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CHAPTER 150: GENERAL PROVISIONS

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PLANNING BOARD

§ 150.01 CREATION.

A Town Planning Board for the Town of Bailey, North Carolina, is hereby created under the authority of G.S. § 160A-361.
(1973 Code, § 12.1)

§ 150.02 MEMBERS.

(A) The Town Planning Board shall consist of five members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other official municipal government position except on a zoning board, zoning board of appeals, or housing authority board. The Mayor may appoint two ex officio members to the Board, who shall have no vote but who shall act as advisors to the Planning Board.

(B) The citizen members shall be appointed by the Town Board upon creation of the Planning Board to hold office as follows: two members for one year, two members for two years, and one member for three years. Thereafter, members shall be appointed for a term of three years. All members of the

Planning Board shall serve without compensation. Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The Mayor shall file a written statement of reasons for the removal. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Board of Commissioners.

(1973 Code, § 12.2)

§ 150.03 ORGANIZATION AND RULES.

Within 30 days after appointment, the Planning Board shall elect its Chairperson from amongst the appointed citizen members and create and fill the other offices as it may determine. The term of office for the Chairperson shall be two years. The Planning Board shall hold at least one regular meeting in each month which shall be open to the public. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(1973 Code, § 12.3)

§ 150.04 STAFF AND FINANCES.

The Planning Board may contract with city planners, engineers, architects, and other consultants for services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Commissioners, and no indebtedness for which the town shall be liable shall be contracted by the Planning Board unless an appropriation is made by the Board of Commissioners for those purposes, and then only to the extent of the appropriation. The Planning Board shall have the right to accept gifts and donations for the exercise of its functions and for giving publicity to its work, and may expend the money received from the donations and gifts as in its judgment may appear best.

(1973 Code, § 12.4)

§ 150.05 GENERAL POWERS AND DUTIES.

It shall be the function and duty of the Planning Board to make and adopt a suggested master plan for the physical development of the municipality or modified parts of the plan as the Planning Board and Board of Commissioners may deem best. The plan, with the accompanying maps, plats, charts, and descriptive matter, may show the Planning Board's recommendations for the development of the territory; including, among other things, the general location, character, and extent of streets, viaducts, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location of public buildings and other public property; and the general location and extent of utilities and terminals, whether publicly or

privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. The Planning Board may from time to time recommend amendments, extensions, or additions to the plan.

(1973 Code, § 12.5)

§ 150.06 PURPOSES IN VIEW.

(A) In the preparation of the plan or modified plan or parts thereof, the Planning Board shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory.

(B) The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

(1973 Code, § 12.6)

§ 150.07 MISCELLANEOUS POWERS AND DUTIES.

(A) (1) Before the adoption by the Planning Board of the plan, or any part, amendment, extension, or addition, the Planning Board shall hold at least one public hearing thereon.

(2) The Planning Board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report, and may employ other means of publicity and education as it may determine.

(3) Members of the Planning Board, when duly authorized by the Planning Board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Planning Board may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to the attendance.

(4) All officers and employees of the town shall render reasonable assistance and any information to the Planning Board as may be requested by the Planning Board for its work.

(B) The Planning Board shall from time to time, and at least annually, submit reports, in writing, to the Board of Commissioners giving information regarding the condition of the town and any plans or proposals for the development of the town and estimates of the cost thereof, and these reports shall contain other recommendations as the Planning Board feels should have immediate attention.
(1973 Code, § 12.7)

CHAPTER 151: BUILDINGS AND BUILDING REGULATIONS

Section

151.01 Adoption by reference

§ 151.01 ADOPTION BY REFERENCE.

The Buildings and Building Regulations ordinance is adopted by reference and incorporated herein.

CHAPTER 152: UNSAFE BUILDINGS

Section

- 152.01 Inspection Department
- 152.02 Duties and responsibilities
- 152.03 Joint Inspection Department
- 152.04 Financial support
- 152.05 Conflicts of interest
- 152.06 Failure to perform duties
- 152.07 Permits
- 152.08 Time limitations on validity of permits
- 152.09 Changes in work
- 152.10 Inspections of work in progress
- 152.11 Stop orders
- 152.12 Revocation of permits
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- 152.14 Periodic inspections
- 152.15 Defects in buildings to be corrected
- 152.16 Unsafe buildings condemned
- 152.17 Removing notice from condemned building
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- 152.20 Appeal; finality of order if not appealed
- 152.21 Failure to comply with order
- 152.22 Equitable enforcement
- 152.23 Records and reports
- 152.24 Appeals in general
- 152.25 Restrictions within primary fire limits
- 152.26 Restrictions within secondary fire limits

§ 152.01 INSPECTION DEPARTMENT.

