

**RULES GOVERNING THE SANITARY DESIGN,
CONSTRUCTION, ALTERATION, MAINTENANCE,
OPERATION, AND USE OF**

MANUFACTURED HOME PARKS

AND TRAVEL TRAILER PARKS

IN DAVIDSON COUNTY

EFFECTIVE OCTOBER 1, 2004

DAVIDSON COUNTY BOARD OF HEALTH

**RULES GOVERNING THE SANITARY DESIGN,
CONSTRUCTION, ALTERATION, MAINTENANCE,
OPERATION AND USE OF MANUFACTURED HOME PARKS
AND TRAVEL TRAILER PARKS IN DAVIDSON COUNTY**

BE IT ORDAINED BY THE DAVIDSON COUNTY BOARD OF HEALTH

That the following rules for the protection of the public health are hereby adopted pursuant to authority granted by Article 2 of Chapter 130A, Section 39 of General Statutes of North Carolina, and shall apply throughout Davidson County to the design, construction, alteration, maintenance, operation, and use of manufactured home parks and travel trailer parks.

**RULES GOVERNING THE SANITARY DESIGN, CONSTRUCTION,
ALTERATION, MAINTENANCE, OPERATION, AND USE OF
MANUFACTURED HOME PARKS AND TRAVEL TRAILERS PARKS**

Section 1: Enactment and Citation.

The Davidson County Board of Health hereby enacts these rules, which shall be known and may be cited as the Rules for Manufactured Home Parks and Travel Trailer Parks.

Section 2: Findings and Purpose.

The regulation of manufactured home parks and travel trailer parks is essential to protecting and promoting the public health of persons in Davidson County. In particular, the Board of Health finds that properly operating effective sewage disposal systems and approved safe water supply are necessary to prevent serious harm to the health of the public in Davidson County and the occupants of manufactured home parks and travel trailer parks. The Board of Health recognizes that many parks, especially in the jurisdictions of municipalities, are or will be served by centralized sewage disposal systems and public water. In addition to having properly operating wastewater treatment systems and safe drinking water, park owners and operators should provide for the proper storage, collection, and disposal of solid waste generated in parks. The Board of Health recognizes that municipalities in Davidson County have ample resources to regulate solid waste generated in parks. The Board of Health finds that the resources of the Health Department should be used to inspect parks outside of the municipalities to assure proper solid waste storage, collection, and disposal practices and that such rules for parks outside the jurisdictions of the municipalities are necessary to protect and promote the public health of persons in Davidson County.

The governing bodies of Davidson County and the municipalities within Davidson County have adopted and are enforcing zoning ordinances which regulate manufactured home parks and travel trailer parks. These ordinances contain provisions for width, parking spaces, streets, numbering of spaces, space size, and other design criteria. Such design regulations should be enforced by the various zoning authorities in Davidson County.

Section 3:

The Board of Health has the authority pursuant to N.C.G.S. 130A-39(a) to enact rules necessary to protect and promote the public health. These rules may be enforced through injunctive relief pursuant to N.C.G.S. 130A-18(a), criminal prosecution pursuant to N.C.G.S. 130A-25, and through civil penalties, which are necessary to the Board of Health's exercise of its power to enact rules to protect and promote the public health.

Section 4: Geographic Area.

These rules apply to all existing and future manufactured home parks and travel trailer parks within the geographic boundaries of Davidson County; however, these rules shall not apply to any park within the territorial zoning jurisdictions of municipalities in Davidson County which is served by both a centralized sewage disposal system and public water supply.

Section 5: Definitions.

