

CHAPTER 3.22

**MANUFACTURED HOME/FACTORY
ASSEMBLED STRUCTURE (FAS) PARKS**

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3.22.010 PURPOSE. The purpose of this chapter is to establish standards and procedures for the location, development and maintenance of manufactured home/FAS parks. These standards are to ensure well-planned manufactured home/FAS facilities compatible with the surrounding area and planned uses. Such standards are necessary for the general health, safety and welfare of the residents of Benton County.
[Ord. 165 (1983) § 2; Ord. 457 (2007) § 1]

3.22.020 APPLICABILITY. This chapter shall apply to manufactured home/FAS parks containing five (5) or more manufactured home/FAS spaces. Location of fewer than five (5) manufactured homes/FAS on a single lot shall be regulated by Chapter 11 BCC (Zoning Ordinance). This chapter shall not apply to the regulation of manufactured home/FAS parks approved under the laws and regulations in effect on the date of initial use of said park or to minor modifications within boundaries of existing manufactured home/FAS parks which do not increase the number of lots; provided, that the manufactured home/FAS parks have been in operation continuously since the date of approval; and, provided, that any new construction or enlargement of the manufactured home/FAS park shall comply with all the provisions of this chapter; and, provided, that an annual licensing fee shall be paid in the same amount as that required by BCC 3.22.130(b); and, provided further, that all manufactured home/FAS placed in such manufactured home/FAS parks after April 25, 1983 shall comply with Chapter 3.20 BCC.

[Ord. 165 (1983) § 3; Ord. 457 (2007) § 2]

3.22.030 DEFINITIONS. Whenever the words and phrases in this section appear in this chapter, they shall be given the meanings attributed them by this section. When not inconsistent with the context words used in the present tense shall include the future, singular shall include the plural, and the plural, singular.

- (a) **Board of Adjustment@** The Benton county Board of Adjustment.
- (b) **Building Official@** The Benton County Planning and Building Department Director or his authorized representative.
- (c) **Health Officer@** The city, county, city-county or district health officer of the jurisdictional area in which the manufactured home/FAS park is or will be located, or his authorized representative.
- (d) **Manufactured Home@** Includes mobile home. A manufactured, relocatable living unit which, when erected on site, is designed to be connected to required utilities and used as a dwelling, exceeds forty (40) feet in length or eight (8) feet in width, does not meet

International Residential Code standards; and, if manufactured after June 15, 1976, bears the insignia of the U.S. Department of Housing and Urban Development.

(e) **Manufactured Home/FAS Park@** Includes mobile home park. A site, lot or tract of land under the common ownership or management of one or more persons, firms or corporations, intended for occupancy by five (5) or more manufactured homes/FAS for dwelling or sleeping purposes. This definition shall not include parks for the location of recreational vehicles for travel or recreation.

(f) **Manufactured Home/FAS Installation Inspector@** A designated representative of the Benton County Planning and Building Department, whose qualifications are determined by the Benton County Planning and Building Director.

(g) **Manufactured Home/FAS Space@** Includes mobile home space. A space within a manufactured home/FAS park having fixed boundaries which are clearly marked and designated to accommodate one manufactured home/FAS.

(h) **Person@** An individual, firm, corporation, partnership or association, and any agency of state, county or municipal government, and any agency of the federal government which is subject to the jurisdiction of the state.

(i) **Planning Department@** The Benton County Planning Department.

(j) **Planning Director@** The Benton County Planning and Building Department Director or his designated representative.

(k) **Recreational Vehicle@** A vehicle or structure designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, which has a body width of no more than eight (8) feet or a body length of no more than forty (40) feet; or, any structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the State of Washington or any other state or federal agency having the authority to approve recreational vehicles.

[Ord. 165 (1983) § 4; Ord. 457 (2007) § 3]

3.22.040 PRE-APPLICATION REVIEW. (a) General. Any person seeking approval of a manufactured home/FAS park shall be encouraged to request a pre-application review session with the Planning Department to receive unofficial review of the general manufactured home/FAS park proposal before making substantial financial commitment. Such pre-application review shall not bind the applicant or the county in any respect.

(b) Information Provided by Applicant. The following items shall be provided by the potential applicant at the pre-application review.

(1) An approximate vicinity sketch showing existing roads, natural features and buildings, and a diagram of the proposed manufactured home/FAS park.

(2) Legal description.

(3) Proposed method of water supply and sewage disposal.

(4) Proposed method of storm and surface water drainage.