The town is authorized to create an Inspection Department, and shall appoint one or more Inspectors who may be given the titles of Building Inspector, Electrical Inspector, Plumbing Inspector, Housing

Inspector, Zoning Inspector, Heating-Air Conditioning Inspector, Fire Prevention Inspector, or Deputy or Assistant Inspector, or any other titles as may be generally descriptive of the duties assigned. The Department may be headed by a Superintendent or Director of Inspections.

(1973 Code, § 8.28)

Statutory reference:

Similar provisions, see G.S. § 160A-411

§ 152.02 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of an Inspection Department and of the Inspectors therein shall be to enforce, within their territorial jurisdiction, state and local laws relating to:

(A) The construction of buildings and other structures;

(B) The installation of facilities such as plumbing systems, electrical systems, heating systems, refrigeration systems, and air conditioning systems;

(C) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition; and

(D) Other matters that may be specified by the Board. These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order to adequately enforce those laws. The Board shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(1973 Code, § 8.29)

Statutory reference:

Similar provisions, see G.S. § 160A-412

§ 152.03 JOINT INSPECTION DEPARTMENT.

(A) (1) The Board may enter into and carry out contracts with another municipality, county, or combination thereof, under which the parties agree to create and support a joint Inspection Department for the enforcement of state and local laws specified in the agreement.

(2) The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

(B) In lieu of a joint Inspection Department, the Board may designate an Inspector from any other municipality or county to serve as a member of its Inspection Department, with the approval of the governing body of the other county. The Inspector shall, while exercising the duties of the position, be considered a municipal employee.

(C) The Board may request the Board of County Commissioners of the county in which the town is located to direct one or more County Building Inspectors to exercise their powers within part or all of the town's jurisdiction, and they shall thereupon be empowered to do so until the Board officially withdraws its requests in the manner provided in G.S. § 160A-360(g).

(1973 Code, § 8.30)

Statutory reference:

Similar provisions, see G.S. § 160A-413

§ 152.04 FINANCIAL SUPPORT.

The Board may appropriate for the support of the Inspection Department any funds that it deems necessary. It may provide for paying Inspectors fixed salaries or it may reimburse them for their services by paying over, part, or all of any fees collected. It shall have power to fix reasonable fees for issuance of permits, inspections, and other services of the Inspection Department.

(1973 Code, § 8.31)

Statutory reference:

Similar provisions, see G.S. § 160A-414

§ 152.05 CONFLICTS OF INTEREST.

(A) No member of an Inspection Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the town's jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he or she is the owner of the building.

(B) No member of an Inspection Department shall engage in any work that is inconsistent with his or her duties or with the interest of the town.

(1973 Code, § 8.32)

Statutory reference:

Similar provisions, see G.S. § 160A-415

§ 152.06 FAILURE TO PERFORM DUTIES.

No member of an Inspection Department shall willfully fail to perform the duties required of him or her by law, or shall willfully improperly issue a permit, nor shall give a certificate of compliance

without first making the inspections required by law, or shall willfully improperly give a certificate of compliance.

(1973 Code, § 8.33) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-416

§ 152.07 PERMITS.

(A) Without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to the work, no person shall commence or proceed with:

(1) The construction, reconstruction, alteration, repair, removal, or demolition of any building or structure;

(2) The installation, extension, or general repair of any plumbing system;

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system; or

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to the work.

(B) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and, if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by a duly licensed contractor.

(1973 Code, § 8.34) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-417

§ 152.08 TIME LIMITATIONS ON VALIDITY OF PERMITS.

A permit issued pursuant to § 152.07 shall expire by limitation six months, or any lesser time fixed by ordinance of the Board, after the date of issuance, if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

(1973 Code, § 8.35) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-418

§ 152.09 CHANGES IN WORK.

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the Inspection Department.

(1973 Code, § 8.36) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-419

§ 152.10 INSPECTIONS OF WORK IN PROGRESS.

As the work pursuant to a permit progresses, local Inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable state and local laws and of the terms of the permit. In exercising this power, members of the Inspection Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(1973 Code, § 8.37)

Statutory reference:

Similar provisions, see G.S. § 160A-420

§ 152.11 STOP ORDERS.

Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state or local building law, or in a manner that endangers life or property, the appropriate Inspector may order the specific part of

the work that is in violation or presents a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order to the North Carolina Commissioner of Insurance within a period of 5 days after the order is issued. Notice of appeal shall be given, in writing, to the Commissioner of Insurance, with a copy to the local Inspector. The Commissioner of Insurance shall promptly conduct a hearing at which the appellant and the Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible. Pending the ruling by the Commissioner of Insurance on an appeal, no further work shall take place in violation of a stop order. Violation of a stop order shall constitute a misdemeanor.

(1973 Code, § 8.38)

Statutory reference:

Similar provisions, see G.S. § 160A-421

§ 152.12 REVOCATION OF PERMITS.

The appropriate Inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(1973 Code, § 8.39)

Statutory reference:

Similar provisions, see G.S. § 160A-422

§ 152.13 CERTIFICATES OF COMPLIANCE.

(A) At the conclusion of all work done under a permit, the appropriate Inspector shall make a final inspection and, if he or she finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he or she shall issue a certificate of compliance.

(B) No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the Inspection Department has issued a certificate of compliance.

(C) A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the Inspector finds may safely be occupied prior to final completion of the entire building.

(1973 Code, § 8.40) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-423

§ 152.14 PERIODIC INSPECTIONS.

The Inspection Department shall make periodic inspections, subject to the Board's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that the conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(1973 Code, § 8.41)

Statutory reference:

Similar provisions, see G.S. § 160A-424

§ 152.15 DEFECTS IN BUILDINGS TO BE CORRECTED.

When a local Inspector finds any defects in a building, or finds that the building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his or her duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property he or she owns.

(1973 Code, § 8.42) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-425

§ 152.16 UNSAFE BUILDINGS CONDEMNED.

Every building which shall appear to the Inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes shall be held to be unsafe, and the Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(1973 Code, § 8.43)

Statutory reference:

Similar provisions, see G.S. § 160A-426

§ 152.17 REMOVING NOTICE FROM CONDEMNED BUILDING.

No person shall remove any notice that has been affixed to any building or structure by a local Inspector of any municipality and that states the dangerous character of the building or structure. (1973 Code, § 8.44) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-427

§ 152.18 ACTION IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION.

If the owner of a building or structure that has been condemned as unsafe pursuant to § 152.16 shall fail to take prompt corrective action, the local Inspector shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service, that:

(A) The building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property;

(B) A hearing will be held before the Inspector at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(C) Following the hearing, the Inspector may issue the order to repair, close, vacate, or demolish the building or structure as appears appropriate. (1973 Code, § 8.45)

§ 152.19 ORDER TO TAKE CORRECTIVE ACTION.

If, upon a hearing held pursuant to the notice prescribed in § 152.18, the Inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he or she shall make an order, in writing, directed to the owner of the building or structure requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps within the period, not less than 60 days, as the Inspector may prescribe.

(1973 Code, § 8.46)

Statutory reference:

Similar provisions, see G.S. § 160A-429

§ 152.20 APPEAL; FINALITY OF ORDER IF NOT APPEALED.

(A) Any owner who has received an order under § 152.19 may appeal from the order to the Board by giving notice of appeal, in writing, to the Inspector and to the Town Clerk within ten days following issuance of the order.

(B) In the absence of an appeal, the order of the Inspector shall be final.

(C) The Board shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(1973 Code, § 8.47)

Statutory reference:

Similar provisions, see G.S. § 160A-430

§ 152.21 FAILURE TO COMPLY WITH ORDER.

If the owner of a building or structure fails to comply with an order issued pursuant to § 152.19 from which no appeal has been taken, or fails to comply with an order of the Board following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(1973 Code, § 8.48)

Statutory reference:

Similar provisions, see G.S. § 160A-431

§ 152.22 EQUITABLE ENFORCEMENT.

Whenever any violation is denominated a misdemeanor, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(1973 Code, § 8.49)

Statutory reference:

Similar provisions, see G.S. § 160A-432

§ 152.23 RECORDS AND REPORTS.

(A) The Inspection Department shall keep complete, permanent, and accurate records in a convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of the Department.

(B) Periodic reports shall be submitted to the Board and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require.

(1973 Code, § 8.50)

Statutory reference:

Similar provisions, see G.S. § 160A-433

§ 152.24 APPEALS IN GENERAL.

