

MOBILE HOME PARK ORDINANCE OF  
PERSON COUNTY

Date of Adoption: February 17, 1986  
Amended January 2, 1990



## **ARTICLE I GENERAL PROVISIONS**

### SECTION 10 – TITLE

- 10-1        This ordinance shall hereafter be known, cited and referred to as the Mobile Home Park Ordinance of Person County, North Carolina.

### SECTION II -AUTHORITY AND ENACTMENT CLAUSE

- 11-1        In pursuance of authority conferred by Section 121 of Chapter 153A of the General Statutes of North Carolina, NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF PERSON DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS.

### SECTION 12 – PURPOSE

- 12-1        The ordinance as herein contained is adopted for the following purposes.
- (a)    To regulate and guide the establishment of mobile home parks in order to promote the public health, safety, and general welfare of the citizens of Person County.
  - (b)    To further the orderly layout of mobile home parks in a manner which is consistent with the prevailing comprehensive plan.
  - (c)    To secure safety from fire, panic; and other dangers.
  - (d)    To provide for adequate light and air.
  - (e)    To insure that facilities for transportation, parking, water, sewage, and recreation are provided for mobile home park residents.
  - (f)    To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities.

### SECTION 13 – JURISDICTION

- 13-1 These regulations shall govern the establishment of each and every new mobile home park and the alteration or expansion of existing mobile home parks lying within the jurisdiction of Person County. This ordinance supplants the Mobile Home Ordinance adopted by the Person County Board of Commissioners on September 2, 1963.

### SECTION 14 - SAVING PROVISION

- 14-1 This ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior mobile home (park) ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the County under any section or provision existing at the time of the adoption of the ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County, except as shall be expressly provided for in this ordinance.

### SECTION 15 – CONDITIONS

- 15-1 Regulation of the layout of mobile home parks and the attachment of reasonable conditions thereupon is a valid exercise of the police power granted to Person County by the State of North Carolina. The developer must encumber the responsibility to comply with conditions imposed by the Planning Board and/or Board of Commissioners for design, improvement, dedication, and restrictive use of the property in question.

## **ARTICLE II INTERPRETATION OF TERMS AND DEFINITIONS**

### **SECTION 20 - INTERPRETATION OF TERMS**

- 20-1        Words used in the present tense include the future tense.
- 20-2        Words used in the singular number include the plural and words used in the plural number include the singular.
- 20-3        The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust and com:-any, as well as an individual.
- 20-4        The word "space" includes the words "plot", "lot", or "parcel".
- 20-5        The word "building" includes the word "structure".
- 20-6        The word "shall" is always mandatory and not merely directory.
- 20-7        The word "may" is conditional and shall not be construed as mandatory.
- 20-8        The words "uses" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied",
- 20-9        The word "street" includes the word s "road" and "highway".

SECTION 21 – DEFINITIONS  
(Amended: January 2, 1990)

- 21-1        ANCHORING, means the fastening of a mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.
- 21-2        BUFFER STRIP, means a fifty-foot (50) wide strip adjacent to all property lines which are not coterminous with a right-of-way line of a public or private road and in which no structural encroachment is permitted.
- 21-3        CENTRAL SEWER SYSTEM, means any sewage disposal system whether operated publicly or privately other than a pit privy or a septic tank located on the lot and approved by the Person County Health Department, and the North Carolina Department of Natural Resources and Community Development.
- 21-4        CENTRAL WATER SYSTEM, means a public water system for the provision to the public of piped water for human consumption if the system serves fifteen (15) or more service connections or which regularly serves twenty-five (25) or more individuals, and which must be approved by the Person County Health Department and the Water Supply Branch of the N. C. Department of Human Resources. (Amended: 01-02-90)
- 21-5        CONSTRUCTION PERMIT, means a permit issued by the Person County Planning Department authorizing the mobile home park in accordance with a park plan approved by the Person County Planning Board, the Person County Health Department, the Person County Planning Department, the Person County Building Inspector, and the Person County Board of Commissioners.
- 21-6        CUL-DE-SAC, means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 21-7        DEVELOPER, means any person, firm, trust, partnership, association or corporation engaged in development, or proposed development, of a mobile home park.
- 21-8        FAMILY, means an individual or group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.

