

Mobile Home Park Ordinance



August 1997

Mobile Home Park Ordinance
of
McDowell County, North Carolina

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MOBILE HOME PARK ORDINANCE

OF

MCDOWELL COUNTY, NORTH CAROLINA

Article I General Requirements

Section 101 Authority

McDowell County hereby exercises its authority to enact mobile home park regulations pursuant to Chapter 153A-121 of the North Carolina General Statutes.

Section 102 Jurisdiction

The jurisdiction of this Ordinance shall be described as any part of McDowell County not within the corporate limits of any municipality. In addition, the Governing Board of any municipality may by resolution permit this Ordinance to be applicable within the municipality. If it does so the municipality shall give written notice to the county of its withdrawal of such permission. Thirty (30) days after the day the county receives the notice this Ordinance ceases to be applicable within the municipality.

Section 103 Purpose

The purpose of the regulations expressed herein is to guide and regulate the development of mobile home parks within McDowell County in order to preserve the public health, safety and welfare, and to require preparation and approval of a plan every time a mobile home park is created or expanded. Specifically, these regulations are designed to provide for an adequately planned street system; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic and other dangers; to provide for adequate water and sewage systems; to insure against erosion, water and flood damage, to facilitate an orderly system for the design, layout and use of land. In order to achieve these goals McDowell County shall not approve any mobile home park where it has been determined through a proper investigation that such a development will include or cause excessive flooding, poor drainage, soil slippage, inadequate soil conditions or other potentially dangerous, unhealthy conditions.

Section 104 Short Title

This ordinance shall be known as the Mobile Home Park Ordinance of McDowell County, North Carolina, and may be cited as the Mobile Home Park Ordinance.

Section 105 Definition of Terms

Cartway: The portion of a road intended for travel. On a paved road the edge of the cartway is the edge of the pavement. On a gravel road the edge of the cartway is the edge of the gravel.

Construction Permit: A permit issued by the Enforcement Officer authorizing the mobile home park developer to construct a mobile home park in accordance with the approval which has been secured by the provisions of this Ordinance.

Department of Transportation: The North Carolina Department of Transportation (NCDOT).

Developer: Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development of a Mobile Home Park.

Easement: A grant by the property owner for use, by the public, or any private entity of a strip of land for specified purposes.

Enforcement Officer: The person or persons appointed by the McDowell County Manager to enforce the provisions of this ordinance.

Health Department: The McDowell County Health Department.

Inspections Department: The McDowell County Building Inspections Department.

Mobile Home: A factory-assembled portable housing unit or a portion thereof built on a chassis and intended for use as a dwelling unit, and is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings. A mobile home is designed to be transported on its own chassis and has a measurement of forty (40) feet or more in length and eight (8) feet or more in width. A mobile home shall be construed to remain a mobile home whether or not wheels, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. All vehicles which are designated mobile homes by the Uniform Standards Code for Mobile Home Act shall be considered mobile homes. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home Park: Land leased or rented being used or proposed to be used by mobile homes occupied for dwelling or sleeping purposes, consisting of three (3) or more mobile homes on a single tract of land or on multiple lots or parcels of land that are leased or rented as part of single business operation shall be considered to be a mobile home park.

Mobile Home Lot: Any parcel of land within a mobile home park designated for exclusive use of one mobile home. The lot shall consist of connections to the mobile home for water service, waste water disposal, electrical connection, parking, steps, etc.

Mobile Home Space: That portion or area of a mobile home lot which is occupied by the actual footprint or foundation of a mobile home, not including the area occupied by decks or steps.

Open Space: Any yard area which is not used for or occupied by a building, driveway, off-street parking, loading spaces, or refuse storage space. The unoccupied areas of mobile home lots shall not be construed to be open space.

Operating Permit: A license issued by the Enforcement Officer to a mobile home park owner or operator upon the completion of a mobile home park which conforms to the requirements of this ordinance.

Planning Department: The McDowell County Planning Department.

Planning Board: The McDowell County Planning Commission.

Public Water Supply Systems: Public Water Systems are systems as defined by the North Carolina Division of Health Services and shall comply with the regulations set by the State of North Carolina Division of Health Services.

Public Sewage Disposal Systems: Any package plant, other sewage treatment facility or connections thereof to serve two or more sources not connected to individual or public systems and having a design capacity of greater than 3,000 gallons per day and/or a discharge to surface waters as permitted by the State of North Carolina.

Shall: The word "shall" is always mandatory and not merely directory.