(A) Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local Inspection Department pertaining to the State Building Code or other state building laws shall be taken to the Commissioner of Insurance or other official specified in G.S. § 143-139, by filing a written notice with him or her and with the Inspection Department within a period of ten days after the order, decision, or determination.

(B) Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

(1973 Code, § 8.51)

Statutory reference:

Similar provisions, see G.S. § 160A-434

§ 152.25 RESTRICTIONS WITHIN PRIMARY FIRE LIMITS.

Within the primary fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved (either into the limits or from one place to another within the limits), except upon the permit of the local Inspection Department approved by the Commissioner of Insurance. The Board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(1973 Code, § 8.52) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-436

§ 152.26 RESTRICTIONS WITHIN SECONDARY FIRE LIMITS.

Within any secondary fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved, except in accordance with any rules and regulations established by ordinance.

(1973 Code, § 8.53) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-437

CHAPTER 153: MOBILE HOMES, TRAILERS, AND MOBILE HOME PARKS

Section

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- 153.02 Conformance with regulations required
- 153.03 Permits to build or alter mobile home parks; approval of plans
- 153.04 Preliminary plan
- 153.05 Final plan
- 153.06 Licenses and maintenance permits for mobile home park operation
- 153.07 Specifications for mobile home parks
- 153.08 Utilities; fire prevention; health
- 153.09 Recreation areas
- 153.10 Mobile home and trailer parking and storage
- 153.11 Mobile home sales within mobile home parks
- 153.12 Mobile home additions
- 153.13 Registration
- 153.14 Nonconforming mobile home parks
- 153.15 Allowance of mobile homes outside mobile home parks

§ 153.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING INSPECTOR. The Building Inspector of the Town of Bailey or any other person duly authorized to act on his or her behalf.

MAINTENANCE PERMIT. A certificate valid for one year that authorizes the maintenance and operation of a mobile home park. Maintenance permits shall be granted by the Building Inspector only if the provisions of this chapter are satisfactorily complied with.

MOBILE HOME. Any vehicle or structure designed to be transported by self-contained wheel and axle assembly and intended for human occupancy as a single-family dwelling for unlimited periods of time. The vehicle shall contain as an integral part of its construction kitchen facilities and a completely equipped bathroom consisting of a flush toilet, laboratory, and bathtub or shower.

MOBILE HOME PARK. Any site or tract of land, of contiguous ownership, upon which mobile home spaces are provided for mobile home occupancy according to the requirements set forth in this chapter, whether or not a charge is made for the service.

MOBILE HOME SPACE. A plot of land within a mobile home park designed for the accommodation of one mobile home, and shall consist of an area of not less than 3,600 square feet with a minimum width of 70 feet.

MOBILE HOME STAND. The portion of the mobile home space intended for occupancy by the mobile home proper, consisting of a rectangular plot of ground 12 feet by 60 feet with concrete patio a minimum of six feet by six feet, and concrete walk to private drive.

PRIVATE DRIVE OR DRIVEWAYS. Any street within a mobile home park, not publicly maintained, but utilized as access by the residents of the mobile home park, their guests, and the public.

TEMPORARY MAINTENANCE PERMIT. A certificate issued by the Building Inspector authorizing a nonconforming mobile home park to be maintained and operated for a period of 120 days, subject only to the provisions of this chapter made expressly applicable to the park.

TOWN. The Town of Bailey.

TRAILER. Any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, the vehicle containing limited or no kitchen and bathroom facilities.

(Ord. passed 10-5-1976)

§ 153.02 CONFORMANCE WITH REGULATIONS REQUIRED.

It shall be unlawful for any person, firm, or corporation to park or store a mobile home or trailer, or maintain, build, or alter a mobile home park within the town, unless a final plan of the mobile home park has been approved and/or a maintenance permit has been issued, all in accordance with the requirements of this chapter.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.03 PERMITS TO BUILD OR ALTER MOBILE HOME PARKS; APPROVAL OF PLANS.

(A) No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes

within the park or affects the facilities required therein, until he or she first secures a permit authorizing the construction, addition, or alteration. The construction, addition, or alteration shall be done in accordance with the plans and specifications submitted with the application and approved by the proper authorities.

(B) Procedure for the applicant securing the permit and assuring the town that the requirements of the permit are complied with shall consist of the following.