- 21-9 ENFORCEMENT OFFICER, means the person or persons appointed by the Person County Board of Commissioners to enforce the provisions of this ordinance.
- 21-10 MOBILE HOME, means a detached manufactured housing unit built on a chassis, with a body width exceeding eight (8) feet and a body length of at least thirty-two (32) feet; this said residential dwelling unit shall be designed for transportation after fabrication on its own wheels or flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, including but not limited to, location on jacks or other temporary or permanent foundations, and connection to utilities. Single-section, multi-section, and modular housing units shall be considered as mobile homes; however, recreational vehicles and campers shall not be considered a mobile home.
- 21-11 MOBILE HOME PARK, means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
- 21-12 MOBILE HOME PARK PLAN, means a plan of a proposed mobile home park, prepared by the developer in accordance with the provisions of this ordinance, and presented to the Person County Planning Board for approval.
- 21-13 MOBILE HOME SPACE, means any parcel of ground within a mobile home park designated for the exclusive use of one mobile home.
- 21-14 OPERATING PERMIT, means a permit issued by the Planning Department to a mobile home park owner or operator upon the completion of a mobile home park which certifies that said park conforms to the requirements of this ordinance.
- 21-15 RECORDED MOBILE HOME PARK, means a mobile home park which has been recorded in the Office of the Person County Register of Deeds.
- 21-16 RECREATIONAL VEHICLE, means a travel trailer, camping trailer, motor home or truck camper primarily designed as temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway moving permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

- 21-17 SEMI-PUBLIC WATER SYSTEM, means a water system designed in accordance with the N. C. State Building Code and the health regulations of the Person County Health Department and/or the Water Supply Branch of the N. C. Department of Human Resources, whereby the watercourse is not located on the lot of the consumers and the system does not exceed fourteen (14) service connections or twenty-five (25) or more persons. Such a system must be approved by the Person County Building Inspector, Person County Health Department and/or the Water Supply Branch of the N. C. Department of Human Resources. (Amended: 1-2-90)
- 21-18 SEPTIC TANK SYSTEM, means a ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipe lines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance, or any other system approved by the Health Department.
- 21-19 VARIANCE, means a modification of the terms of this ordinance where, owing to conditions peculiar to the property, a literal enforcement of this ordinance would result in an unnecessary hardship.



## **ARTICLE III**

### **PROCEDURE FOR APPROVAL OF MOBILE HOME PARKS**

#### **SECTION 30 -APPROVAL REQUIRED**

- 30-1 No mobile home park within the jurisdiction of Person County shall be established, altered, or expanded until a construction permit has been issued by the Person County Planning Department authorizing such construction.
- 30-2 Mobile home parks, as defined herein, which are established for use by family members or migrant farm laborers shall be exempt from the provisions of this ordinance.

#### **SECTION 31 -MOBILE HOME PARK CONSTRUCTION PERMIT**

- 31-1 The procedural requirements for the approval of the issuance of a Construction Permit to construct a mobile home park or to expand an existing mobile home park are as follows:
- (a) The developer shall submit to the Planning and Zoning Administrator at least fifteen (15) blue-line prints of the proposed mobile home park plan. The mobile home park plan shall be prepared in accordance with the requirements of this ordinance and shall be submitted not less than ten (10) working days prior to the regularly scheduled Planning Board meeting at which time it will be considered.
  - (b) Upon submission of the proposed mobile home park plan, the developer shall pay a processing fee of \$10.00 or \$3.00 per acre, whichever is greater.
  - (c) The mobile home park plan shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina at a scale of no less than one (1) inch to one hundred (100) feet and shall depict the following information:
    - ☐ The name of the park, the names and addresses of the owners, and the designer or surveyor.
    - ☐ Date, scale, and North arrow.
    - ☐ Boundaries of the tract shown with bearings and distances, and error of closure.

