes shall be located within manufactured home parks.
- (6) Manufactured home park identification signs shall not exceed thirty-two (32) square feet in area per side. Only diffused nonflashing lighting will be allowed. Lighting shall not directly illuminate the public roadway or reflect light beams or glare that would impair the vision of motorists or interfere with the operation of vehicles. Signs shall not be located within the public right-of-way and shall be located at least 20 feet from any manufactured home.
- (7) The separation requirement of the ordinance is intended to protect property values, preserve the character and integrity of the County and to promote the health, safety and welfare of County residents. No manufactured home park may be located within 1,000 feet in any direction from an existing mobile home park, school, church or residence.
- (8) Buffers are intended to protect adjoining land uses, from the noise, dust, lights, threats to privacy, and aesthetic impacts of more intense land uses. Any portion of any manufactured home or travel trailer park boundary which is BOTH within 1,000 feet AND is visible from any schools, churches or residences (other than that of the park owner) shall be screened from view with a buffer strip, as defined by this ordinance, along the boundary line facing the residence. Any manufactured home park with manufactured homes located within 50 feet of a public road right-of-way shall be screened from view from the public road with a buffer as defined by this ordinance. In addition, any manufactured home park with more than five manufactured homes adjacent to a public road right-of-way that do not have direct, individual driveway access to the public road shall be buffered from view from the road by a buffer strip as defined by this ordinance. The buffer requirement may be satisfied by a screen fence as defined by this ordinance. The buffer requirement may also be satisfied by existing natural vegetation meeting the intent of this ordinance provided that the natural vegetation is owned by the manufactured home park owner.

- A. No particular species of plant materials are specified; however, performance of plant materials and methods used shall be in accordance with the requirements and intent of this ordinance. (See Appendix for chart of recommended plant materials and spacings.)
 - B. Plant materials shall average a minimum of 12" in height at the time of planting.
 - C. Persons operating manufactured home and travel trailer parks shall utilize good husbandry techniques with regard to plant materials including but not limited to proper planting, mulching, fertilization, pruning and otherwise proper maintenance to ensure a healthy, uniform, continuous solid vegetative screen as soon after planting as possible.
 - D. Diseased, dead or damaged plant materials shall be replaced at the earliest appropriate planting time.
- (9) Within a manufactured home park, one manufactured home may be used as an administrative office.
- (10) Convenience establishments of a commercial nature, including food stores, coin operated laundries and dry cleaning establishments, laundry and dry cleaning pickup stations, beauty parlors, and barber shops may be permitted in manufactured and travel trailer home and travel trailer parks subject to the following restrictions:
- A. Such establishments shall be located, intended and designed to serve only the trade or service needs of persons residing in the park.
 - B. Such establishments shall be subordinate to the residential use and character of the park.
 - C. Off-street parking for commercial establishments shall be provided at a ratio of one (1) space for every four hundred (400) square feet of gross floor area.
 - D. Vehicular access to such establishments shall be from Interior streets.
 - E. Signs serving such establishments inside the manufactured home park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.

SECTION 62

Lots

- (1) Generally, lot sizes, shapes and locations shall be made with due regard to topographic conditions, soil conditions, and the surrounding land usage.
- (2) The area required for each manufactured home lot shall be determined by the Duplin County Health Department after an investigation of soil conditions, proposed method of sewage disposal, and water supply. However in no case shall the area of a manufactured home lot be less than ten thousand (10,000) square feet.

(3) Minimum Lot areas shall be as specified below:

| <u>Water and Sewer Service</u> | <u>Minimum Lot area and width</u> |
|---|---|
| (A) Lots served by <u>both</u> off-site water supply and off-site sewage disposal | 10,000 square ft. minimum 60 feet width |
| (B) Lots served by on site sewage disposal. | 21,780 square ft. (1 /2 acre) minimum 120 feet width |

(4) Each manufactured home lot shall have a minimum road frontage of thirty 30 feet.

(5) Manufactured home minimum setbacks on the lots shall be as follows: No portion of any setback shall be within the required buffer strip.

