ORDINANCE NO. 77-23

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE IMPLEMENTING REGULATIONS FOR THE ESTABLISHMENT OF NEW MOBILE HOME PARKS AND ENLARGEMENT OF EXISTING MOBILE HOME PARKS: REQUIREMENTS FOR PLATTING OF SUCH PARKS; AND ADMINISTRATION OF SAID REGULATIONS BY THE COUNTY PLANNING BOARD.

ARTICLE 1. GENERAL PROVISIONS.

This ordinance shall be referred to as "Benton County Mobile Home Park Subdivison Regulations' and any reference to regulations in this ordinance shall be interpreted mean regulations embodied in this ordiaance.

Section 1.01. Purpose and Objectives.

These regulations provide the minimum requirements and standards for establishing and for enlarging Mobile Home Parks. These requirements and standards along with recommended additional condiderations, are intedded to:

1. Assist Mobile Home Park Developers in planning.
2. Assure adequate public streets, parking space and rights-of-way for firefighting, utilities and other services.
3. Promote compliance with Arkansas State Board of Health "Rules and Regulations pertaining to Mobile Home and Travel Trailer Parks." May 1967, and with other sanitation requirements described herein.
4. Protect the respective interest of developers, Mobile Home Park occupants, adjacent property owners and county taxpayers.
5. Promote harmonious development with the existing and future growth of the area.
6. Specify information to be included on plats filed for record.
7. Identify improvements to be installed at developer expense.
8. Assist in providing accurate public records.

Section 1.02. Legal Authority

These regulations are declared to be necessary to minimize governmental expenditures for improvements and operating costs and to promote the health, safety, comfort, convenience, prosperity and welfare of the people.

1.02.1. Statutory Provisions

These regulations are adopted pursuant to the authority granted by Act 422 of 1977, the County Planning Board Act. Benton County has complied with the County Planning Board Act by adopting an official Highway Plan as part of the County Plan for the recommended development for all or part of the unincorporated territory of Benton County.

1.02.2 Jurisdiction

These regulations shall apply to all land in the unincorporated territory; provided that, prior to any County Planning Board approval action with respect to territory for which any municipality vested under Arkansas Statutes, subdivision of land aspects of compliance with this regulation will be coordinated with that municipality.

1.02.3 Compliance

In accordance with the purpose and objectives listed in Section 1.01, the requirements hereinafter set forth must be complied with before the establishment of a New Mobile Home Park or before enlarging an existing Mobile Home Park.

1.02.4 Modification, Variance or Waiver

The Planning Board may modify, vary or waive the requirements of this regulation by an affirmative two-thirds (2/3) vote of the total membership. In any case where the Mobile Home Park Developer shows by a plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this regulation would cause exceptional and undue hardship, the Planning Board may modify, vary or waive such requirement to the extent they deem just and proper so as to relieve such hardships, provided that such action will not impair the purpose and objectives of this regulation and the public interest will be secured and substantial justice done. Such action shall be recorded with the justifying reasons in the minutes of the meeting.

Section 1.03 Definitions

Mobile Home Park Developer: The person, firm or corporation seeking to establish or to expand a Mobile Home Park. The term "Developer"

used in this regulation means "Mobile Home Park Developer."

Mobile Home Dwelling Units : Transportable dwelling units suitable for single family year-round occupancy and containing the same water supply, waste disposal and electrical convenience as immobile housing are Mobile Homes, which are covered by this regulation.

Trailers: Travel trailers, motor homes, pick-up campers, fifth wheel campers, camping trailers with folding or collapsing features; such trailers may be self contained (operate for periods of time independently of sewer, water, gas and electric connections and may or may not contain toilet, lavatory or shower). This regulation's coverage of trailers which might occupy such parks, shall be limited to compliance with siting and utilities requirements of this regulation as well as requirements of regulations referenced in Section 3.02.

Mobile Home Park: For the purpose of this regulation, a Mobile Home Park is a parcel of land located outside the corporate limits of cities in Benton County and which is originally platted under siggle ownership or common promotional plan and planned, developed and improved for the commercial purpose of placement of two (2) or more Mobile Homes. Excluded from this defintion are single parcels of land upon which are placed three (3) or fewer Mobile Homes for use by members of a family and/or employees of a farm or business. However, all Mobile Homes not located within Mobile Home Parks, as herein defined, shall be in compliance with the water and sanitiation requirments of the State Health Department and of Benton County.

Additional terms, which pertain to subdivision regulations, are defined in Benton County Subdivision Regulations.