- ☐ Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, mobile home spaces, and all structures to be located on the park site.
- ☐ Vicinity map showing the location of the park and the surrounding land usage.
- ☐ Names of adjoining property owners.
- ☐ The proposed utility system for gas, surface water drainage, street lights, electrical power, water supply, and solid waste and sewage disposal facilities.
- ☐ Certification of approval of water supply system plans by the North Carolina Department of Human Resources, Sanitary Engineering Division and/or the Person County Health Department in cases of systems to serve fifteen (15) or more mobile homes.
- ☐ Certification of approval of sewage collections systems and treatment facilities plans by the Division of Environmental Management of the North Carolina Department of Natural Resources and Community Development. If individual septic tank systems are used or are proposed to be used, certification of the acceptability of the site for use of septic tank systems by the Person County Health Department.
- ☐ Certification of approval of solid waste storage, collection, and disposal plans by the Person County Health Department.
- ☐ Land contours with vertical intervals of not more than ten (10) feet for all mobile home parks.

## SECTION 32 - REVIEW OF THE PROPOSED PARK PLAN

- 32-1      The Person County Planning and Zoning Administrator shall transmit the proposed park plan to the Planning Board for review.
- 32-2      The Person County Planning Board shall review the following to determine if the proposed park plan is in accordance with the design standards set forth in this ordinance.
- ☐ Title information;
  - ☐ Location map;
  - ☐ Recreation areas;
  - ☐ Street and lot design;

- ☐ Surface water drainage;
- ☐ Street lighting system;
- ☐ Other features of the park.

It is recommended that the park developer, or his agent, be present to answer questions concerning the proposed park plan.

32-3 The Person County Health Department shall review the proposed park plan, before submittal to the Person County Planning Board. This department shall be responsible for the review of the following, to determine if the plan is in accordance with the minimum health standards and regulations.

- ☐ Source of water and water distribution system,
- ☐ Sanitary sewage system.
- ☐ Adequate lot size, if septic tanks are to be used,
- ☐ Adequate facilities for solid waste storage, collection, and disposal.
- ☐ Each well located so as to provide a minimum pollution free radius of one-hundred (100) feet.

32-4 The County Building Inspector shall re view the proposed park plan to determine if the proposed electrical system is in accordance with the electrical codes adopted by Person County.

32-5 The Person County Soil Conservationist shall review the plan relative to erosion and sedimentation control,

32-6 Each agency shall review the plan within twenty (20) working days of its receipt. Should any agency find deficiencies in the proposed park plan, the developer or his agent shall be notified by the agency to correct such deficiencies in the plan, Each agency shall notify the Planning Board after reviewing the proposed park plan and shall give to the Board a written statement of approval or disapproval, If disapproval, then the reasons therefore shall be stated. The absence of a recommendation from any agency within the above-prescribed time period shall be considered as a favorable recommendation. The Planning Board's recommendation shall be submitted to the Clerk of the Board of County Commissioners.

### SECTION 33 - ISSUANCE OF A CONSTRUCTION PERMIT

- 33-1 After receiving approval of the park plan by the County Planning Board, the District Highway Department, the County Environmental Health Section, the County Building Inspector, Soil Conservation Service, and the Board of County Commissioners, the Planning Department is authorized to issue a construction permit. The intent of this permit is to enable the execution of the park plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this ordinance.
- 33-2 If the construction of the park has not begun within twelve (12) months from the issue date of the construction permit, the Planning Board with the approval of the Board of Commissioners may grant an extension of the Construction Permit if the developer appears before the Planning Board and shows good cause for delay in undertaking construction of the park.