Site Number: The number affixed to either the space electrical service, the mobile home occupying a space, or signs located at each space, indicating the mobile home space number. The site number shall be indicated in a minimum of four inch (4") high numbers and shall be of a contrasting color to its background.

Working Day: Normal working hours for the County Inspection Department.

Article II Standards and Requirements

Section 201 Approval of Plans Required

After the effective date of this ordinance, no Mobile Home Park within the jurisdiction of McDowell County shall be established or expanded to cover more land or add additional spaces until the provisions of this Ordinance have been satisfied.

Section 202 Permit Application

Prior to constructing a new mobile home park or expanding an existing mobile home park, the developer shall submit a permit application to the Enforcement Officer. The returned application shall be accompanied by five (5) copies of the proposed park plan.

Section 203 Specifications for Application/Site Development Plans

- (1) All mobile home parks or any expansion of an existing mobile home park as described in section 205 herein, which must meet the requirements of this ordinance shall have a plan prepared by a registered land surveyor or engineer.
- (2) When a proposed mobile home park will consist of less than ten (10) lots, the Planning Board may waive the requirement that a registered land surveyor prepare the mobile home park plan.
- (3) The proposed mobile home park site development plan shall be drawn at a scale no smaller than one inch equals sixty feet (60'). The following information shall be indicated on the proposed site development plan or presented as supporting documents, unless specifically waived by the Enforcement Officer or Planning Board.
 - (a) Title Block
 - Name and address of owner of record
 - Mobile home park name
 - Location (township, county, state)
 - Date(s) of survey(s)
 - Graphic scale and written scale
 - Fire district
 - Tax parcel number
 - (b) Roads
 - Existing and platted roads on abutting properties and in the proposed mobile home park
 - Right-of-ways, location and dimensions, if applicable
 - Proposed road name(s)
 - (c) Utilities
 - Utility and other easement of record on or abutting to the mobile home park
 - Transmission lines
 - Approximate location of natural gas lines
 - Storm sewers, culverts, detention ponds, and other drainage facilities, if any (proposed/actual)

- (d) Site Calculations
- Acreage in total project or phase
 - Total number of mobile home lots
 - Linear feet in roads
 - Area of each space
- (e) Other Details
- Sketch vicinity map showing the relationship between the proposed mobile home park and surrounding area
 - North arrow
 - The location and name of all water courses as identified on U.S. G.S. 7.5 minutes series (topographic) maps
 - Any natural features affecting the site
 - The location of any area of special flood hazard and floodway, if applicable
 - The location of any cemetery in or adjacent to the park
 - Existing buildings or structures, railroads, and bridges on the land
 - Names of adjacent property owners
 - Existing uses of the land
 - When lots are less than one (1) acre in size, the accurate location and description of all mobile home park lot corners
 - When lots are more than one (1) acre in size, the approximate location and description of all mobile home park lot corners
 - The lot number of each mobile home park lot
 - Appropriate number of plan copies
- (f) A copy of the improvement permit or permits issued by the McDowell County Health Department for all septic tanks that will be constructed within the mobile home park.
- (g) A written statement from the Water Quality Office of the NC Department of Environment, Health and Natural Resources permitting plans for the community sewer system, if applicable.
- (h) A written statement from the NC Department of Environment, Health and Natural Resources approving and permitting plans for a community water system, if applicable.
- (i) A copy of the erosion control plan and a written statement from the NC Department of Environment, Health and Natural Resources stating that an erosion control plan has been submitted and approved for the project, if applicable.
- (j) A written statement from the District Engineer of the Division of

Highways of the NC Department of Transportation certifying approval of any proposed road and highway plans, if applicable.

- (k) Any other information considered by the mobile home park developer, the Enforcement Officer and/or Planning Board to be pertinent to reviewing the plat.

Section 204 Permit Application, Review and Approval

- (1) The Planning Board shall review the proposed mobile home park plans to ensure that all requirements of this Ordinance are completed. The park developer or the developer's agent should be present to answer any questions concerning the park plan. Request for approval shall be made in writing at least ten (10) working days prior to a regular Planning Board meeting.
- (2) The Planning Board shall approve, approve conditionally, or disapprove the proposed plan and shall notify the developer, in writing, of its decision within ten (10) working days following a regularly scheduled Planning Board meeting. The Planning Board's decision shall be entered in the Planning Board minutes.