[Ord. 165 (1983) § 5; Ord. 457 (2007) § 4]

3.22.050 MANUFACTURED HOME/FAS PARK SITE REQUIREMENTS.

(a) Access.

(1) General. Any parcel of property being considered for a manufactured home/FAS park must be located adjacent to and have the legal right to access onto an improved and maintained county, state or city road. More than one direct access to a public road may be required where determined to be in the public interest.

(2) Dedication of County Road Right-of-Way. Proposed county road right-of-way shall be shown on the plans where a proposed manufactured home/FAS park occupies a location of a future road set forth in the circulation element of the Benton County Comprehensive Plan. County road right-of-way shall be dedicated where the proposed park would adjoin such road and such road is to be used for access to the park. Where the

proposed park would adjoin such road, and such road is not to be used as access to the proposed park, right-of-way shall be dedicated to provided one-half the required right-of-way for the classification of that road on its side of the road centerline. Unimproved county road right-of-way to be used for access to the proposed park shall be constructed to county standards or bonded by the developer to guarantee construction.

(3) Private Roads. Private roads shall connect each manufactured home/FAS space. All private roads shall be privately constructed and maintained. Private two-way roads shall be a minimum of thirty (30) feet wide. Twenty (20) feet shall, at a minimum, be surfaced with 35/100 compacted depth rock and B.S.T. class A, or one (1) inch compacted depth A.C.P. class G. Private one-way roads shall be a minimum of twenty (20) feet wide and ten (10) feet shall, at a minimum, be surfaced with 35/100 compacted depth rock and B.S.T. class A, or one (1) inch compacted depth A.C.P. class G. Paving of private roads shall be accomplished as soon as fifty (50) manufactured homes/FAS are placed within the manufactured home/FAS park or fifty (50%) percent of the spaces in the manufactured home/FAS park are occupied, whichever occurs first, for the phase or total development, if not phased. Until the roads are paved, they must be graveled with three (3) inches compacted depth of a well graded 5/8"-0" crushed rock. Two (2) feet wide graveled shoulders must be provided on each side of roads designated to provide on street parking. Turnarounds shall have a minimum radius of fifty-five (55) feet, with a forty-five (45) foot radius paved. Storm drainage facilities shall be provided by the developer and the design of storm drainage facilities and location of encroachment approved by the city, county or state owning the public road with which the private road intersects. Private roads shall be adequately lighted.

(4) Direct Access. No direct access from a manufactured home/FAS park space to a public road shall be allowed.

(b) Zoning. A Manufactured Home/FAS Park Permit shall not be issued by the Benton County Board of Adjustment except in those zones where the use may be allowed, according to the provisions of Title 11 BCC (Zoning Ordinance).

(c) Shorelines. Manufactured home/FAS parks, where applicable, shall meet the requirements of the Benton County Shorelines Management Master Program regulations and the State of Washington Shorelines Management Act of 1971, as amended.

(d) Floodway. Manufactured home/FAS parks shall not be located within any floodway as designated on the Flood Insurance Rate Map or Floodway and Flood Boundary Map by the Federal Flood Insurance Administration. Manufactured home/FAS parks located within the 100-year flood plain as designated on the Flood Insurance Rate Map or Floodway and Flood Boundary Map shall comply with the requirements of the Federal Flood Insurance Program and Chapter 6.50 BCC (Flood Control Ordinance).

(e) Density. Manufactured home/FAS park density shall not exceed the maximum density designated by the Benton County Comprehensive Plan for that area.

(f) Space Size. Manufactured home/FAS spaces shall be a minimum of three thousand (3,000) square feet in size and a minimum of forty (40) feet in width when serviced by a public or centralized sewer system.

(g) Setbacks. Manufactured homes/FAS, houses, office and recreational buildings, etc. shall be located a minimum of ten (10) feet apart. All detached accessory structures shall be set back at least ten (10) feet from structures located on an adjacent space. All structures shall be set back at least fifty-five (55) feet from the centerline of any city, county or state road right-of-way sixty (60) feet or narrower, at least twenty-five (25) feet from the right-of-way line of road right-of-way wider than sixty (60) feet and at least five (5) feet from a twenty (20) to thirty (30) foot wide one (1) way interior road. No minimum setbacks required from interior private roads with road widths wider than thirty (30) feet. Structures within a manufactured home/FAS park shall be placed no closer to the property boundary of the manufactured home/FAS park than allowed by Chapter 11 BCC (Zoning Ordinance) for other structures in the same zone.

(h) Parking.