### SECTION 34 - ISSUANCE OF AN OPERATING PERMIT

- 34-1 When the developer has completed the construction of the mobile home park, he shall apply to the Planning Department for an operating permit. The Planning Department representative and a representative of the County Health Department shall make an on-site inspection of the park.
- (a) If the plan conforms to the park plan approved by the Planning Board and other agencies, the Planning Department shall issue the developer an operating permit,
  - (b) If the plan does not conform with the approved plan, the Planning Department shall delay issuance of the operating permit until it comes into conformity.
- 34-2 In no case shall the operating permit be issued for less than the minimum number of spaces required by this ordinance.
- 34-3 The operating permit issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.
- 34-4 When a mobile home park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for an operating license may be made for each stage developed.

## **ARTICLE IV DESIGN STANDARDS**

### SECTION 40 -GENERAL PROVISIONS

- 40-1           The transfer of title of a mobile home space or spaces either by sale or by any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation.
- 40-2           Mobile home park identification signs shall not exceed thirty-two (32) square feet in area. Only direct, nonflashing lighting shall be used for illumination.
- 40-3           The developer of the proposed Park shall provide and the owner of the proposed park shall agree to maintain a fifty (50) foot buffer strip adjacent to all property lines which do not abut a public or private road. The zone shall contain planted evergreen trees or shrubbery with a height at maturity of at least five (5) feet or a solid fence or wall at least five (5) feet in height. This strip shall be depicted on the mobile home park plan with the following note: "This strip is reserved for the planting of trees and shrubs by the owner; the location of structures hereon is prohibited".
- 40-4           Within each mobile home park, one mobile home space for each whole multiple of fifty spaces may be used as a location for an administrative office. For example:
- 1 -99 mobile home park spaces,  
1 administrative space
- 100-149 mobile home park spaces,  
2 administrative spaces
- 150-199 mobile home park spaces,  
3 administrative spaces, et. seg.
- 40-5           Convenience establishments of a commercial nature shall be limited to food stores and/or coin operated laundries. These may be permitted in mobile home parks subject to the following restrictions.
- (a) Such establishments shall be subordinate to the residential use and character of the park.
- (b) Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
- (c) Such establishments shall be designed to serve the trade and service needs of the park residents only.

## SECTION 41 - DECLARATION OF ROAD STATUS

- 41-1 In an effort to promote the expansion of housing and reduce the development costs in the provision thereof, the design standards for streets within mobile home parks shall comply with either the minimum construction standards for secondary roads as required by the North Carolina Division of Highways or with minimum construction standards of private subdivision roads as specified herein.
- 41-2 The State of North Carolina will not add any proposed roads within a mobile home park to the secondary road system; consequently, the developer shall construct all roads within the mobile home park serving less than fifty (50) spaces in accordance with a policy entitled "Minimum Construction Standards for Private Roads, Person County, North Carolina". However, if fifty (50) or more spaces are proposed, all roads located within the park shall be paved in accordance with a North Carolina Department of Transportation publication entitled "Subdivision Roads, Minimum Construction Standards", dated May 1, 1983.
- 41-3 All private roads limited within a mobile home park shall be maintained by the park owner.

## SECTION 42 - STREET DESIGN STANDARDS

- 42-1 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.
- (a) Street jogs with center line offsets of less than one hundred fifty (150) feet shall be avoided.
  - (b) Intersections with a major street or highway shall be at least eight hundred (800) feet apart from corner right-of-way line to right-of-way line.
  - (c) Property lines at street intersections shall be rounded with a minimum radius of twenty (20) feet or of a greater radius when required by the Planning Board.
  - (d) Unusual designs, such as "Bubble-Type" configurations to allow for more lots shall not be allowed.
  - (e) Any mobile home park with fifty (50) or more spaces shall have a minimum of two entrances which provide ingress and egress.