Section 205 Existing/Non-Conforming Mobile Home Parks

- (1) Any mobile home park, existing on the effective date of this Ordinance or any subsequent amendment thereto, may continue to operate without being subject to the requirements of this Ordinance, unless expansion is proposed.
- (2) In-filling. If a mobile home park existing prior to enactment of this Ordinance is to be expanded and such expansion involves three lots or less, and does not require the construction of a new road or extension of an existing road to serve the new lots, the development will not be required to comply with the requirements of this Ordinance provided that all setback requirements are met. This expansion of three lots or less will only be allowed once in the life of the park regardless of whether the park changes ownership, name, or any other attribute or feature, any further expansion must comply with the requirements herein.
- (3) Other Expansions. If expansion of an existing mobile home park involves new road construction, the new development will be considered a new phase and shall comply with the requirements of this Ordinance, regardless if the proposed mobile home park is on a different tax parcel(s) or owned by another individual.
- (4) Replacement of mobile homes. Any mobile home lot that existed prior to the effective date of this ordinance or that has been approved by the Planning Board can have mobile homes removed and replaced without review by the Planning Board.

Section 206 Amendments to the Park Development Plan

Minor changes in the location or character of a mobile home space or other structures may be authorized by the Enforcement Officer if required by engineering or other circumstances not foreseen at the time the plan was approved, provided that such changes meet the requirements set forth in this Ordinance. A developer proposing to increase the number of spaces shall submit a revised plan for approval by the Planning Board.

Section 207 Density

Each mobile home lot shall have the minimum sizes as follows:

- (1) Where a well and septic tank are on the same lot:
16,000 square feet or larger if required by the McDowell County Health Department.
- (2) Where either water service or sewer service is provided for each lot:
8,000 square feet.
- (3) Where both water and sewer services are provided to each lot:
7,000 square feet.

Section 208 Separation and Setback Requirements

- (1) Each mobile home lot shall be clearly defined by permanent markers placed at all corners. Each mobile home space shall be clearly defined by temporary markers placed at all corners.
- (2) No mobile home space shall be located on ground within a floodway as defined in the McDowell County Floodplain Ordinance. Mobile home spaces may be located in an area of special flood hazard provided the requirements of the McDowell County Floodplain Ordinance are met.
- (3) Each mobile home shall be located at least thirty feet (30') from any other mobile home, at least twenty feet (20') from the mobile home park boundary, at least fifteen feet (15') from the cartway of all interior roads constructed exclusively for the use of the park, and thirty-five feet (35') from the cartway of any other state maintained road.
- (4) All mobile homes shall be located at least one hundred feet (100') from any public water or sewage treatment facility.
- (5) All septic systems within the park shall be located at least one hundred feet (100') from any well.

Section 209 Public Road Access

Where feasible, mobile home spaces within a mobile home park shall not have direct vehicular access to a state maintained road. Access to all mobile homes and other structures within a mobile home park should be made using roads located within the park unless the state road was constructed for the use of the mobile home park.

Section 210 Road and Design Standards

The mobile home park roads minimum construction standards are as set forth in this Ordinance. Mobile home park roads may be designated public or private.

- (1) Public mobile home park roads shall be built to minimum construction standards of the NC Department of Transportation as required by G.S. 136-102.6.
- (2) Private mobile home park roads shall meet the following minimum road construction standards.
 - a. Cul-de-sacs - The required turnaround on a dead-end road in a mobile home park shall have an unobstructed roadway radius of not less than thirty-five feet (35'). If the road length does not exceed three hundred feet (300') and if construction difficulties will not permit a turnaround, the use of a "Y" or a "T" or other turning space of a design that will allow a vehicle with a wheel base of at least twenty-five feet (25') to complete a turning movement with a maximum of one (1) backing movement, shall be permitted.
 - b. Road Grades - Maximum road grades shall be eighteen percent (18%).
 - c. Road widths - Mobile home park roads shall have a minimum roadbed width of eighteen feet (18') and a minimum shoulder width of two feet (2') on each side of the road.
 - d. Roadbed Base - After subgrade preparation, the roadbed shall be surfaced with material of no lower classification than crushed rock, stone, or gravel. The crushed rock or stone size shall be from one and one-half inches (1 1/2") down, including dust. Stone shall be spread uniformly over the area to be covered and thoroughly rolled and compacted to no less than six inches (6").
 - e. Streets and roads within the mobile home park shall intersect as nearly as possible to right angles, and no street shall intersect at less than sixty (60) degrees. Where a street intersects with a state maintained road, the design standards of the NCDOT shall apply.