(1) Resident Parking. There shall be a minimum of two (2) off-street parking spaces per manufactured home/FAS space for resident parking. Each space shall be a minimum of nine (9) feet by twenty (20) feet, and shall have a minimum of a 10 feet wide access to the private road.

(2) Visitor Parking. There shall be at least one (1) off-street parking space per five (5) manufactured home/FAS spaces for visitor parking where no on-street parking is provided. Each off-street parking space shall be a minimum of nine (9) feet by twenty (20) feet.

(3) Vehicle Storage. If vehicle storage is provided, a minimum parking area of ten (10) feet by thirty (30) feet per each five (5) manufactured home/FAS spaces shall be provided for storage of boats, recreational vehicles and other vehicles within manufactured home/FAS parks containing twenty-five (25) manufactured home/FAS spaces or more. A six (6) feet high fence with a lockable gate shall be erected around the perimeter of such storage areas, and such areas may be required to be screened from abutting public or private rights-of-way and abutting property owners by a greenbelt of vegetation or a sight-obscuring fence.

(4) Office Parking. There shall be a minimum of two (2) off-street parking spaces, each nine (9) feet by twenty (20) feet or larger, for the manufactured home/FAS park office, for manufactured home/FAS parks containing fifty (50) or fewer units, and one space per twenty-five (25) units in those containing more than 50 units.

(5) Surfacing. All parking areas shall, at a minimum, be surfaced with three (3) inches compacted depth, of 5/8 inch-0 inch crushed rock.

(i) Recreation Areas. Designated common recreation areas may be required by Board of Adjustment in manufactured home/FAS parks with ten (10) or more manufactured home/FAS spaces. The applicant may propose and the Board of Adjustment may approve alternate recreational facilities in lieu of providing a recreation area.

(j) Walkways. Manufactured home/FAS parks containing 25 or more manufactured home/FAS spaces shall contain walkways to the manufactured home/FAS park office, recreational areas and other service facilities. All walkways shall be a minimum of two (2) feet wide, surfaced with concrete or other hard surface and adequately lighted.

(k) Sanitation. A public water system approved in accordance with WAC 246-290 shall be provided to each manufactured home/FAS space. On-site sewage disposal systems shall be approved by the applicable local or state agency (i.e., Department of Health, Department of Ecology or Benton-Franklin District Health Department) or any municipality providing sewer or water.

Garbage shall be stored in flytight, watertight, rodentproof containers and create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. If centrally located refuse containers are used, they must have sufficient capacity to serve all manufactured home/FAS park residents and must be designed to prevent spillage and container deterioration, and to facilitate cleaning. Garbage shall be removed from the park at least once per week.

(l) Storm Drainage. Storm drainage facilities must be designed to meet the requirements of the Benton County Hydrology Manual. All storm drainage occurring on site shall be maintained on site. Precautions shall be used during construction to prevent erosion and water pollution.

(m) Utilities. Electrical and telephone utilities and cable television, if used, shall be approved by the utility providing the service, and all electrical service installation and connections shall be in accordance with the National Electrical Code and inspected and approved by the Washington State Department of Labor and Industries.

(n) Commercial Services. Incidental commercial operations owned and operated by the park owner may be permitted when designated as part of the manufactured home/FAS park and limited to serving park residents and guests.

(o) Fire Prevention. The park shall be free of dry brush, leaves, weeds, combustible materials and other fire hazardous materials. Hydrants, extinguishers and fireflow shall be installed and maintained per the requirements of Chapters 3.16 and 3.18 BCC. Maintenance of the water system and fire hydrants shall be the responsibility of the manufactured home/FAS park owner.

(p) Mailboxes. Mailboxes shall be located within the manufactured home/FAS park. Adequate provision for mail carrier vehicle access and turnarounds shall be made per the requirements of the U.S. Postal Service and Benton County Engineer.

(q) Accessory Structures. Normal accessory structures for manufactured homes/FAS may be allowed, including awnings, cabanas, ramadas, porches, carports, decks, storage facilities, garages, etc. All accessory structures shall meet setback requirements in BCC 3.22.050 (g).

(r) Signs. Signs and advertising structures shall be prohibited except:

(1) One identifying sign at each entrance. Signs may be indirectly lighted; flashing lights shall not be permitted.

(2) Directional or information signs for the convenience of tenants and the public relative to parking, office, traffic movement, park entrance, etc.

Signs shall not interfere with vehicle sight distance along any public or private road.