The following definitions shall apply in the interpretation and enforcement of these rules:

- (A) **Central Service Building** shall mean a structure housing toilets, showers, lavatories and such other facilities as may be required by these rules.
- (B) **Centralized Sewage System** shall mean a single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or other governmental entity, or a public utility, constructed, maintained, and operated in compliance with applicable requirements of the North Carolina Department of Environment and Natural Resources.
- (C) **Existing Manufactured Home Park** shall mean a manufactured home park for which a park operating permit has been issued by the Health Director on or before the date of adoption of these rules and the property has been used continuously as a manufactured home park since the issuance of the park operating permit. Existing Manufactured Home Space shall mean that portion of land in a manufactured home park allotted or designated for accommodation of a manufactured home in which a valid certificate of completion, a valid on-site wastewater operation permit, or valid improvement permit which has not expired has been issued on or before the date of adoption of these rules. A manufactured home park that has been increased or decreased in size after the issuance of the park operating permit shall not be considered an existing manufactured home park.
- (D) **Existing Travel Trailer Park** shall mean a travel trailer park for which a park operating permit has been issued by Health Director on or before the adoption of these rules and the property has been used continuously as a travel trailer park since the issuance of the park operating permit. Existing Travel Trailer Park Space shall mean that portion of land in a travel trailer park allotted or designated for accommodation of a travel trailer in which a valid certificate of completion, a valid on-site wastewater operation

permit, or improvement permit which has not expired has been issued on or before the date of adoption of these rules. A travel trailer park that has been increased or decreased in size after the issuance of the park operating permit shall not be considered an existing travel trailer park.

- (E) **Ground Absorption Sewage Treatment and Disposal System** shall mean and include every septic tank system and its subsurface disposal field, together with all facilities and appurtenance pertaining thereto.
- (F) **Health Department** shall mean the Davidson County Health Department.
- (G) **Health Director** shall mean the Davidson County Health Director or authorized agent or designee.
- (H) **Manufactured Home** shall mean a dwelling which is fabricated in an off-site manufacturing facility for assembly on a building site, composed of one or more components substantially assembled in a manufacturing facility and designed to be transferred to a building site on its own chassis, exceeds forty (40) feet in length and eight feet in width, and does not meet the standards of the North Carolina Building Code. Manufactured home shall not include a modular home.
- (I) **Manufactured Home Park** shall mean any parcel maintained, offered, or used for the placement of two (2) or more manufactured homes used or intended to be used for living, or sleeping purposes at such place, area or tract of land.
- (J) **Manufactured Home Space** shall mean that portion of land in a manufactured home park allotted or designated for accommodation of a manufactured home.
- (K) **Modular Home** shall mean a dwelling unit constructed and labeled in accordance with the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall not be considered a manufactured home.
- (L) **Operator** shall mean the person who is responsible for the operation of a manufactured home park or travel trailer park.
- (M) **Owner** shall mean any person having or controlling a legal or equitable ownership interest in a park or the property upon which such park is located.

- (N) **Park** shall mean a manufactured home park or travel trailer park, whether already existing at the time of these rules or created after the adoption of these rules.
- (O) **Park operating permit** shall mean a permit issued by Health Director indicating compliance only with these rules and is not to be confused with any other permit which may be required and issued by Davidson County or any other agency having jurisdiction.
- (P) **Person** shall mean an individual, firm, corporation, association, partnership or other legal entity.
- (Q) **Public Water System** shall mean any water supply (1) (i) furnishing potable water to at least fifteen (15) service connections or (ii) regularly serving an average of at least twenty five (25) individuals daily at least sixty (60) days of the year and (2) which is approved by the North Carolina Department of Environment and Natural Resources.
- (R) **Sanitary Dump Station** shall mean a facility used for removing and disposing of wastes from travel trailer holding tanks.
- (S) **Self-Contained Trailer** shall mean a trailer which can operate independent of connections to sewer, water, and electric systems. It may contain a water-flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
- (T) **Travel Trailer** shall mean a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel or recreation or vacation uses.
- (U) **Travel Trailer Park** shall mean any parcel of land maintained, offered, or used for parking and servicing two (2) or more travel trailers.
- (V) **Travel Trailer Space** shall mean that portion of land in a travel trailer park allotted or designated for accommodation of a travel trailer.
- (W) **Water Distribution System** shall include sources of water, wells, storage tanks, mains and laterals, service taps to each space, blow-off valves and meters.
- (X) **Water Station** shall mean a facility for supplying water storage tanks or travel trailers with approved water.
- (Y) **Zoning Approval** shall mean a permit to operate a park used by the board or official authorized or designated by the Davidson County Zoning