- 42-2 Cul-de-sacs shall serve no more than twenty-five (25) lots. The turnaround shall have a diameter of at least seventy (70) feet.
- 42-3 Street names for all mobile home parks shall be subject to the approval of the Planning Board. New street names shall not duplicate or be similar to existing street names and existing street names shall be projected whenever possible. The developer shall install street signs of a design approved by the Planning Board to be placed at each intersection.
- 42-4 Street address markers shall be assigned by the Planning and Zoning Administrator during preliminary review. These addresses shall be so noted on the final plat. These numbers shall be the official address for use by the U. S. Postal Service until or unless changed by the Postal Service.
- 42-5 Drainage pipes shall be installed under driveways which cross a drainage ditch and these pipes shall have a minimum inside dimension of fifteen (15) inches. This requirement may be waived when valley gutter system is approved.
- 42-6 Driveways shall be constructed so that drainage water will not run into the road or highway,
- 42-7 Two (2) automobile parking spaces shall be provided within each mobile home space and shall not be located within any public right-of-way or within any street in the park,

## SECTION 43 - MOBILE HOME SPACE

- 43-1 All mobile homes shall be located on individual mobile home spaces and each lot shall be clearly numbered so as to be seen from the access street.
- 43-2 Each mobile home space shall be clearly defined by means of concrete or metal pipe markers placed at all corners.
- 43-3 No mobile home space shall encroach any proposed street right-of-way.
- 43-4 Each mobile home shall be located at least twenty (20) feet from any permanent building within the mobile home park.
- 43-5 Mobile homes used for dwellings within Person County and parked within a mobile home park as defined by this ordinance shall adhere to the following standards:

	W/O Central Water & Sewer	With Central Water	With Central Sewer	With Central Water & Sewer
(a) Minimum space size:	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.
(b) Minimum frontage:	100 ft.	100 ft.	75 ft.	60 ft.
(C) Front setback:	60 ft.*	50 ft.*	35 ft.*	25 ft.
(d) Side setback:	15 ft.	15 ft.	10 ft.	10 ft.
(e) Rear setback:	25 ft.	25 ft.	15 ft.	10 ft.
(f) Side setback on intersecting street on corner space:	40 ft.	40 ft.	35 ft.	32 ft.
(g) Rear setback on double frontage spaces:	50 ft.	50 ft.*	35 ft.	25 ft.

\*Unless recommended otherwise by the Environmental Health Section



## SECTION 44 - UTILITY REQUIREMENTS

- 44-1      An accessible, adequate, safe, and palatable supply of water shall be provided in each mobile home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, a privately-maintained central water supply may be developed, and its supply used exclusively in accordance with the standards of the Water Supply Branch of the North Carolina Department of Human Resources and/or the Person County Health Department.
- 44-2    (a)      Adequate and safe sewage disposal facilities shall be provided in all mobile home parks, Collection systems and sewage treatment plants complying with the requirements of the Division of Environmental Management of the North Carolina Natural Resources and Community Development should be provided, Plans for sewage collection systems and treatment facilities shall be submitted to the North Carolina Department of Natural Resources and Community Development. Individual septic tank systems may be considered, if soil, topography, and ground water conditions are favorable.
- 44-2    (b)      Each mobile home space shall be provided with at least a four-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- 44-2    (c)      A 2' x 2' concrete apron with a minimum depth of six inches shall be installed around all sewer connection riser pipes for support and protection. The sewer connection shall be located under the mobile home and at a distance of at least one-hundred (100) feet from the water supply.
- 44-2    (d)      The sewer connection shall have a nominal inside diameter of at least four inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot, The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be water-tight including connection from mobile home to sewer riser pipe.
- 44-2    (e)      All material used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent, and durable. The inner surface shall be smooth.
- 44-4    (c)      Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one (1) foot above the ground.

- 44-4 (d) All exterior openings in or beneath any structure shall be appropriately skirted with suitable materials.
- 44-4 (e) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects, Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth with a height in excess of twenty-four (24) inches.
- 44-5 All streets within the mobile home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be a 175 watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than five-hundred (500) feet.
- 44-6 Each mobile home park shall provide four-hundred (400) square feet of recreation area for each mobile home space that is twenty-thousand (20,000) square feet or less in area.
- 44-7 Buffer strips shall not be used to satisfy recreation space area requirements.