- (3) At least two (2) off-street parking spaces which are outside the travel surface area and drainage ditches of the roadways shall be provided and maintained for each mobile home space. Each parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Parking spaces shall be situated so that each space has direct access to the street not through another parking space. Parking spaces shall, at a minimum, be constructed using four (4) inches of crushed stone on a well-compacted sub-base. Parking on the roads or either alongside the roads will not be permitted within the mobile home park.
- (4) Each mobile home park shall have an entrance with access onto a State maintained road. In cases where the park entrance does not abut a State maintained road, the private access to the park entrance shall be upgraded and maintained by the developer in the same manner as roads within the park. In cases where the minimum road width standards of this ordinance cannot be met for access roads because sufficient right of way does not exist and is unattainable, the appropriate road width shall be established by the Planning Board.
- (5) Adequate drainage shall be maintained throughout the park.

Section 211 Internal Road Names and Signs

All proposed roads within a mobile home park shall be assigned a name and signed as such by the developer. Such names shall not duplicate any existing names in McDowell County. Signs must meet the standards prescribed by the McDowell County Public Works Director. Signs must be installed prior to the issuance of any occupancy permit and must be in compliance with the McDowell County Road Naming Ordinance.

Section 212 Regulatory Signs

All mobile home park roads intersecting with a state maintained road shall have a stop sign that conforms to NC Department of Transportation specifications, installed and maintained by the developer.

Section 213 Mobile Home Lot Numbering

Each mobile home lot shall have a permanent site number, no smaller than four inches (4") in height, mounted or painted so that it is clearly visible from the adjacent road prior to the issuance of an Occupancy permit by the Inspections Department. The mobile home park owner is responsible for maintaining site numbers.

Section 214 Mobile Home Park Name

A mobile home park name shall not duplicate or closely resemble the name of any existing road, subdivision, existing mobile home park or other housing development located in McDowell County.

Section 215 Buffer Strips

Where it is deemed necessary by the Planning Board, a buffer strip is required to be established between the mobile home park and adjoining properties where no natural intervening buffer of at least fifteen feet (15') in height exists. A buffer shall consist of a row of evergreen trees and a row of evergreen shrubs planted in two (2) staggered rows three feet (3') apart. The rows shall be planted closer than five feet (5') to the property line. The distance between plants shall be established so that lateral growth will provide a continuous screen to a minimum height of six feet (6') within two years. A single row of plants may be permitted where topographic conditions are considered extreme.

Section 216 Foundations for Mobile Homes

All mobile homes shall be set up in accordance with the standards of the North Carolina Department of Insurance and subject to approval by the McDowell County Building Inspector. All mobile homes shall also be underpinned with solid underpinning constructed of either metal, vinyl or masonry.

Section 217 Mobile Home Exits and Steps

Stairs, porches, entrance platforms, ramps and other means of entrance and exit from the home shall be installed or constructed and maintained in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.

Section 218 Open Space

Each mobile home park shall have ten percent (10%), with a maximum of two contiguous acres of the total area of the park set aside for open space. In calculating the total area of the park, roads and the mobile home park office shall not be included.

Section 219 Water Supply (Non Public or Community)

- (1) All wells within or servicing a mobile home park must meet the North Carolina Well Construction Standards.
- (2) Water must be potable and free of bacteria or indicator organisms
- (3) Water service must be continuous.

Section 220 Subdivision Regulations

Within mobile home parks created after the effective date of this ordinance there shall be no subdivision of mobile home lots into separate parcels unless each lot is equipped with an individual septic tank located entirely within the mobile home lot or is connected to a municipal sewer system.

Section 221 Septic Systems

Any septic system within a mobile home park which services more than one mobile home must be designed by a registered engineer.

Section 222 Solid Waste

Solid waste in mobile home parks must be disposed of in a proper and timely manner.

Article III Enforcement and Penalties

Section 301 Approval of Plans Required

No permits for any electrical connection or septic tank operation permit shall be issued upon any land requiring approval as a mobile home park under the conditions set forth herein, unless the plans have received final approval from the Planning Board.

Section 302 Revocation of Building Permits

The Enforcement Officer or the Planning Board may request the Inspections Department to revoke any and all building permits issued for a mobile home park should the developer not comply with the mobile home park standards set forth in this ordinance under an approved mobile home park plan. Upon written request from the Planning Board or Enforcement Officer, the Inspections Department, under authority given in NC General Statute 153A-362, may revoke building permits in the mobile home park until such time when the developer has brought the park into compliance with this ordinance.