Ordinance or ordinance or regulations of the municipality which exercises zoning jurisdiction in the proposed location of the park to issue such

permit. A zoning permit shall not be considered a permit to operate a park without all other permits required by these rules or other applicable law.

Words not defined in these rules shall have their ordinary and customary meanings.

Section 6: Operating Permit.

- (A) **Permit Required:** No person shall construct, operate, alter, or extend a manufactured home park or travel trailer park without first obtaining a valid park operating permit.

- (B) **Effect of Operating Permit:** A park operating permit indicates only that the holder has complied with these rules and does not relieve the holder from the duty to obtain any other permit required by the Health Department or any other governmental entity. An operating permit grants permission only to the owner of the park who applies for the permit and may not be transferred. A change of ownership requires the new owner to apply for a park operating permit and re-inspection of the park by the Health Director.

- (C) **Procedure for Obtaining Park Operating Permit:**
 - (i) *General.* To obtain a park operating permit, the applicant must obtain (1) a preliminary zoning approval, (2) an improvement permit and an authorization to construct, (3) a zoning approval, and (4) a permit to operate the wastewater system. The specific operating permit shall be issued upon the applicant obtaining all permits according to the requirements of this subsection.

 - (ii) *Improvement permit and authorization to construct.* Prior to the consideration or granting by the Health Director of any request for an improvement permit and authorization to construct, the applicant must present a site plan for the park which has been determined by an officer authorized to enforce the applicable zoning regulations to comply with the requirements of the zoning regulations for preparation of site plans, street designs, lot and space size and other design criteria for manufactured home parks and travel trailer parks; the applicant must provide documentation of such determination from the official. The Health Director shall evaluate a request for an improvement permit and an authorization to construct according to the provisions of N.C.G.S. 130A-335, 130A-336, and 130A-337.

- (iii) *Zoning approval.* The procedures and standards for obtaining a Zoning approval are governed by the provisions of the ordinance or regulations governing parks in the jurisdiction in which the proposed park is to be located.
 - (iv) *Permit to operate wastewater system.* A permit to operate the wastewater system shall be issued only upon (1) presentation to the Health Director of the zoning approval and (2) determination by the Health Director, after inspection, that the wastewater system has been constructed according to the plans approved by the Health Director in the improvement permit and authorization to construct and will properly operate. No inspection pursuant to this paragraph shall be made until the Health Director has been presented with the zoning approval and the applicant certifies that there has been no amendment of the site plan for the park presented to the Health Director for obtaining an improvement permit and authorization to construct. If such amendment has been made after issuance of the improvement permit and authorization to construct, the applicant must obtain an improvement permit and an authorization to construct based upon the amended site plan, and, if required by the appropriate zoning regulations, obtain a zoning approval based upon such plan. For purposes of this paragraph, an amendment to the site plan shall mean a change in the layout or orientation of streets or spaces, the size or dimensions of the parcel or any space in the park, the number of spaces, the width or length of any driveway or street or in any other part of the plan concerning the design of the park.
 - (v) *Appeal.* If approval is denied, applicant may appeal the decision of the Health Director to the Davidson County Board of Health in accordance with N.C.G.S. 130A-24.
- (D) **Suspension and Revocation of Permits:** If the Health Director discovers a violation of these rules or the property is no longer operated as a park, the Health Director shall give notice in writing to the owner or operator that unless such conditions or practices are corrected within thirty (30) days of the date of the notice the operating permit shall be revoked. If the conditions or practices in violation of these rules are not corrected within thirty (30) days, the Health Director may revoke the operating permit. Such revocation shall be served upon the owner or operator by certified mail or in person. If the Health Director determines an imminent health hazard exists within the park, the operating permit may be suspended after notice to or reasonable attempt to notify operator. No operating permit which has been suspended or revoked by the Health Director shall be

