

## MOBILE HOME COURT ORDINANCE

### Article 1: Title and Effective Date

These regulations shall be known and cited as the “Mobile Home Court Ordinance” of Hardy County, West Virginia (hereinafter referred to as the “ordinance”). Its effective date shall be \_\_\_\_\_.

### Article 2: Authority

The authority of this ordinance is provided for under Chapter 8, Article 24, Code of West Virginia.

### Article 3: Grant of Power

After adoption by the Hardy County Commission and a certified copy of ordinance has been filed with the County Clerk, The Hardy County Commission and its assigned agency, the Hardy County Planning Commission, shall have control over Mobile Home Courts.

### Article 4: Territorial Limits

The ordinance herein shall apply within the unincorporated parts of Hardy County under The jurisdiction of Hardy County, West Virginia.

### Article 5: Purpose and Legislative Intent

The Code of West Virginia, Chapter 8, Article 24, affirmed Hardy County’s authority concerning the placement, construction and modification of Mobile Home Courts. Hardy County finds that Mobile Home Courts may pose significant concerns to health, safety, public welfare, character and environment of the County and its inhabitants. In order to insure that the placement, construction or modification of Mobile Home Courts are consistent with the County’s land use policies, the County is adopting a single, comprehensive, Mobile Home Courts application and permit process. The intent of this Local Ordinance is to establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the general public of Hardy County.

## Article 6: Application Procedures

### A. Informal Conference

Prior to formal application, a developer shall request an informal meeting with the Planning Commission or County Planner for the purpose of the Commission or Planner giving guidance as to how to obtain approval for the subdivision under this ordinance. The developer shall bring to this meeting a rough sketch plat of the mobile home court and information regarding soil types, percolation results, intended method of sewage disposal, approximate number and size of lots, approximate location and size of streets and approximate access roads, land to be held in common, provisions for utilities, existing and proposed drainage of surface water and proposed method of road maintenance.

### B. Application

After said informal meeting, the developer shall complete an application for a permit to establish a mobile home court in Hardy County, West Virginia. This application shall elicit, but not be limited to, the following information:

1. The name, address and telephone number of the developer and prior development history.
2. The name of the proposed mobile home court.
3. The name of each attorney, land surveyor or agent or professional engineer to be involved in the mobile home court.
4. Total area of the mobile home park.

### C. Filing of Application

The application shall be filed in the office of the County Planner by the first day of the month in order to have it placed on the agenda for that month's meeting. The following must be filed with the application:

1. A preliminary plat;
2. A letter from the property owner, if different from the developer, authorizing the developer to act as his agent with full authority;
3. Copies of existing and proposed deed restrictions or protective covenants;

4. A proposed plan for control of erosion and sediment during and after construction.
5. Appropriate permits as required including, but not limited to, the Health Department, State Road Entrance Permit and D.E.P.

#### D. Public Hearing

Within ten (10) days after the application and accompanying material are filed, The County Planner shall review same and consult with the developer about any apparent deficiencies.

The County Planner shall then schedule a date for a hearing on the application to be held at a meeting of the Planning Commission, not to be more than thirty (30) days after the official filing of the application and accompanying material, and shall publish a public notice of this hearing for two (2) consecutive weeks immediately prior thereto in a newspaper of general circulation in Hardy County. This notice shall describe the proposed mobile home court in a way adequate to identify it to the public, shall describe the purpose of the hearing, and shall invite the public to participate in the hearing at a place and time set forth in the notice.

A majority of the members of the Planning Commission shall constitute a quorum and shall be required for any action. The Planning Commission shall then vote, a majority of said quorum required for a vote of approval. The decision to approve or disapprove an application shall be based on whether or not the proposed mobile home court meets the technical requirements or standards set forth in this ordinance.

The Planning Commission, in making any decision upon an application shall be guided by the general purposes set forth in this ordinance.

If the Planning Commission does not approve an application, the developer shall be provided within ten (10) working days of such decision, a written notice of the decision which lists the reasons for the decision.