(A) 10 feet from any interior side or rear lot line

(B) 15 feet from any exterior park boundary line except that no manufactured home may be situated within 100' of an established adjoining residential property line.

(C) 15 feet from any interior street-right-of-way line

(D) 30 feet from any public road right-of-way line

(E) 20 feet from any building, other manufactured home or manufactured home park identification sign

(6) Each manufactured home lot shall abut on an interior street which has direct access to a public road.

(7) Each manufactured home lot shall be assigned a street address by the Duplin County E-911 Coordinator. It shall be the responsibility of the manufactured home park owner to post the address in accordance with the Duplin County Addressing and Road Naming Ordinance.

SECTION 63

Streets and Parking

(1) Interior streets shall be private streets, owned and maintained by the manufactured home park owner. The county assumes no responsibility for maintenance of any streets, parking areas, drainage structure or open spaces.

(2) Interior streets shall have a traveled way, a minimum of eighteen (18) feet wide and be graded drained and stabilized -

(3) Interior street surfaces shall consist of a minimum of 4" compacted stone or rock on suitable sub-grade.

(4) Streets shall be approximately centered in an access easement lot less than forty (40) feet wide.

(5) Manufactured home parks with more than 20 lots shall have at least two access roads connecting to a public road.

- (6) Permanent dead end or cul-de-sac streets shall not exceed one thousand (1,000) feet in length and shall have a bulb or other suitable means for vehicles to turn around at the closed end. Bulbs shall have a right-of-way diameter of eighty (80) feet and a traveled portion with a diameter of seventy (70) feet. Other provisions for turning around may be allowed subject to approval by the Planning Board.
- (7) Streets and drives within the manufactured home park shall intersect as nearly as possible at right angles to other streets. No streets shall intersect at an angle of less than sixty (60) degrees.
- (8) Interior streets shall be named by the manufactured home park Developer. Names shall not duplicate or be similar to existing County road names. Selection of street names are subject to approval by the Duplin County E-911 Addressing Coordinator.
- (9) Two automobile parking spaces shall be provided for each manufactured home lot. No portion of the required spaces shall be within any street right-of-way.

SECTION 64

Utilities

- (1) (A) Each manufactured home lot shall be provided with an approval water supply in accordance with 15A NCAC 18A.1700. Provided the water supply and distribution system serves 15 or more connections, it is classified as public water system: and must be listed with the Public Water Supply Section, division of Environmental Health.
- (B) Each manufactured home lot must be connected to an approved sewage disposal system as determined by the Duplin County Health Department. The approval of water supply and sewage disposal system is a condition for approval of electrical service to each manufactured home lot.
- (2) When public or community water systems or sewage systems are available, the developer shall, at his expense, make connection to those systems. Availability will be determined by the Planning Board.
- (3) All streets shall be illuminated from sunset to sunrise. Lights shall be pole mounted overhead style of a design suitable for the purpose. Light poles shall be located approximately along the easement lines of interior streets. Street lamps shall be a minimum of 175 watt mercury vapor type or its equivalent, spaced at intervals of not more than three hundred (300) feet.
- (4) Lighting shall be located to illuminate the entrance street at its intersection with the public right-of-way. Light poles shall be located outside the public right-of-way and shall not cast light or glare onto the public road of such intensity as to impair the vision of motorists or interfere with the operation of vehicles.
- (5) County owned solid waste and recycling collection centers shall serve as refuse collection facilities. Private collection may be provided by the manufactured home park owner/operator subject to approval by the Duplin County Solid Waste Department.

SECTION 65

Recreation Area

- (1) Each manufactured home park shall provide four hundred (400) square feet of recreation area for each manufactured home lot that is less than twenty-two thousand (21,780) square feet in area.
- (2) Manufactured home parks with more than 20 lots shall provide 400 sq. ft. of suitable recreation area for each lot above 20.
- (3) No recreation area shall be less than 2,500 square feet in area.
- (4) Maintenance of any recreation areas will be the responsibility of the manufactured home park owner/operator.