reinstated until the Health Director finds upon re-inspection that the park is in compliance with all provisions of these rules. When the operator receives written notification that the operating permit has been revoked, the operator shall notify in writing all occupants of the manufactured home park or travel trailer park within forty-eight (48) hours after service of the order. Any operator whose operating permit has been revoked must cease operation of the manufactured home park or travel trailer park within thirty (30) days after service of the revocation.

- (E) **Authorization to Connect:** No manufactured home may be placed in a park as a replacement for a previously located manufactured home unless the Health Director has issued an authorization to permit such manufactured home to be connected to the wastewater system. The owner or operator must apply for the authorization and must provide the number for or other identification of the space for which the manufactured home will be located. Pursuant to N.C.G.S. 130A-337 (c), the Health Director shall issue the authorization to connect upon determination that (1) the park in which the manufactured home is to be located has a valid operating permit and (2) the wastewater system for such a park is properly operating. An improvement permit is not required for the connection of a manufactured home to an existing wastewater system in a manufactured home park with a valid park operating permit.
- (F) **Consent to Entry and Inspection:** By applying for an improvement permit, authorization to construct, an operating permit or an authorization to connect, the applicant consents to entry upon and inspection of the land (and all structures thereon) where the park is proposed to be operated.

Section 7: Inspections, Records, and Inspection

- (A) **Inspections:** The Health Director shall make inspections of manufactured home parks and travel trailer parks at least annually to determine compliance with these rules and investigate complaints and reports of possible violations of these rules. The Health Director may enter upon the grounds or premises of every manufactured home park or travel trailer park at all reasonable times for the purpose of determining compliance with these rules. The Health Director shall (1) obtain consent for entry or (2) an administrative search and inspection warrant shall be obtained pursuant to N.C.G.S 15-27.2. However, if the Health Director determines that an imminent hazard exists, no warrant is required for entry upon the premises to abate such condition. No person shall deny entry, detain, obstruct, or otherwise interfere with the Health Director during an inspection. The Health Director shall have the power and authority to collect from the manufactured home park or travel trailer park samples or specimens of water or other substances.

- (B) **Park Operator to Furnish Records and Information:** Each owner and operator shall furnish records and information to the Health Director as the Director deems reasonably necessary to enforce these rules. Such records and information may include, but are not limited to, the name and address of each owner of the manufactured home in the park, the space number for such manufactured home and the name and address of the owner and operator of the park. The owner and operator shall inform the Health Director of a change in ownership of the park or the property upon which the park is located.

Section 8: Standards for Parks:

- (A) **Drainage:** Each park shall be located on a well-drained site and shall be so graded as to prevent the accumulation or ponding of water on the premises.
- (B) **Signage:** Each park shall have a legible sign bearing the name of the park, operator, and permit number posted at each entrance to the premises. It shall be the responsibility of the owner/operator to keep the sign posted and in good repair.
- (C) **Wastewater Treatment:** Each park shall be provided with an adequate wastewater treatment system approved by the Health Director in accordance with North Carolina Statutes Chapter 130A, Article 11 or by the North Carolina Department of Environmental and Natural Resources.
- (D) **Water Supply:** Each manufactured home park and travel trailer park shall be served by a public water system if such system is available for the park or if such service is feasible. The Health Director may waive this requirement upon determination that service from a public water system is not available for the location of the park or that the provision of such service is not feasible for the location of the park.