#### Article 7: Definitions:

Mobile Home: A detached structure with the following characteristics: it is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and it is designed for transportation after fabrication on streets or highways on its own wheels, and it arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.

Mobile Home Court: Any site, area, tract or parcel of land upon which two or more mobile homes used or occupied for dwelling purposes are parked either free of charge or for monetary consideration and shall include any roadway, building, structure, installation, enclosure, or vehicle used or intended for use as a part of the facilities of said mobile home court.

#### Article 8: Mobile Home Court Requirements

All Mobile Home Courts shall meet the following requirements whether permitted or conditional use.

NOTE: In no case shall a “Mobile Home” manufactured or assembled prior to July 1976 be allowed as a residence, office or temporary housing camp site from the date of this ordinance in Hardy County. This date will be the date that Mobile Home Standard for safety was established.

1. Minimum park size shall be eight (8) acres. All home sites must be located outside the flood plain.
2. Mobile home sites shall have a minimum of 7,500 square feet; minimum width of 65 feet, minimum depth of 110 feet.
3. All mobile homes shall be set back at least 20 feet from side and rear with a 30 foot setback from road right-of-way and 50 foot setback from the Department of Transportation rights-of-way.
4. All road rights-of-way for the Mobile Home Court shall be not less than 40 feet in width, which includes a 20 foot travel way with two foot shoulders on each side from all public roads and rights-of-way.
5. Lots shall begin at the road right-of-way and no part of the road right-of-way shall be included in the lots.
6. Each mobile home site shall have a minimum of two vehicle (2) parking spaces and shall not be located on the road right-of-way.
7. All mobile home lots must have an approved sewage system that has been approved by the County Health Department. Any perk tests must be done according to Health Department regulations. The Planning Commission has the right to have any perk tests re-tested for verification.
8. No mobile home sales office or other business or commercial use shall be located on the mobile home court site. However, recreational facilities, maintenance equipment, storage, and one (1) office are permitted.

9. All mobile homes shall be properly anchored and proper underpinning shall be placed around each home. Each mobile home site shall be equipped with anchors and tie-downs such as cast-in-place concrete “deadmen,” eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors, other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile force of 2,800 pounds.
10. Mobile Home Courts will meet or exceed all minimum standards of the County Health Department, unless the minimums stated above are greater.
11. All utilities must be located underground.
12. All mobile home courts shall have street lighting every 150’.
13. Garbage pick-up and collection must be paid for by the mobile home court owner.

#### Article 9: General Standards for Roads

##### Roads and Rights-of-Way Design and Construction Requirements:

1. Mobile Home Courts shall be coordinated with existing or proposed public roads. Road entrances and lot road entrances must be approved by the West Virginia Department of Transportation, as to location, number of entrances, drainage provisions, traffic safety and general design when connecting with the West Virginia Department of Transportation Roads.
2. Mobile Home Courts road design shall have a reasonable relationship to tract topography in order to minimize earthwork and erosion, insure reasonable grades and produce useable lots. Rectilinear road patterns are discouraged.
3. The road design should minimize through traffic.
4. All roads shall have at least a twenty (20) foot wide travel way surface, exclusive of parking areas, plus two (2) foot wide shoulders on each side.
5. A minimum ditch depth of one foot with a 4:1 slope in from the shoulder and a 2:1 slope up to the rights-of-way line is required for all subdivision roads.