ARTICLE VII TRAVEL TRAILER PARK DESIGN STANDARDS

SECTION 70

Suitability of Land

Land subject to flooding, improper drainage, erosion, or that is for topographical or for other reasons unsuitable for travel trailer use as determined by the Planning Board, shall not be developed for travel trailer parks if such use would continue or increase the danger to health, safety, or property unless the hazards can be and are corrected or avoided.

SECTION 71

General Requirements

- (1) It shall be unlawful for a person to park or store a manufactured home in a travel trailer park. However, one (1) home may be allowed within a travel trailer park to be used as an office or residence of persons responsible for the operation and maintenance of the travel trailer park.
- (2) Travel trailer park identification signs shall be limited to one (1) sign located at the park entrance. No sign shall exceed thirty-two (32) square feet in area per side.
- (3) Commercial uses - same as Article VI Section 61 (9).
- (4) Buffers - Same as Article VI Section 61 (8).

SECTION 72

Lots

- (1) Generally, lot sizes, shapes and location shall be made with due regard to topographic conditions, soil conditions, and the surrounding land usage.
- (2) All spaces shall be located on sites with elevations that are not susceptible to flooding. Each space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space. All ditch banks shall be sloped and seeded.
- (3) Each space shall consist of a minimum of fifteen hundred (1,500) square feet.
- (4) There shall be a minimum distance of fifteen (15) feet between each travel trailer or structure.
- (5) No space shall have direct vehicular access into a public road.

- (6) All spaces developed adjacent to a public road shall be set back a minimum of forty (40) feet from the right-of-way line.

SECTION 73

Streets and Parking

- (1) Interior streets shall be private streets, owned and maintained by the travel trailer park owner. The County assumes no responsibility for maintenance of any streets, parking areas, drainage structures or open spaces.
- (2) The park shall have all-weather roads that directly abut each space. All roads shall have a minimum width of eighteen (18) feet.
- (3) Cul-de-sacs or dead-end roads shall not exceed one thousand (1,000) feet in length. Any road designed to be permanently closed shall have a turnaround at the closed end with a minimum diameter of eighty (80) feet. The entire area of the turnaround shall be graded and have an all-weather surface. Other provisions for turning around may be allowed subject to approval by the Planning Board.

SECTION 74

Utilities

- (1) Each travel trailer lot shall be provided with an approved water, sewer and electrical service.
- (2) No method of sewage disposal shall be installed, altered or used without the approval of the Duplin County Health Department. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water-using appliance not herein mentioned, shall be piped into the sewage disposal system.
- (3) Sewage dumping stations shall be approved by the Duplin County Health Department. Each park shall provide at least one (1) sewage dumping station.
- (4) All toilet, shower, lavatory and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All toilet, shower, lavatory and laundry room facilities shall be acceptable to the Duplin county Health Department and shall be in conformity with all Applicable codes.
- (5) Each park shall have a central structure or structures that provide separate toilet facilities for both sexes. This structure may also contain coin operated machines for the park residents' use only, provided there is no exterior advertising.

SECTION 75

Recreation Area

- (1) Each park shall provide recreation areas to serve the needs of the anticipated users. One half (1/2) acre of level well-drained ground for every fifteen (15) spaces shall be utilized as a recreation area. The park owner is responsible for the development and maintenance of the recreation areas.

- (2) No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable regulations.