## **ARTICLE V**

### **REGISTRATION OF OCCUPANTS**

#### **SECTION 50 - GENERAL PROVISIONS**

50-1 Every mobile home park owner or operator shall maintain an accurate register containing a record of all owners of mobile homes in the park. In the event of a renter-occupied mobile home, at least one occupant from each mobile home shall be identified in the register along with the name(s) of the owner(s). The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:

- ☐ Name of owner and occupant;
- ☐ Mobile home space number;
- ☐ Make, model and registration;
- ☐ Date when occupancy within the mobile home park begins and date when occupancy within the mobile home park ceases.

## **ARTICLE VI INSPECTION**

### **SECTION 60 - GENERAL PROVISIONS**

- 60-1        The Person County Health Department, the Person County Building Inspector, and/or the Enforcement Officer are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners or occupants of mobile home parks to give these agencies free access to such premises at reasonable times for inspection.
- 60-2        The person to whom an operating permit for a mobile home park is issued shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- 60-3        The owner of a mobile home park which is in violation of any provision of this ordinance shall be notified of said violation by registered mail. The owner shall be given thirty days to correct any violation before the provisions as stated in Article VII, Section 72 are exercised.
- 60-4        The park owner or operator shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.

## **ARTICLE VII ADMINISTRATION**

### **SECTION 70 - EXISTING MOBILE HOME PARKS**

- 70-1 Mobile home parks existing at the time of the adoption of this ordinance shall be allowed to continue provided, however, that mobile home parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless such expansion meets fully requirements set forth in this ordinance.

### **SECTION 71 - VARIANCES**

- 71-1 Where strict adherence to the provisions of this ordinance would cause an unnecessary hardship because of topographical or other conditions peculiar to the site, the Person County Planning Board may authorize a variance. When granting an appeal for a variance of the requirements of this ordinance, the Planning Board shall find as a matter of fact:

- ☐ That the issuance of such variance can be made without destroying the intent of the ordinance;
- ☐ That any unnecessary hardship or other condition was caused by some condition or was the result of the actions of some person other than the person requesting such variance.
- ☐ That the issuance of such variance shall in no way supersede or violate any county ordinance or state law as they shall relate to the regulation of sewage disposal, water supply systems, solid waste storage, collection and disposal or any requirement of any building or electrical code which shall be in force by virtue of adoption by the County of Person.

- 71-2 When granting such variance, the Person County Planning Board shall attach there to such conditions regarding the location, operation, appearance, or other features of any proposed or existing mobile home park or any proposed or existing convenience establishment of commercial nature which shall be permitted, as it deems advisable to protect the property values and residential environment of any adjoining property or properties.

- 71-3 Any variance authorized by the Person County Planning Board shall be duly recorded in the minutes of such Board meeting, and the reasoning which justified such variance shall be shown in full, and such shall be considered to be a matter of public record.

#### SECTION 72 - PENALTY

- 72-1 Any person, firm or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor and such misdemeanor shall be punished as provided by North Carolina General Statute 14-4. Each day that the violation continues to exist shall be considered a separate offense.
- 72-2 This ordinance may also be enforced by any appropriate equitable remedy issuing from a court of competent jurisdiction and also may be enforced by injunction and order of abatement pursuant to North Carolina General Statute 153A-123.

#### SECTION 73 - SEPARABILITY

- 73-1 Should any section or provision of these regulations be held void or in valid by the courts for any reason, it shall not affect the validity of any other section or provision hereof which is not itself held void and invalid.
- 73-2 Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this Ordinance, the provisions of such law, ordinance or regulation shall govern.

#### SECTION 74 - EFFECTIVE DATE

- 74-1 This ordinance shall be effective from and after its passage and adoption. Duly adopted by the Person County Board of Commissioners on February 17, 1986.