6. Swale and ditch inverts shall be constructed so as to minimize erosion. All ditches should be wither seeded and mulched, mesh ditch liner, solid sodding, or have riprap placed in them to continue protection from storm water runoff over a period of time.
7. All the roads shall be sloped laterally or sloped from a centerline crown at a ration of ¼ inch vertical to 1 foot horizontal.
8. An access permit from the West Virginia Department of Transportation shall be required for all subdivision roads that access public roads or highways.
9. Road grades shall not be greater than 12%. Within 100 feet of the point where a subdivision road intersects with a public road or highway, the grade shall not be greater than 5%.
10. Driveway pipes shall be sized to correspond with ten-year ditch flows and will be specified on the sketch plat and the final plat. No culvert shall be less than fifteen (15) inches in diameter and shall not be less than twenty (20) feet in length.
11. All the roads shall be clearly identified by permanent road signs. A road sign at the entrance to each mobile home court shall identify the name of the mobile home park as well as the entrance road. Each road sign shall be of all weather material of not less than 6 inches by 24 inches in size and shall be secured or hung from a sign post at a height of 10 feet above ground level. The mobile home court identification sign shall be not less than 2 feet x 3 feet in size.
12. Fill material for the road base shall consist of random earth & rock fill. The material shall principally consist of durable rock having a maximum particle size of 8", containing less than 20% particles passing a No. 40 sieve, with that portion having a Liquid Limit less than 40 & Plasticity Index less than 20, as defined by ASTM-D4318, be free of organic or other deleterious material. The material shall be uniformly graded and well mixed. Areas exposed by excavation or stripping in which subgrade preparations are to be performed shall be scarified and compacted to a minimum or 98% of optimum density, at plus or minus 3% of optimum moisture content, in accordance with ASTM D-638. The area shall then be proof rolled to detect any areas of insufficient compaction. Any areas that fail, shall be excavated and re-compacted. The fill shall be placed in maximum 8" lifts and compacted. Compaction shall be achieved by routing vibratory rollers, sheepsfoot or other approved equipment over the earth/rock fill as necessary to produce an in-place density of not less than 98% of the Standard Proctor maximum dry density, at plus or minus 3% of the optimum moisture content, in accordance with ASTM D-638. Rock or stone less than 8 inches in its largest dimension is acceptable as fill to within 24 inches of the surface of the proposed subgrade, when mixed with suitable material. Rock or stone less than 2 inches in its largest dimension is acceptable as fill in the upper most 24 inches of the subgrade, when mixed with suitable material.

13. All stumps, downed trees and other debris which has been displaced and accumulated as a result of road and ditch construction shall be removed by the developer.
14. In addition to the requirements set forth in this article, all mobile home courts must have paved asphalt road surfaces. Asphalt shall consist of a plant mixed bituminous material rolled smooth to a depth of at least 2 inch base and one inch wear coarse. Asphalt material shall comply with the minimum specifications required by the West Virginia Department of Transportation for public roads. Concrete roads may be substituted for asphalt roads provided the concrete roads equal or exceed asphalt roads in longevity and performance as determined by a certified engineer.
15. Paving of mobile home courts may be done in phases as long as it has been approved prior to start of construction of the mobile home court. The paving may be done prior to placement of any mobile homes but must be started at least six (6) months after the first mobile home is in place. Placement of funds in an escrow account or a Letter of Guarantee must be presented to the Planning Commission prior to construction of the mobile home court. The Letter of Guarantee or escrow account must be based on 110% of the estimated cost of paving at the time of approval. This would allow for any increased cost during the six-month interval.

#### Article 10: Plat Requirements

1. The final plat must be prepared by a West Virginia licensed professional surveyor, meet the West Virginia State Code, and be recorded in the courthouse.
2. Three (3) copies of the final plat shall be submitted and the final plat shall be on durable paper and the size of same shall be 24 x 36 inches. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire mobile home court drawn to an appropriate scale. The scale shall be 50 feet to the inch for lots averaging 2.0 to 5.0 acres; 200 feet to the inch for lots averaging 5.0 to 15.0 acres; and 300 feet to the inch for lots averaging 15.0 acres or larger.
3. The final plat shall contain the following information:
  - a. An insert vicinity map showing the location of the property in relation to state roads, geographical features, county districts, and other land held by the applicant in the area.
  - b. The name of the mobile home court.
  - c. The names and addresses of the owners and developers of the mobile home court.

