

**AN ORDINANCE ESTABLISHING A MORATORIUM  
ON THE LOCATION, PLACEMENT, OR TRANSPORTATION  
OF CERTAIN MOBILE HOMES INTO  
ALLEGHANY COUNTY, NORTH CAROLINA  
FROM OUTSIDE THE COUNTY**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGHANY IN REGULAR SESSION ASSEMBLED:

**Article I. Authority**

The Alleghany County Board of Commissioners enacts this Ordinance pursuant to Article 18, Chapter 153A, North Carolina General Statutes.

**Article II. Purpose**

The purpose of this Ordinance is to prohibit pre-June 15, 1976 manufactured homes (as defined below) from being located, placed, transported, or otherwise moved into Alleghany County from outside the County.

**Article III. Definitions.**

- A. *County* - The County of Allegheny.
- B. *Person* - A firm, corporation, general partnership, limited partnership, limited liability company, sole proprietor, individual, individual acting on behalf of another, or any other entity of any type whatsoever.
- C. *Manufactured Home* - Any structure that consists of a single unit completely assembled at the factory or two (2) (doublewide) or more components, totally assembled at the factory and joined together at the site, that is designed so that the total structure (or each component thereof) can be transported on its own chassis and can be placed on a temporary or semi-permanent foundation; and that is thirty-two (32) feet or longer in length and eight (8) feet or longer in width.
- D. *Pre-June 15, 1976 manufactured home* - A manufactured home that was manufactured or built prior to June 15, 1976 as set forth in 24 C.F.R. §§3282. 1, *et seq.*, and is therefore not HUD (United States Department of Housing and Urban Development) approved pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401, *et seq.*).

**Article IV. Moratorium.**

The Alleghany County Board of Commissioners hereby places a moratorium on the

location, placement, or transport of pre-June 15, 1976 manufactured homes into Alleghany County, North Carolina. No person shall locate, place, transport, or otherwise move a pre-June 15, 1976 manufactured home into Alleghany County from outside the County.

**Article V. Exemption.**

Specifically exempted from the moratorium enacted by this Ordinance shall be all pre-June 15, 1976 manufactured homes already located in Alleghany County at the time of the effective date hereof, regardless of whether the same are subsequently moved to another location inside the County or whether use of the same is discontinued for a period of time and then re established. This moratorium shall prohibit only the location, placement, or transport of pre-June 15, 1976 manufactured homes into the County from a point outside the County.

***Article VI. Violations, Enforcement, and Penalties.***

*A. Violations; Penalties.*

- 1 The violation of any provision of this Ordinance shall be a Class 3 misdemeanor.
2. Each day's continuing violation of this Ordinance, where applicable, shall constitute a separate and distinct offense.

*B. Equitable Enforcement; Order of Abatement.*

This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by an order of abatement, as provided under G S. § 153A-123(d) and (e)

*C. Cumulative Remedies.*

The remedies and penalties for violation of this Ordinance shall be cumulative, and the election a a remedy or enforcement of a penalty by the Count hereunder shall not preclude the election of any other remedy or enforcement of any other penalty by the County which may be provided under this Ordinance or by law.

*D. Evidence and Burden of Proof*

in any action or proceeding for a violation of this Ordinance, the failure of the person charged with the violation to produce either (i) an application for a septic tank permit which has been filed with the Alleghany County Health Department prior to the effective date hereof, or (ii) records from the Alleghany County Tax Office demonstrating that the pre-June 15, 1976 manufactured home was located in Alleghany County for ad valorem tax purposes prior to the effective date here of, shall create a rebuttable presumption that said manufactured home was not located in Alleghany County prior to the effective date of this Ordinance. Said presumption may be rebutted only by clear and convincing evidence that the manufactured home was located in Alleghany County prior to the effective date hereof, and the burden of proof with respect to rebutting said presumption shall be on the person charged with the violation.

**Article VII. Effective Date.**

The effective date of this Ordinance shall be the 21 day of February, 2000.

ATTEST:

Karen Evans  
Clerk to the Board  
(County Seal)

ALLEGHANY BOARD OF COMMISSIONERS:

(sig: Ken Richardson)  
Ken Richardson, Chair

(sig: Eldon Edwards)  
Eldon Edwards, Vice-Chair

(sig: Charity Gambill)  
Charity Gambill, Member

(sig: Walter Jones)  
Walter Jones, Member

Voted No  
Joe Roberts, Member

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