Additional terms, which pertain to Mobile Homes and Travel Trailer Park design and operation, are defined in Arkansas State Board of Health Publication "Rules and Regulations Pertaining to Mobile Home and Travel Trailer Parks." Pertinent terms in these referenced regulations apply unless such terms have been modified by definitions in this regulation.

ARTICLE II. PRE-PLATTING PROCEDURES AND PLAT REQUIREMENTS

Section 2.01 Pre-Platting Procedures

Whenever a developer intends to develop or expand a Mobile Home Park within the meaning of these regulations, and before he prepares a plat, he may request a pre-platting conference with the Benton County Planning Board for the purpose of presenting a sketch plan and for reviewing the planning requirements in effect. Such pre-platting conference may be of assistance to the developer through improvement of design and prevention of unnecessary expense in plat preparation.

2.01.1 Sketch Plan

The sketch plan may be a free hand drawing, superimposed on a site map or aerial photograph, which locates the following: 1. Topography; 2. water courses and flood plains; 3. tree cover; 4. adjoining development; 5. existing sanitary and storm sewers or drainage, if any; 6. existing and proposed streets; 7. proposed Mobile Home and facilities layout; 8. any additional information the Developer feels may be pertinent.

2.01.2 Conference

Before preparing and submitting the Mobile Home Park Plat application to the County Planning Board, the Developer or his engineer may consult with the members and staff while the plat is in sketch form to take into account access streets, parks, school sites and other facilities or developments that are existing or planned.

Section 2.02 Format for Sale or Transfer of Ownership

2.02.1 Application

If a sale or transfer of ownership of Mobile Home sites are parts of the parcel is contemplated, a full preliminary plat and final plat application, as specified by Benton County Subdivision Regulations (or by the Municipality exercising extra-territorial subdivision jurisdiction), is required. In all other cases, a letter to the County Planning Board requesting approval of the accompanying plat and supporting information is appropriate.

2.02.2 Accompanying Plat for Review

The sheet size and scale for plats for review shall be flexible;

however, a drawing or reproduction at a scale of 200 feet to the inch shall be submitted and need not show other than the boundary bearings and distances.

2.02.3 Sheet Size

The sheet size for recording shall be a maximum of 18"X24". This may be a reproduction from a larger sheet size if desired.

2.02.4 Copies

Five (5) copies of the plat shall accompany the application. (If full compliance with a subdivision regulation is required, see that regulation for the number of copies required.)

Section 2.03 Handling of Mobile Home Park Plat Subdivision Applications When Sale or Transfer of Ownership is Not Contemplated

2.03.1 Mobile Home Park or Mobile Home Park Expansion Survey Requirement

The Developer shall have prepared by a Registered Land Surveyor a plat of the proposed park or park expansion and shall file with the Planning Board an application for approval of said plat at least two weeks prior to the meeting at which action is desired.

2.03.2 Review Procedure.

Upon receipt of the application and plat for approval, the Planning Board Service Officer shall check for conformance to the requirements of this regulation. When all requirements for applying have been met, copies of the plat will be provided to members of the Technical Advisory Committee (TAC) for review and recommendation to the Planning Board. The TAC Committee may be made up of public representatives as well as county officials, utilities, planners, etc. which could benefit the public interest.

2.03.3 Notice to Cities and Towns

Upon receiving an application and plat for Mobile Home Park approval, the Service Officer shall notify in writing the Planning Commission and the Mayor of any city or town where the proposed park lies within one mile of the limits of incorporation or if the proposed park lies within the extraterritorial subdivision control area of a city. Said notice will briefly describe the proposed application, and include a copy of the plat and supporting information and indicate the day it will be acted upon.

2.03.4 Approval or Rejection

Upon receipt of the recommendation of the staff, the TAC Committee and any city or town, the Planning Board will vote to approve or reject the plat. In the event of a rejection, the Board shall note all deficiencies by item upon the plat. One copy of the approved or rejected plat, with conditions noted thereon, shall be returned to the Developer. The Developer may submit a revised plat. Where changes are required by the Board, all public and private agencies, which in the descretion of the Planning Board are affected, shall be advised. The grounds for not approving any proposed or planned physical development, or the regulations violated by the application or plat, shall also be stated in the record of the meeting and kept open for public inspection.

2.03.5 Approval by lapse of Sixty(60) Days

The action of the Board shall take place within sixty (60) days from and after the date of application, unless the Developer agrees in writing to an extension of time; otherwise, said plat shall be deemed to have the approval of the Planning Board. In lieu of written approval evidence, filing for record may be accomplished with a certificate from said Planning Board as to the date of application and the failure to take action thereon within the alloted time.