Article VIII MANUFACTURED HOME AND TRAVEL TRAILER PARK OPERATION

- SECTION 80 Maintenance
The manufactured home and travel trailer park owner/operator shall be responsible for the continuous maintenance of the park. Streets, driveways rights-of-way, ditches, surface and subsurface drainage structures, erosion control and signs shall be properly maintained to insure the safety and convenience of the public. Parks shall be maintained in a sanitary condition to minimize the harborage and breeding of insects and vermin.
- SECTION 81 Review By Other Agencies
Compliance with this ordinance does not relieve the manufactured home and travel park developer from compliance with regulations adopted and enforced by other local, state and federal agencies which regulate construction of roads, driveway access, electrical supply, health standard, building codes, erosion and sedimentation control, drainage and flood control.
- SECTION 82 Registration of Occupants
It shall be the duty of the owner or operator of a manufactured home/travel trailer park to keep an accurate register containing a record of all occupants and owners of manufactured homes or travel trailers located within a park. The register shall be available for inspection at all times by the Enforcement Officers, the County Health Department, and other government agencies and officials authorized by the Board of Commissioners. The register shall contain the following information:
1. Name and mailing address of owner and/or occupant, if different.
 2. Date entered and date of leaving park.
 3. Lot or space number.
- SECTION 83 Existing Parks
Existing manufactured home and travel trailer parks which do not comply with the requirements of this ordinance may continue to operate subject to the regulations applicable at the time of approval. But in no case shall any manufactured home or travel trailer park be allowed to be revised, reconstructed or expanded in a manner which is inconsistent with this ordinance.

ARTICLE IX ADMINISTRATION

SECTION 90

Approval Required

After the effective date of this ordinance, no manufactured home or travel trailer park within the jurisdiction of Duplin County shall be established, altered or expanded until a site plan has been approved by the Planning Board and a construction permit issued. The procedure for approval shall be as outlined below.

SECTION 91

Review Fees

The plan submittal shall include payment of \$1 0.00 per lot park review fee as established by the County Commissioners.

SECTION 91.1

Technical Review Committee

The Planning Department shall present the proposed site plan to the Technical Review committee for review of site plan contents and design. The technical review committee will consist of representatives from the County Health Department, Planning Department, Building Inspections Department, Water Department, and E-91 1 Department. The Technical Review committee shall review the plan and make recommendations to the Planning Board concerning the plans compliance with this ordinance and other applicable regulations and policies. The Planning Department shall advise the developer of any plan deficiencies and of the findings and recommendations of the Technical Review Committee.

SECTION 92

Plan Submittal

The developer shall submit six (6) copies of the site plan to the Planning Department at least 7 days prior to the Planning Board meeting at which the plan is to be considered. The site plan must be prepared by a Professional Land Surveyor, Professional Engineer or Registered Landscape Architect.

SECTION 92.1

Site Plan Contents

The site plan shall be accurately drawn to scale using appropriate materials in a neat and legible manner. The plan shall show or be accompanied by the following information:

- (1) Proposed name of manufactured home or travel trailer park.
- (2) Name, address and telephone number of developer, owner/operator.
- (3) Name, address and telephone number of designer, planner, surveyor or engineer.
- (4) Township.
- (5) Date, scale of plan and north arrow.
- (6) Boundary of tract, including deed book and page reference and acreage.
- (7) Boundary of manufactured home or travel trailer park.
- (8) Location map showing names of adjacent property owners or subdivisions and use of adjacent property.

- (9) Existing and proposed interior streets and right-of-way lines, public roadways and right-of-way lines, road names and numbers.
- (10) Existing and proposed driveways and parking areas.
- (11) Topographic information with contours on at least Zintervals, existing and proposed ditches, streams, ponds and wooded areas.
- (12) Existing and proposed easements or other rights-of-way.
- (13) Existing and proposed building and manufactured homes or travel trailers.
- (14) Existing and proposed manufactured home and travel trailer lots, lot dimensions and lot numbers.
- (15) Existing and proposed systems for surface and subsurface drainage, street lighting, electrical power, water supply and distribution, sewage disposal and refuse collection.
- (16) Areas subject to flooding.
- (17) Locations of existing and proposed park identification signs, traffic control signs, and street name signs.
- (18) Existing and proposed buffers, recreation areas and open space areas.
- (19) Any other such reasonable information as may be required by the Planning Board, to adequately review the plan.

SECTION 92.2

Planning Board Consideration

The Planning board shall have forty-five (45) days from its initial consideration of the site plan in which to approve, approve conditionally or disapprove the plan.