Section 9: Existing Manufactured Home Parks and Travel Trailer Parks

The alteration or extension of a park shall require an operating permit and the entire park shall be required to comply with all provision of these rules. No owner of operator of an existing manufactured home park or existing travel trailer park shall locate or allow to be located a manufactured home or travel trailer which is closer than ten (10) feet to any other manufactured home, travel trailer, or enclosed extension of a manufactured home or travel trailer thereof, or any boundary line of the manufactured home park or travel trailer park. The burden of proof of prior existence shall be on the owner and operator.

Section 10: Travel Trailer Service Requirements

Each travel trailer park shall have a service building containing facilities as follows: For each eight (8) spaces or fraction thereof: a) Male toilets including one (1)

commode, one (1) urinal, one (1) lavatory and one (1) shower; b) Female toilets including two (2) commodes, one (1) lavatory and one (1) shower; c) All lavatories and showers shall be provided with hot and cold water.

Section 11: Garbage Disposal and General Maintenance

- (A) **Solid Waste:** Solid waste in each park shall be stored in water-tight and fly tight receptacles approved by the Health Director. At least one (1) such receptacle shall be provided for and conveniently located at each manufactured home space and each travel trailer space, unless the park has a centralized system for the collection of solid waste approved by the Health Director or zoning officer or zoning administrator of the jurisdiction which regulates the manufactured home park in its zoning ordinance. The owner or operator shall dispose or cause the disposal of solid waste placed in solid waste receptacles within a reasonable time period. It shall also be the operator's responsibility to ensure that any materials, including abandoned vehicles, which afford harborage for insects or rodents, are not allowed to remain on the premises for more than thirty (30) days.
- (B) **Vegetation:** Parks shall be kept clean and free from weeds and uncontrolled vegetation.
- (C) **Animals:** All animals in parks must be restrained, controlled, or supervised so as not to create a nuisance. Lots, pens, cages, and areas provided for animals and pets must be maintained in a clean sanitary condition at all times.
- (D) **Swimming Pools:** Swimming pools shall be constructed in accordance with the minimum standards for public swimming pools as established by the Commission for Health Services of North Carolina.

Section 12: Travel Trailers or Manufactured Homes Associated With a Fair or Temporary Event

The Location of manufactured homes and a travel trailers on property in association with a fair or temporary event shall not constitute the operation or maintenance of a park if such manufactured homes or travel trailers are located on the property of the fair or temporary event only during the event or for a maximum of fifteen (15) days, whichever period is shorter. However, such manufactured homes and travel trailers must be connected to approved sewage disposal system or have self-contained sewage disposal systems.

Section 13: Remedies

- (A) **Citations:** The Health Director may issue a citation to any person who violates these rules. The citation shall be served by certified mail, return-receipt requested, or in person. A person to whom a citation is issued must abate or correct the violation within thirty (30) days after service of

the citation.

- (B) **Civil Penalties:** A person who does not correct or abate a violation within the time limit specified in Section 13(A) may be assessed a civil penalty of one-hundred dollars (\$100.00) per day for each day of violation, beginning on the date the person is served with a notice to pay the civil penalty. Such notice shall be served by certified mail, return-receipt requested, or personally upon the owner or operator of the park. The owner or operator shall pay the civil penalty and abate or correct the violation stated in the citation within (7) days after the service of the notice to pay the civil penalty. The civil penalty shall be recoverable as a debt by an action instituted in the appropriate division of the General Court of Justice in Davidson County unless the civil penalty is paid and the violation(s) cited are corrected or abated before the expiration of the seven (7) day period. The payment of civil penalty does not relieve the owner or operator of the duty to comply with these rules or an order to cease operation.
- (C) **Misdemeanor:** If any person shall violate these rules, he shall be guilty of a misdemeanor as provided by the General Statutes of North Carolina.
- (D) **Injunctive Relief:** The Health Director may also enforce these rules through seeking injunctive relief pursuant to N.C.G.S. 130A-18(a). It shall not constitute a defense to an action for injunctive relief that the Health Director has an adequate remedy at law.
- (E) **Continuing Violation:** Each day's continuing violation shall constitute a separate offense.
- (F) **Remedies Not Exclusive:** These rules may be enforced by one or more of the remedies provided in this Section. Such remedies are non-exclusive and may be sought for the same violation of these rules. These rules do not prevent a private person or any other governmental entity or agency from obtaining any remedies or relief provided by law for conduct arising out of maintenance of a manufactured home park or travel trailer park.
- (G) **Failure to Seek Remedy Not Waiver of Violation:** No person shall be excused from the duty to correct or abate a violation of these rules for failure of the Health Director to seek any remedy or a particular remedy for such violation.