2.03.6 Recording

A plat, prepared by a Registered Surveyor, of a parcel specified for use as a Mobile Home Park or of an expansion to an existing park, shall be presented for public recording only after compliance with either of Section 2.03.4 or Section 2.03.5 as appropriate.

Section 2.04 Plat Details and Attachments

2.04.1 Area Map

An area map shall accompany or appear on the plat. The scale should be large enough to show the location in Section, Township and Range with respect to existing roads, adjacent communities or features (such as lakes or streams).

2.04.2 Name, North/Point, Etc.

Include on the Plat, the name of the Mobile Home Park. The plat

walkways. At least two off-street parking spaces should be provided for each home site. Benton County Subdivision Regulations should be consulted for additional street design and construction requirement These must be followed for all streets which may be dedicated to and accepted by the County for maintenance. Unless otherwise agreed, streets within a Mobile Home Park will be maintained by the Developer, owners or occupants of the park. Normally, streets bordering and providing access to a Mobile Home Park may be dedicated and will be accepted by the County subject to compliance with County design, construction and inspection requirements.

2.04.9 Existing Utilities

Existing overhead and underground power and communication lines, sewers, water mains, gas mains, culverts and other underground structures within the park and immediately adjoining it, with pipe sizes and grades, shall be shown on the plat or on a separate attachment.

2.04.10 Utility Service

Easements for utility service will be shown on the plat. Include on the plat, or in supporting attachments, specific plans for the following:

1. Water supply. Where an approved public water supply is reasonably available, the Developer should connect with such water supply and make it available to each Mobile Home site. Certification by the State or County Health Office approving the water supply must be included with each application.
2. Sewage and Sanitation. Where a public sanitary sewer is reasonably accessable, the Developer shall connect with such sanitary sewer and provide lines to each Mobile Home site. A description of the sewage and sanitation system planned for the park and a certificate or letter from State or County Health Office approving the plan must be furnished. (The County Health Office should be contacted early for information about design and other requirements of the State Health Department Regulations.)

Special Note on City Connections. Where the water supply

or sanitation system is to be con nected to lines or mains of a city, town or special district, design and construction of such facilities shall be according to the requirements and specifications and subject to the supervision and approval of that city, town or special district.

3. Heating and Cooling Service. Specify the heating, cooling and power services planned. Include a statement from the appropriate utilities services that the service will be provided and that the easements specified on the plat application are adequate.

2.04.11 Community Facilities and Open Spaces

Planned community facilities, play areas and other man-made common use features should be correctly positioned on the plat. State Health Regulations should be consulted for minimum common health facilities required. Natural features, water courses, or open space to be preserved should be designated on the plat.

2.04.12 Flood Area

All of the proposed home park area which is subject to innundation within the last one/hundred (100) years, shall be clearly designated on the plat. A drainage study may be required by the Board before approval.

2.04.13 Buffer Areas

Buffer areas may be either plated vegetation, natural vegetation or fence with concealing properties to a height of seven feet. Normally buffer areas will be required between Mobile Home Parks and adjacent properties and along public street sides. Mobile Homes should not be sited closer than 30 feet to vegetation buffers nor closer than 20 feet to fence buffers.

2.04.14 Siting of Mobile Homes

Single Mobile Home Units shall be alloted at least 3000 square feet; double units at least 4500 square feet. Lot dimensions will be of sufficient size so that Mobile Homes placed upon the lots will have outside walls or attachments thereto not closer than 25 feet from an interior street, nor 30 feet from an exterior street, nor 15 feet from another Mobile Home. Where existing exterior streets may have substandard right-of=way, the Board may require a greater setback from such streets. Lot site numbers shall be posted on

each site adjacent to the walkway facing the street. Planned siting of all Mobile Homes shall be included in the plat and lot site numbers given to each planned location.

2.04.15 Mobile Home Site Ownership Plans

Attach a statement confirming that no present plans exist to sell or otherwise convey title to the sites which the Mobile Homes will occupy. If sales or conveyance is planned full compliance with Benton County Subdivision Regulations is required as indicated in SEction 2.02.1. If sales or conveyance of sites is contemplated at a future time after the Mobile Home Park is approved, the Developer is required to obtain approval from the Benton County Planning Board for any additional requirements of subdivision regulation before executing such sale or conveyance.