- (1) Approved Plans
If the site plan is approved by the Planning Board, one copy of the plan, so marked, will be retained by the Planning Board and one copy of the plan, along with a letter of approval will be sent to the developer and to the members of the Technical Review Committee.
- (2) Approved Conditionally
If the site plan is approved conditionally by the Planning Board one copy of the plan so marked, will be retained by the Planning Board and one copy of the plan along with a letter stating the conditions of approval will be sent to the developer, and to the members of the Technical Review Committee.
- (3) Disapproved Plans
If the site plan is disapprove by the Planning Board one copy of The plan, so marked, will be retained by the Planning Board and one Copy along with a letter stating the reasons for disapproval and Outlining re-submittal and appeal options will be sent to the developer and to the members of the Technical Review Committee.

SECTION 92.3

Construction Permit

Upon Planning Board approval of the site plan the enforcement officer shall issue a construction permit. The construction permit authorizes the developer to construct the manufactured home or travel trailer park in accordance with plans as approved by the Planning Board. The construction permit does not relieve the developer from compliance with any applicable regulations and does not authorize construction of improvements which would be in violation of any local, state or federal regulations. The construction permit does not authorize the developer to offer manufactured home or travel trailer lots for rent or lease or to locate manufactured homes or travel trailers on the property. The construction permit will be valid for six (6) months. If construction has not commenced within six (6) months, Planning Board approval shall become null and void. The Planning Board, at its discretion, may grant a six (6) month extension to the original approval. The enforcement officer may periodically observe construction during progress to determine if construction is in compliance with approved plans.

SECTION 93

Operation Permit

After construction is completed, the enforcement officer shall visit the manufactured home park to determine if construction of improvements appears to be in accordance with approved plans and applicable regulations. The operation permit shall not be issued until the park is in compliance with all applicable regulations. If the park is determined to be in compliance, the enforcement officer shall issue an operation permit. This permit authorizes the developer to rent or lease manufactured home or travel trailer lots and to operate the park.

SECTION 94

Violations

The operation permit shall be valid until revoked. The enforcement officer may periodically visit the park to determine continued compliance with this ordinance and other applicable regulations. If the park is determined to be in violation the enforcement officer shall notify the owner/operator in writing of the violations and of action necessary to bring the park into compliance. Failure by the owner/operator to correct violations within 120 days of notification shall constitute grounds for revocation of the permit. If the permit is revoked, the enforcement officer shall notify the owner/operator in writing of the status of the permit, the action needed to correct the violation, and the enforcement techniques available to the county to remedy continued violation. Operation of a manufactured home park without a valid operation permit is a misdemeanor subject to enforcement actions as provided for by state law. When the enforcement officer determines that the park has been brought back into compliance with applicable regulations, he shall reinstate the operation permit.

SECTION 95

Transfer of Permits

Construction and operation permits are issued to the manufactured home/travel trailer park owner and are not transferable. The park owner shall notify the enforcement officer of any transfer in park ownership within thirty (30) days.

SECTION 96

Development In Sections

Developers are encouraged to submit plans showing the proposed manufactured home/travel trailer park in its entirety. However, Planning Board approval, construction and operation permits may be issued for sections of the park. Sections shall contain a minimum of five (5) contiguous lots and must comply with all applicable regulations.

ARTICLE X LEGAL PROVISIONS

SECTION 100

Minimum Requirements

The provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this ordinance differ with the requirements of any other adopted county, state or federal regulation, the most restrictive or that imposing the highest standard shall govern.

SECTION 101

Enforcement

This ordinance may be enforced by any one or more of the remedies. Authorized by G.S. 153A-123, including but not limited to the following:

- (1) A violation of this ordinance shall constitute a misdemeanor, punishable by a maximum fine of \$50.00 or imprisonment for no more than 30 days.
- (2) Violation of this ordinance subjects the offender to a civil penalty of fifty (\$50.00) dollars.
- (3) This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (4) This ordinance may be enforced by injunction, order of abatement or both.
- (5) Each day's continuing violation of this ordinance is a separate and distinct offense.

SECTION 102

Complaints

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the enforcement officer, stating the cause and basis for the complaint. The enforcement officer shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.

SECTION 103

Separability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional invalid.

SECTION 104

Amendment

Petitions for amendment may be filed with the enforcement officer by any citizen of the County any county department or agency, the County Planning Board or Board of Commissioners.