(1) For the construction or alteration of a mobile home park that affects the number of sites within the park, a preliminary plan consisting of the information prescribed in § 153.04 shall be prepared and submitted to the Town Board for approval. No plan is required to be prepared and approved for issuance of a permit of make minor facility improvements in an existing mobile home park where the number of mobile home sites within the park is not affected. When no plan is required, application for a building permit may be made directly to the Building Inspector. When a preliminary plan is required, the applicants must first secure the approval of the Town Board before making the application. All building permit applications shall be made upon forms supplied by the Building Inspector, and shall be accompanied by the preliminary plans of the park.

(2) If the application contains the required information and the requirements of this chapter would be complied with, the permit shall be issued. Building permits shall be nontransferable, except with the written consent of the Building Inspector.

(3) The Building Inspector shall make an examination of the construction at any reasonable time to determine whether work is being done according to approved plans and specifications, and the owner shall make available any records, test data, or other information essential to that determination.

(4) It is recommended that before filing a preliminary plan of the proposed mobile home park for review, a sketch plan may be submitted to the Town Board for its suggestions.

(5) After the preliminary plan has been approved, six copies of the final plan shall be submitted to the Town Board for certification of compliance with the preliminary plan.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.04 PRELIMINARY PLAN.

The preliminary plan shall be drawn to the scale of not less than 1 inch equal to 40 feet, and shall show the following on one or more sheets:

(A) A site plan of the proposed mobile home park;

(B) The name of the mobile home park, and the names and addresses of the owner or owners;

(C) Date, approximate north arrow, and scale;

(D) The boundary line of the tract with accurate linear and angular dimensions drawn to scale and the area of the park in square feet or acres;

(E) A location map of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewer, culverts, drainpipes, and any new utility easements;

(F) Proposed name, location, and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, mobile home spaces, mobile home stands, and building lines within the park;

(G) When deemed necessary by the Town Board, profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than one inch equal to four feet vertical;

(H) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drainfields, and water and storm drainage) showing feasible connections to existing and proposed utility systems;

(I) Location and number of garbage and trash receptacles;

(J) Proposed storm drainage for the entire mobile home park, including all proposed grading and sewer installations;

(K) A detailed plan of all electrical installations prepared to meet the National Electrical Code and local code or ordinance;

(L) Where public water or public sewer is not available within the one-mile extraterritorial zoning limit, a written statement from the County Health Department shall be submitted with the preliminary mobile home park plan, indicating that the mobile home park has adequate land area and suitable topography to accommodate the proposed methods of water supply and sewage disposal; and

(M) All mobile home parks within the town limits must be connected to town water and sewer systems, when available.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.05 FINAL PLAN.

(A) The final plan shall be drawn in black ink upon linen, in sheets either 15 inches by 18 inches or 20 inches by 24 inches in size, to a scale of not less than 1 inch equal to 40 feet.

(B) It shall contain the following:

(1) A site plan of the proposed mobile home park;

(2) The name of the mobile home park, the names and addresses of the owner or owners, and the designer of the park;

(3) Date, approximate north arrow, and scale;

(4) The boundary line of the tract with accurate linear and angular dimensions drawn to the scale;

(5) The names, locations, and dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, mobile home spaces, parking spaces, and electrical plan; and

(6) A detailed drawing to a scale of not less than one inch equal to five feet of a typical mobile home space showing the location for the mobile home stand.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.06 LICENSES AND MAINTENANCE PERMITS FOR MOBILE HOME PARK OPERATION.

(A) Licenses and maintenance permits.

(1) It shall be unlawful for any person to maintain or operate a mobile home park within the jurisdiction of this chapter, unless that person shall first obtain a maintenance permit as defined in § 153.01 from the Building Inspector, except that the maintenance or operation of a mobile home park may be continued under a temporary maintenance permit, as defined in § 153.01, for the period of time and under the conditions as are prescribed in subsections (4) and (5) below. All mobile home parks within the town limits are required to obtain a business privilege license from the town.

(2) No maintenance permit shall be issued for any mobile home park not in operation upon the effective date of this chapter until the final plan has been approved by the Planning Board, as provided in § 153.03(B)(5).

(3) The maintenance permit shall be issued and may subsequently be renewed if the Building Inspector shall find that the applicable provisions of this chapter and all other town ordinances are satisfactorily complied with. The permit shall be valid for one year from the date of issuance.

(4) A temporary maintenance permit may be issued by the Building Inspector permitting the park to be maintained and operated for a period of 120 days subject only to the provisions of this chapter, made expressly applicable to the owner(s), lessee, or agent.