Section 14: Miscellaneous Provisions

- (A) **Jurisdiction and Venue:** Jurisdiction over any legal action or proceeding instituted and maintained by or against the Health Director, the Board of Health, the Health Department or Davidson County or any of these entities, Commissioners, agents, officers, and employees and any law enforcement officer of Davidson County shall be only in the appropriate

division of the General Court of Justice in Davidson County.

- (B) **No liability Against Health Department:** The Board of Health declares that all actions, functions, duties, inspections and enforcement provided by these rules are declared to be essential activities of Davidson County. Neither the Board of Health, the Health Department, Health Director or any commissioners, agents, employees or officers shall be liable for any damage to persons or property arising from any action or omission in the enforcement of these rules.
- (C) **Computation of Time:** In computing any period of time prescribed by these rules for performing an act, the day of the act or event upon which the designated period of time begins to run is not to be included. The last day of this period is to be included unless the last day is a Saturday, Sunday, a day recognized by resolution of the Board of Commissioners as a holiday for employees of Davidson County Government, or a day on which the weather or other conditions have caused Davidson County to close its offices for the transaction of business, in which event the period to perform an act runs until the end of the next day which is not one of the days mentioned in this sentence for which the last day of the period is not included.
- (D) **Conflict with Other Laws and Regulations:** These rules shall not supersede any rules or ordinances regulating manufactured home parks which are subject to these rules, unless such rules provide less stringent standards than these rules. Except as expressly provided in these rules, no person shall be excused by these rules from any applicable zoning or other local ordinances or state and federal laws and regulations.
- (E) **Severability of Provisions:** If a court of competent jurisdiction declares any provision of these rules invalid, the remaining valid provisions shall have full force and effect.
- (F) **Repeal of Rules:** These rules in part carry forward by re-enactment portions of the “Rules Governing the Sanitary Design, Construction, Alteration, Maintenance, Operation, and Use of Manufactured Home Parks and Travel Trailer Parks in Davidson County,” which was adopted on May 21, 1987. It is the intention to re-enact and continue in force those provisions of such rules which are included in these rules so that all rights and liabilities which have accrued thereunder are preserved and enforceable. All provisions of those rules adopted on May 21, 1987, which are not re-enacted by inclusion in these rules are repealed. All legal actions in law or in equity and all prosecutions resulting from a violation of the rules adopted on May 21, 1987, which are not pending in any court of the United States or North Carolina shall not be abated or abandoned due to the adoption of these rules, but shall be continued until final

resolution. The adoption of these rules shall not abate enforcement against any conditions which constitute a violation of the rules adopted on May 21, 1987.

(G) **Health Director to Administer Rules:** The Health Director is hereby authorized and directed to establish policies and procedures necessary to administer these rules.

(H) **Effective Date:** These rules shall be effective October 1, 2004.

This 16th day of September, 2004.

Davidson County Board of Health

By: *George W. Chomblaw, Jr.*
Chairman
Davidson County Board of Health

Attest:

Diane Crouse
Secretary

These rules adopted on the 16th day of September, 2004, on motion of Don Truell, second by Brown Loflin, and a vote of eight (8) in favor and zero (0) against.