- d. The exact layout for the mobile home court including:
  - (i) Roads, street and alley lines; their names, bearings, angles, of intersections and widths, including widths along the line of any intersecting streets;
  - (ii) All easements or rights-of-way, when provided for or to be owned by public or private utilities, with the limitation of the easement right definitely stated on the plat.
- e. Lots numbered in numerical order, and blocks and sections lettered in alphabetical order or numbered in numerical order throughout the entire subdivision.
- f. Area for each lot;
- g. Accurate outlines of any area to be reserved or dedicated for common use by the residents of the subdivision, or for the general public use with the purposes indicated thereon;
- h. Space for mobile home court approval permit;
- i. All flood plain areas as designated by the Federal Emergency Management Agency shall be shown on the plat and shall not include home sites in the designated flood areas.

#### Article 11: Administration and Enforcement

Administration and enforcement of this Ordinance shall be the responsibility of the Hardy County Planning Commission or its designated agent.

When it appears to the Planning Commission that a violation of this Ordinance has occurred, the Planning Commission shall attempt to notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within fifteen (15) days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Planning Commission to seek an injunction in the Circuit Court of Hardy County to restrain the responsible person from continuing the violation cited or seek an injunction requiring removal of structures or land uses from the property involved.

## Article 12: Amendment, Variance, Appeal

### A. Amendment

All amendments to this Ordinance shall be adopted by the Hardy County Commission according to the procedures set forth in Section 8-24-18 through 8-24-22 of the West Virginia Code.

### B. Variance

Any request for a variance from the provisions of this Ordinance shall be made in written form and shall be submitted to the Planning Commission by the developer/owner.

The Planning Commission may grant a variance to this Ordinance when evidence is presented showing that such a variance will not affect the implementation of this Ordinance. The application for a variance shall be submitted with the application for the proposed subdivision.

Where the Planning Commission finds that undue hardship may result from strict compliance with these regulations, it may modify the regulations so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of the goals and policies of Hardy County. The Planning Commission shall determine extraordinary hardship only if it finds the following facts in regard to the proposed subdivision.

- A. That the land is of such shape and size, or is affected by such topographical conditions, or is subject to such title limitations of record that it is impossible or impractical for the developer to comply with all of the regulations of this Ordinance.
- B. That the granting of the modification not be detrimental to the public or injurious to other property in the vicinity of the subject property.

The application for a variance shall be submitted to the Planning Commission, along with a fee to be set annually by the Planning Commission, and the applicant shall provide the Planning Commission with such other information as is required by them.

### C. Appeal

Any developer aggrieved by a decision of the Planning Commission or Planner pertaining to disapproval of a proposed mobile home court may request that this decision be reviewed by the County Commission at its next regularly scheduled meeting. This request must be in writing to the Planner and must specify the reasons why the developer

is requesting such review. The Planner shall place the developer's request on the agenda of the next regularly scheduled County Commission meeting and shall notify the developer of the time and date that the request will be reviewed by the County Commission. The County Commission shall have fourteen (14) working days from the date of such meeting to grant or deny the developer's request and such decision and the reasons therefore shall be in writing to the developer or its representative. Appeals regarding any decision made by the Planning Commission or County Commission in the administration of this Ordinance to the Circuit Court of Hardy County shall be by certiorari as set forth in West Virginia Code Chapter 8, Article 24, Section 38.

Article 13: Validity, Conflict with other Laws

A. Validity

If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

B. Conflict with Other Laws

Where the provisions of this Ordinance impose greater restrictions than Those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

Article 14: Fee Schedules

Plat of Rights-of-Way or Easement	\$10.00
Copies	1.50 per page
Copies of Mobile Home Court Regulations	10.00
Public Hearing Fee	25.00
Mobile Home Court Plat (per section or page)	50.00
Variance Request	25.00
Revision of Plat or Plat Correction	10.00

These fees are to be set annually by the Planning Commission beginning July 1, 2003.

This Ordinance shall be effective from the date of its enactment.

This Ordinance is read this 7th day of August, 2002.

This Ordinance is read and adopted this 7th day of August, 2002.

HARDY COUNTY COMMISSION

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Roger D. Champ

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J. Michael Teets

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William E. Keplinger, Jr.

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Janet S. Ferrell

SEAL ATTEST

REVISED 7/24/02