(5) The temporary permit may be renewed one time for a period of 120 days if the Building Inspector is satisfied that:

(a) The owner, lessee, or agent shall have diligently endeavored to make the existing park conform satisfactorily to the requirements and specifications of this chapter; and

(b) Failure to make the existing park conform satisfactorily to the requirements and specifications was due to causes beyond the control of the owner, lessee, or agent.

(B) *Revocation of licenses and maintenance permits.* The Building Inspector, after due notice, may suspend or revoke the license and maintenance permit of any owner or operator of a mobile home park for violating the provisions of this chapter.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.07 SPECIFICATIONS FOR MOBILE HOME PARKS.

(A) Every mobile home park within the town limits shall be located on a tract of land not less than two acres in size.

(B) Each mobile home space shall be clearly established on the ground by permanent markers or monuments.

(C) No more than one mobile home may be parked on any mobile home space.

(D) The supports of all mobile homes parked within an authorized park shall rest upon an adequate footing.

(E) No mobile home stand shall be located closer than 30 feet from a public street right-of-way or exterior park boundary. No mobile home stand shall be located less than 25 feet from another mobile home stand, a mobile home addition, or any other structure, or less than ten feet from the edge of any driveway.

(F) A driveway and parking space sufficient to accommodate at least one automobile shall be constructed at each mobile home space, and they shall be paved or covered with crushed stone or other suitable material.

(G) The mobile home stand and the mobile home space shall be graded to provide adequate storm drainage away from the mobile home, and so that there will exist no more than two feet difference between the chassis of the mobile home and the finished grade of the mobile home stand.

(H) The mobile home stand shall be located on ground so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

(I) The mobile home park shall have private driveways or streets paved with crushed stone or other material, not less than 30 feet wide and sufficiently lighted at night. All mobile home spaces shall have a driveway or street.

(J) All 30 foot wide (minimum) private drives shall connect with a public street and/or another 30 foot wide (minimum) private drive.

(K) No mobile home space shall have direct vehicular access to a public street.

(L) Closed ends of dead-end streets shall be provided with a vehicular turning circle at least 80 feet in diameter, measured on the center line of the street.

(M) Each mobile home stand shall have adequate access, for both the mobile home and autos, with a minimum width of 20 feet, unless more is deemed necessary because of topographical conditions or street curvature.

(N) Signs for identification of mobile home parks: one or not more than two signs with a total area of not more than 1/2 square feet for each mobile home space and in no case larger than 50 feet, located on private property, but no closer than five feet to any property line. Only indirect nonflashing lighting may be used for illumination, and the sign must be constructed in a manner so as to prevent a direct view of the light source from any public right-of-way.

(O) The mobile home park shall have a planting strip five feet wide (minimum) adjacent to the park boundary extending along the entire perimeter of the mobile home park. It shall be planted with evergreen shrubbery and adequately landscaped with grass in a manner so as to be harmonious with the landscaping of the adjacent properties and in keeping with the general character of the surrounding neighborhood.

(P) The mobile home park shall provide all utilities required by this chapter.

(Q) Recreation areas shall be provided as required by this chapter.

(R) The mobile home park may have a central structure containing a retail sales counter or coin-operated machines for the park residents' use only, provided they are completely enclosed within a building and there is no exterior advertising.

(S) All bathing and laundry facilities and toilets shall be in conformity with the mobile home park regulations of the County Board of Health and the applicable Plumbing Code for the structure.

(T) All mobile home parks abutting any residential zone shall have a chain link fence of a minimum height of five feet extending the full length of the property line of the mobile home park so abutting. (Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.08 UTILITIES; FIRE PREVENTION; HEALTH.

(A) *Utilities.* It is mandatory that all utilities be installed according to the town codes.

(B) *Mobile home stand utilities.* Each mobile home stand shall be equipped with plumbing and electrical connections.

(C) *Mobile home equipment.* Each mobile home shall have a flush toilet, lavatory, bathtub or shower, adequate hot water facilities, cooking facilities, and electric wiring, and shall be required to connect with the utilities provided at each mobile home space.

(D) *Water supply.* Each mobile home park shall obtain water from the town water supply when available. The water supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.

(E) *Sewage disposal.* Each mobile home park shall be provided with an adequate sewage disposal system, either by connection to a public sewage system when available, or septic tank system constructed in compliance with the County Board of Health when a public sewage system is not available.

