

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: April 26, 2018 AGENDA ITEM NUMBER: 14

SUBJECT: ORDINANCE REPEALING CHAPTER 13 OF THE FORSYTH COUNTY CODE ENTITLED "MOBILE HOMES" (FORSYTH COUNTY ATTORNEY'S OFFICE)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr.* DATE: April 25, 2018
COUNTY MANAGER

**ORDINANCE REPEALING CHAPTER 13 OF THE FORSYTH COUNTY CODE
ENTITLED "MOBILE HOMES"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

WHEREAS, pursuant to the provisions of the Machinery Act of North Carolina, personal property manufactured homes are required to be listed during the annual property tax listing period and real property manufactured homes are permanently listed, therefore, it became apparent more than a decade ago that the annual registration of manufactured homes pursuant to the provisions of Chapter 13 of the Forsyth County Code was unnecessary and a duplication of taxpayer and Tax Office efforts; it is therefore recommended that Chapter 13 be repealed;

NOW, THEREFORE, BE IT ORDAINED by the Forsyth County Board of Commissioners as follows:

SECTION 1. That Chapter 13 of the Forsyth County Code, entitled "Mobile Homes," consisting of Sections 13-1 through 13-26, is hereby repealed.

SECTION 2. This ordinance shall become effective upon adoption.

Adopted this 26th day of April 2018.

Chapter 13

~~MOBILE HOMES⁽¹⁾~~ Reserved

Footnotes:

~~(1)~~

~~Cross-reference~~ Buildings and building regulations, Ch. 7; water extensions to mobile home parks, § 22-40; zoning regulations for R-7 or Mobile Home District, §§ 23-6E4, 23-7F.

~~State Law reference~~ Uniform Standards Code for Mobile Homes, G.S. § 143-144 et seq.

~~ARTICLE I. IN GENERAL~~

~~Secs. 13-1 - 13-15. Reserved.~~

~~ARTICLE II. REGISTRATION FOR TAX PURPOSES⁽²⁾~~

Footnotes:

~~(2)~~

~~Editor's note~~ The ordinance from which this article is derived was adopted by reference by the board of aldermen of Winston-Salem and made applicable within the city by a resolution of said board adopted on January 17, 1972.

~~Sec. 13-16. Definition.~~

~~As used in this article, the term "mobile home," "trailer" or "house trailer" (all being referred to herein as "mobile homes") shall mean and shall be construed to mean any vehicle or structure so designed and constructed as will permit occupancy thereof as sleeping quarters or a residence, temporary or permanent, for one or more persons; or the conduct of any business, profession, occupation or trade, or similar use thereof as a selling or advertising device; and so designed that it is or may be mounted on wheels for the purpose of conveyance on the public streets, roads or highways, propelled or drawn by its own or other power; and shall include all such mobile homes, regardless of the fact that they are underpinned or placed on a permanent foundation, until such time as the mobile home assumes the character of real property and is so listed for ad valorem tax purposes. This definition shall include, but is not limited to, a mobile home as defined in the Forsyth County Zoning Ordinance, the Forsyth County Health Regulations, and in article 9A of chapter 143 of the North Carolina General Statutes.~~

~~(Ord. of 12-20-71, § 1)~~

~~Cross-reference~~ Zoning ordinance, Ch. 23.

~~Sec. 13-17. General requirements and provisions.~~

- ~~(a) Every owner or person in possession, if other than the owner, of a mobile home located within the county, shall register such mobile home during the regular ad valorem tax listing period of each year with the county tax supervisor's office.~~
- ~~(b) Mobile homes moved into or located within the county after January first of any year shall be registered within thirty (30) days after such mobile homes become located within the county, and in such event, registration shall be made by application to the county tax supervisor's office or to the office of the superintendent of inspections (at the time of electrical inspection or other required approval), if the mobile home at that time has not been registered.~~
- ~~(c) In order to facilitate the registration of mobile homes under the provisions of this article and to provide a procedure for registering mobile homes at times other than when property is listed for ad valorem tax purposes, the superintendent of inspections is hereby authorized to register such vehicles, as provided for in subsection (b), and he shall forthwith make a report of such registration to the county tax supervisor.~~
- ~~(d) Registration required by this section shall occur when the mobile home is properly listed with the county tax supervisor's office for ad valorem tax purposes.~~