Section 303 Criminal Sanctions

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine or not more than fifty (50) dollars or imprisonment not to exceed thirty (30) days, as provided by NCGS 14-4C.

Section 304 Civil Penalties

In lieu of or in addition to the criminal penalties outlined above, this ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed under NCGS 153A-123, not to exceed \$100.00 per offense. No penalty shall be assessed prior to notice to the mobile home park developer. For every day a developer is in violation of this ordinance, it may be considered a separate offense. If the violator does not pay such penalty within 30 days of notification of its assessment by written citation, it may be recovered by the County in a civil action in the nature of a debt. The developer may contest said penalty in the court of appropriate jurisdiction.

Section 305 Notice of Violation

Should a mobile home park approved under the provisions of this ordinance be found in violation of the provisions set forth in this ordinance, the owner or operator may be notified in writing by the Enforcement Officer. The written notification may state the specific violations and set forth time limits in which the violations shall be corrected. Should the owner or operator not correct the violations in the specified time limit, the Enforcement Officer may notify the owner or operator by certified mail that the operating permit for said park will be revoked at the close of the next business day five (5) days after the date of the written notice.

Section 306 Revocation of Operating Permit

Should the owner or operator of a mobile home park in violation of this ordinance correct such violations before the loss of the operating permit, the owner or operator shall request that the Enforcement Officer conduct an inspection of the park. Should said inspection indicate that the violations have been corrected, then the Enforcement Officer shall notify the owner or operator that the operating permit will continue. If the violations have not been corrected, then the operating permit may be revoked as stated in the notification. In cases where the operating permit for a mobile home park has been revoked the following shall occur:

- (1) The owner or operator shall not rent or lease any vacant spaces until violations have been corrected and the operating permit is reinstated.
- (2) For spaces which are leased or rented and will be occupied by a mobile home, the owner or operator shall cease to lease or rent these spaces at the end of the contract period which shall not exceed one (1) year from the date of the loss of operating permit.
- (3) The owner or operator shall notify each lessee of a space within the park, within ten (10) days after receipt of written notifications, that the operating permit has been revoked and that their lease shall be terminated at the end of the specific contract period. The owner or operator shall provide a signed statement by each

lessee that notice from the owner or operator of the leased termination has been made.

- (4) The Enforcement Officer shall notify in writing the County Health Department and the County Inspections Department that the operating permit for said park has been revoked and that no new spaces in the park are to be leased from the date of the loss of the operating permit.

Section 307 Cooperation With Other Agencies

The Enforcement Officer shall act to revoke an operating permit for violations of any part of this ordinance, except for violations that fall in the areas regulated by the County Health Department and the County Inspections Department. In these cases, the Enforcement Officer shall work in cooperation with the aforementioned agencies regarding the revocation of the operating permit.

Section 308 Application for Reinstatement of Operating Permit

The owner or operator of a mobile home park, which has lost the operating permit, may make application to the Enforcement Officer for reinstatement of the Operating Permit. The Enforcement Officer shall reinstate the Operating Permit, when the mobile home park is in compliance with the regulations for which the Operating Permit was revoked, and the approved mobile home park development plan approved by the County. The Enforcement Officer shall notify the County Health Department, County Inspections, and the owner or operator of the reinstatement of the Operating Permit, which allows the operator to lease or rent approved spaces.

Section 309 Display of this Ordinance

A copy of this ordinance shall be on display at the Planning Office and be readily available for occupants of the mobile home park.

Article IV Administration

Section 401 Amendments

The Board of Commissioners may from time to time amend the terms of this Ordinance; but, no amendment shall become effective unless it shall have been proposed by or submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it, within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the amendment shall

appear in a newspaper of general circulation in the McDowell County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear no more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) - twenty five (25) day period, the date of the publication is not to be counted but the date of the hearing is.

Section 402 Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 403 Conflict With Other Laws

Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the most restrictive or that imposing higher standards shall govern.

Section 404 Vested Rights

Any mobile home lot for which a septic tank permit has been applied for prior to the effective date of this ordinance shall have a vested right and will not have to comply with this ordinance.

Section 405 Effective Date

This Ordinance shall take effect and be in force on the 18th day of July, 1997.

This Ordinance was amended on the 11th day of August, 1997 and those revisions are included herein.



Dean K. Chapman, Chairman,
McDowell County Board of Commissioners

Attest:



Carrie Padgett, Clerk to the Board