(F) *Garbage and refuse disposal.* All garbage and refuse in every mobile home park shall be stored in suitable watertight and fly-tight receptacles which shall be kept covered with closely fitting covers. It shall be the duty of the mobile home park operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

(G) *Fire prevention.* In addition to the fire prevention regulations of the town, the operator of a mobile home park is responsible for informing each mobile home occupant of the location of the nearest fire alarm box, and the location of an accessible telephone to be used to report fires.

(H) *Health regulations.* All county health regulations shall apply to mobile home parks within the jurisdiction of the town except where the regulations are in conflict with the provisions of this chapter, in which case the more restrictive provisions shall apply.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.09 RECREATION AREAS.

Adequate and suitable recreation areas to serve the needs of the anticipated population shall be provided and shall consist of at least the following:

(A) One or more playgrounds for children containing a minimum of 20% of total areas in mobile home parks; and

(B) No single playground shall contain less than 5,000 square feet.
(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.10 MOBILE HOME AND TRAILER PARKING AND STORAGE.

It shall be unlawful to park or otherwise store a mobile home or trailer within the town, except as follows:

(A) At a safe, lawful, and nonobstructive location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight;

(B) Within a mobile home park properly licensed by the town, provided that no more than one mobile home or trailer, whether occupied or not, shall be parked on any one mobile home space. No mobile home park shall permit a trailer as defined in this chapter to locate within its boundaries for periods greater than one week if used for any dwelling purposes whatsoever; and

(C) On any other lot or plot, provided that:

(1) A storing permit for any mobile home or trailer to be parked or stored for longer than 48 hours shall be obtained from the Building Inspector;

(2) The mobile home or trailer shall be parked outside of any authorized mobile home park and used for temporary construction offices; and

(3) This section shall not be construed to prohibit the parking and/or storing for the purpose of sale of any mobile home or trailer by any owner or licensed dealer upon any lot, piece, or parcel of land on which sale of the vehicle is permitted and/or licensed under the codes and ordinances.
(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.11 MOBILE HOME SALES WITHIN MOBILE HOME PARKS.

It shall be unlawful to sell on a commercial basis mobile homes or trailers within a mobile home park, except that an individual mobile home owner shall be exempt from this section in that he or she be allowed to sell the mobile home in which he or she maintains occupancy.
(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.12 MOBILE HOME ADDITIONS.

No living compartment or structure other than a "Florida Room," or other prefabricated structure specifically designed for mobile home use or extension, shall be added to any mobile home parked within the jurisdiction of this chapter.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.13 REGISTRATION.

(A) It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all mobile home owners, mobile homes, and occupants of the mobile home park. The register shall contain the following:

- (1) Name and address of owner and occupant;
- (2) The mobile home space in which the mobile home is parked;
- (3) Date of entering the park; and
- (4) Date of leaving the park.

(B) The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.14 NONCONFORMING MOBILE HOME PARKS.

The Town Board is empowered to grant and issue a permit authorizing a nonconforming mobile home park to be maintained and operated, upon its determination that the nonconforming mobile home park is necessary and proper for the security of merchants within the corporate limits of the Town of Bailey. The Board shall determine a security need upon a written application which may be made directly to the Town Board. The application shall show the information required in § 153.04.

(Ord. passed 10-5-1976)

§ 153.15 ALLOWANCE OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS.

Notwithstanding the above, mobile homes shall be allowed outside of mobile home parks under the following conditions and in the following areas.

(A) Mobile homes are allowed on the following lots in the Town of Bailey: being lots 17, 18, 19, 20, 21, 22, 23, and 24 in Block 13 of the Town of Bailey, the area being north of Vance Street (unopened), west of Nash Street, east of Jackson Street, and south of an alley.

(B) Only one mobile home shall be allowed on each lot.

(C) The mobile homes allowed shall be at least 60 feet by 12 feet in size.

(D) The mobile homes allowed shall be no older than five years at the time the mobile home is placed on the lot.

(E) The axles and wheels of the mobile homes shall be removed and the mobile home shall be underpinned.

(F) The mobile homes shall be connected to town water and sewer services.

(G) The mobile homes and the owners shall comply with all regulations of the Town of Bailey, the North Carolina State Building Code, North Carolina Regulations for Mobile Homes and Modular Housing, and Nash County Regulations.

(Ord. passed 12-1-1987) Penalty, see § 10.99