2.04.16 Construction Plans

Construction Plans and other engineering data pertaining to roads, drainage, water and sanitation systems shall be prepared and certified by a Registered Professional Engineer and should accompany the application. Any approval by the Planning Board of the application will be conditional upon the final approval certification and acceptance of such improvements by the agencies having jurisdiction unless bond is provided as outlined in Section 3.01. An engineer's certificate will be required on the plat to be recorded, that all completed required improvements conform to all applicable engineering requirements and specifications unless bonding is elected in which case "as built" plans will contain this certification.

2.04.17 Owner's Certificate to Appear on Plat.

Included on the plat shall be an owner's certificate which should contain the substance of the following example:

> "As owner, I hereby certify that I have caused the land described for this Mobile Home Park to be surveyed, platted, dedicated and access rights reserved as represented on this plat (and attachments)."

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

The County Planning Board shall have responsibility for interpretation and administration. The Board shall protect the public interest by thoroughly examining and coordinating each application without undue delay to the Developer.

Section 3.01 Bonding

With reference to Section 2.04.16, if the Developer selects bonding for any or all of the required improvements, the Developer will be required to post an acceptable surety or cash bond for the total cost of such improvements as estimated by the engineer, by the contractor's bid, or by the officials having jurisdiction. Utilities that would be extended at no cost to the Developers are excluded from the bonding requirement. The bond shall continue until certifying approval of completion has been accepted from the officials having jurisdiction or fourteen (14) days after notification of completion, which-ever is sooner. In event certification is withheld during the 14-day period after notification, bonding may be continued for reasons and in the amount specified in the withholding document. Properly certified "as built" plans of the improvements shall be filed with the Planning Board within sixty (60) days of completion.

Section 3.02 Compliance with Other Regulations

Other regulations and guidelines of the United States, State of Arkansas and Benton County pertain to the planning, design and operation of Mobile Home and Trailer Parks. These regulations and guidelines should be consulted both to help to improve the planning and design of such parks and to learn of specific requirements which should be considered as part of a Mobile Home Park application. The approval of a Mobile Home Park application by the Benton County Planning Board does not relieve the Developer, owner or operator from complying with the operating, licensing, permit or other requirements of such regulations. Consult the following additional information:

1. "Benton County Subdivision Regulation."
2. Subdivision Regulations of a city, if proposed park is in the city's subdivision extraterritorial jurisdiction.

3. "Rules and Regulations Pertaining to Mobile Home and Travel Trailer Parks." Arkansas State Board of Health, Little Rock.
4. "Arkansas Sewage Disposal Regulation." State Health Department.
5. "Environmental Health Guide for Mobile Home Parks," United States Department of Health, Education and Welfare.

Section 3.03 Fees

3.03.1 Plat Application

The fee is $25.00

3.03.2 Public Hearing

For each request for public hearing before the Board on a Mobile Home Park matter, the Board shall collect a fee adequate to cover expenses, including advertising expenses, except that no fee shall be required of Municipalities.

3.03.3 Inspection

The Board may establish fees for inspections and investigations of Mobile Home Parks.

Section 3.04 Enforcement

3.04.1 Official in Charge

The Planning Board Service Officer shall act for the County Planning Board.

3.04.2 Complaints Answered

Upon receiving a written signed complaint, said official shall investigate and notify the complaintant within thirty (30) days of the action taken.

Section 3.05 Inventory of Existing Mobile Home Park

In order to enforce this regulation, as it pertains to new parks and extensions of existing parks, it shall be required that all owers or operators of existing Mobile Home Parks outside the corporate city limits of cities within Benton County advise the Benton County Planning Board within 180 days after the effective date of this regulation of the following:

1. Location and name of park.
2. Boundaries of the park.
3. Number of Mobile Home sites in the park.

4. Type of Water and Sewer System.
5. The number of sites the water and sewer system presently serves.

Section 3.06 Penalties

A violation of this regulation or failure to comply with the provisions herein specified shall subject the person, firm or corporation to the following penalties:

Misdemeanor: Violations of this regulation shall be deemed a misdemeanor and shall be punishable by a fine in the maximum amount of $200.00 or by imprisonment for not more than 30 days, or by both fine and imprisonment. Each day in which a violation continues prior to taking appeal shall constitute a separate offense.

Civil Action: The Planning Board or any person whose property is jeopardized by a violation may institute a civil suit to prevent or remove a violation of these regulations.

ATTEST: /s/ Harry M.Pratt APPROVED: /s/ Railey A.Steele

DATE: Nov.15,1977

SPONSOR: BEATY