SECTION 104.1

Amendment Procedure

The provisions and requirements of this ordinance may be amended by the County Commissioners according to the following procedure.

- (1) Planning Board Review
No amendment shall become effective unless it shall have been proposed by or shall have been reviewed by the Planning Board. The Planning Board shall have 45 days in which to review the proposed amendment and to make recommendations to the Commissioners. If the Planning Board fails to report to the Commissioners within 45 days it shall be deemed to have approved the proposed amendment.
- (2) Commissioner Review
The County Commissioners must approve any amendments or revisions to the ordinance.

SECTION 105

Variance and Exception

The Planning Board may issue variances and exceptions from the design requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. In granting a variance, the Planning Board may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this ordinance. In granting a variance or exception to this ordinance the Planning Board must determine the following:

- (1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other lands, or buildings.
- (2) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.
- (3) Special conditions and circumstances do not result from the actions of the applicant; and
- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, or buildings.

SECTION 106

Appeal

The County Commissioners shall hear and decide appeals and review any orders, requirements decisions, or determinations made by the Planning Board or any County Department responsible for administration or enforcement of this ordinance. The Commissioners' decision is subject to review by the Superior Court of Duplin County.

SECTION 107 Effective Date

This ordinance shall become effective and be in full force from and after the 1st Day of December 2002. Adopted by the Duplin County Board of Commissioners this the 4th day of November 2002.

Chairman
Duplin County Board of Commissioners

ATTEST: _____
Clerk to the Board

ARTICLE XI APPENDIX

SECTION 110

CHART OF RECOMMENDED PLANT MATERIAL

| (1) <u>Trees</u> <u>NAME</u> | <u>HEIGHT (H)</u> <u>SPREAD(S)</u> | <u>SPACING</u> | <u>GROWTH</u> <u>RATE</u> |
|---------------------------------|---------------------------------------|----------------|------------------------------|
| American Holly | (H) 15-30' (S) 10-20' | 6' | Fast |
| Carolina Cherry | (H) 20-25' (S) 15-20' | 10' | Moderate |
| DaHoon Holly | (H) 15-20' (S) 10-15' | 6' | Fast |
| Eastern Red Cedar | (H) 30' (S) 15' | 6' | Moderate |
| Japanese Evergreen | (H) 20-40' (S) 8-16' | 8' | Moderate |
| Yaupon Holly | (H) 20' (S) 6-12' | 8' | Moderate |
| (2) <u>Shrubs</u> | | | |
| Chinese Holly | (H) 10' (S) 6-8' | 10' | Moderate |
| Chinese Photinia | (H) 12' (S) 5-10' | 8' | Fast |
| Cleyera | (H) 10' (S) 5-6- | 10' | Moderate |
| Fortune's Osmanthus | (H) 15- (S) 5'-7' | 10' | Moderate |
| Glossy Privet | (H) 8-10' (S) 5-10. | 12' | Fast |

(2) Shrubs Con't.

| <u>NAME</u> | <u>HEIGHT (H) SPREAD(S)</u> | <u>SPACING</u> | <u>GROWTH RATE*</u> |
|------------------------|---------------------------------|----------------|-------------------------|
| Japanese Holly | (H) 6-17' (S) 3-5' | 10' | Slow |
| Japanese Privet | (H) 4-20' (S) 5-6 | 10' | Fast |
| Luster Leaf Holly | (H) 8-12' (S) 7-11' | 10' | Moderate |
| Pittosporum | (H) 10-30' (S) 5-8- | 10' | Moderate |
| Southern Wax Myrtle | (H) 20' (S) 6-12' | 8' | Fast |
| Spice Plant | (H) 8-12- (S) 8-10' | 10' | Moderate |
| Thorny Elaeagnus | (H) 8-11' (S) 6-10' | 10' | Moderate |

***GROWTH RATE APPROXIMATIONS IN HEIGHT:**

| | | |
|----------|---|--------------|
| Slow | — | 6" per year |
| Moderate | — | 8" per year |
| Fast | — | 12" per year |