~~(Ord. of 12-20-71, §§ 2-4, 9)~~

~~**State Law reference**—Listing of property for taxation, G.S. § 105-271 et seq.; duty of mobile home park operators to furnish information to tax supervisor, G.S. § 105-316.~~

~~**Sec. 13-18. Exemptions.**~~

- ~~(a) This article shall not apply to:
 - ~~(1) A mobile home temporarily located within the county with the express predetermined intent and purpose of conveyance outside of the county within thirty (30) days after arrival.~~
 - ~~(2) A mobile home held for display or exhibition purposes by a mobile home dealer licensed by the State of North Carolina as such and displaying said license.~~
 - ~~(3) A mobile home passing through the county on a public street, road or highway for conveyance elsewhere.~~~~
- ~~(b) Any mobile home otherwise required to be registered pursuant to this article shall not be deemed exempted from the provisions of this article, if listing for ad valorem tax purposes is not required.~~

~~(Ord. of 12-20-71, §§ 2, 3)~~

~~**Sec. 13-19. Prerequisite to issuance of zoning and building permits.**~~

~~No permit provided for pursuant to the county zoning ordinance, including but not limited to a special use permit, or the state building code shall be issued for any mobile home, until the mobile home is registered as required by this article.~~

~~(Ord. of 12-20-71, § 4)~~

~~**Cross reference**—Building permits, § 7-17 et seq.; zoning ordinance, Ch. 23.~~

~~Sec. 13-20. Information to be furnished.~~

~~Every person registering a mobile home under this article shall furnish the following information:~~

- ~~(1) The name of the owner of the mobile home and the person to be in possession thereof, if other than the owner.~~
- ~~(2) The year, make and model of the mobile home.~~
- ~~(3) The place, meaning tax block and lot, where the mobile home is or will be located.~~

~~(Ord. of 12-20-71, § 5)~~

~~Sec. 13-21. Registration period.~~

~~The period of registration for mobile homes shall be for the twelve month period of January first through December thirty first of each year, and such mobile homes shall be registered annually thereafter in the manner required in this article.~~

~~(Ord. of 12-28-71, § 6)~~

~~Sec. 13-22. Registration plate, sticker or decal. Issuance; contents.~~

~~For every registered mobile home, the county tax supervisor's office or superintendent of inspections, as the case may be, shall issue the person registering the mobile home an appropriate, numbered plate, sticker or decal, showing the year for which issued and the date of expiration.~~

~~(Ord. of 12-20-71, §§ 3, 6, 7)~~

~~Sec. 13-23. Same. Display.~~

~~Every mobile home located within the county and required to be registered under this article shall have displayed thereon, throughout the current issue year, the plate, sticker or decal issued for such mobile home under this article. Such plate, sticker or decal shall be displayed on the mobile home on or near the main door or exit so as to be clearly visible from the exterior.~~

~~(0-71, §§ 3, 8)~~

~~Sec. 13-24. Same. Ord. of 12-20. Replacement when lost or destroyed.~~

~~Upon satisfactory evidence that any registration plate, sticker or decal issued under this article has been lost or destroyed, the registrar shall issue a duplicate to the owner or person listing the mobile home.~~

~~(Ord. of 12-20-71, § 7)~~

~~Sec. 13-25. Compliance with article does not affect obligation to list all property for tax purposes.~~

~~Registration as required by this article shall not relieve any person from the obligation to list all property for ad-valorem tax purposes in the manner required by law, and more particularly the Machinery Act of 1971 (G.S. § 105-271, et seq.) and provisions contained therein, including but not limited to G.S. § 105-316.~~

~~(Ord. of 12-20-71, § 2)~~

~~Sec. 13-26. Violations and penalties.~~

~~If any person shall violate this ordinance or chapter or any provision thereof, he shall be guilty of a class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).~~

~~(Ord. No. 2-92, §§ 3, 4, 4-13-92; Ord. No. 3-95, §§ 1, 2, 7-10-95)~~