(s) Landscaping. Landscaping shall conform to and be installed in accordance with the overall site plan proposed by the applicant and approved by the Board of Adjustment.
[Ord. 165 (1983) § 6; Ord. 457 (2007) § 5]

3.22.060 MANUFACTURED HOME/FAS PARK PERMIT REQUIRED. No person shall construct, modify by construction, or enlarge any manufactured home/FAS park within the unincorporated area of Benton

County until approval has been given for said construction, modification or extension by the Benton County Board of Adjustment and the Benton County Planning Director has issued a preliminary Manufactured Home/FAS Park Permit with conditions. {Ord. 165 (1983) § 7; Ord. 457 (2007) § 6}

3.22.070 MANUFACTURED HOME/FAS PARK PERMIT APPLICATION. Any person seeking a Manufactured Home/FAS Park Permit shall submit to the Planning Department the following:

(a) Thirty copies of an accurate drawing, at a scale of one (1) inch = One hundred (100) feet or larger and one reproducible copy no larger than an 11x17 sheet of paper, showing the following:

- (1) The boundaries and dimensions of the site.
- (2) Existing streets, roads, and highways bordering or crossing the site.
- (3) Interior private roads.
- (4) Public road right-of-way dedications, if any.
- (5) Location and uses of existing and proposed structures.
- (6) Location of parking facilities, including access points.
- (7) Location of recreation areas.
- (8) Manufactured home/FAS space boundaries and dimensions and designation of each space by number or street address.
- (9) Name of applicant, and dated signatures of land owners and of person preparing the drawing.
- (10) Location and type of lighting facilities.
- (11) Location and type of landscaping and walkways.

- (12) Location of fire hydrants.
 - (13) Plot plan of a typical space, drawn to a scale of 1"=20' (one inch equals twenty feet) or larger.
 - (14) Detailed plans for water, sewage and garbage disposal.
 - (15) Name of the proposed manufactured home/FAS park.
 - (16) Legal description of property to be included in manufactured home/FAS park.
 - (17) Scale and North Arrow.
 - (18) Vicinity Map showing adjacent properties.
 - (19) Location of drainage facilities.
 - (20) Location of utility easements.
- (b) A completed Environmental Assessment Checklist.
- (c) A completed application supplied by the Benton County Planning and Building Department.
- (d) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners.
- (e) A completed Road Encroachment Permit Application, if the manufactured home/FAS park is to be served by a private road which intersects a county road.
- (f) A certificate prepared by a title company no more than two months old at the time of application submittal, showing all persons holding ownership interests in the parcel, and all recorded easements and encumbrances upon the parcel.
- (g) A completed preliminary Hydrology Report, prepared in accordance with the Benton County Hydrology Manual.

(h) Additional information as required by the Planning Director. [Ord. 165 (1983) § 8; Ord. 185 (1985) § 1; Ord. 283 (1996) § 1; Ord. 457 (2007) § 7]

3.22.080 REVIEW AND PUBLIC HEARING. (a) Review. The Planning Director shall provide copies of the application to and request comments from the involved agencies. The following agencies may be notified:

- (1) The Department of Health or supplying municipality for review of the proposed water system.
- (2) The applicable state or local agency for review of on-site sewage disposal systems, or any municipality providing sewer.
- (3) Benton County Fire Marshal.
- (4) Benton County Public Works Director.
- (5) Electrical Utility.
- (6) Telephone Utility.
- (7) Irrigation district, if the parcel is located within an irrigation district.
- (8) Agencies and utilities with recorded easements upon the parcel.
- (9) City government, if the parcel is located within one mile of the city limits or is to be served by city water or sewer.
- (10) Washington State Department of Transportation, if the parcel abuts or will access onto a state road.
- (11) Benton County Planning and Building Department.
- (12) Other agencies as may be appropriate.

(b) Public Hearing.

(1) General. Before granting or terminating any permit under the provisions of this chapter, the Board of Adjustment shall hold a public hearing.

(2) Notice. Notification of hearing shall be made in the following ways:

(a) Written notice of date, time, place and subject of the public hearing shall be sent by First Class U.S. Mail at least twelve (12) days prior to the hearing to owners of real property, as shown in the records of the Benton County Assessor, located within three hundred (300) feet of any portion of the boundary of the proposed manufactured home/FAS park; provided, if the owner of property within the proposed manufactured home/FAS park owns another parcel or parcels adjacent the proposed manufactured home/FAS park, notice shall be mailed to owners of real property located within three hundred (300) feet of any portion of the boundaries of such adjacent parcel(s). Notice shall contain a statement that written materials may be submitted to the administrator within ten (10) working days.

(b) Notice shall be given by publication, not less than ten (10) days prior to the hearing, in a newspaper of general circulation within the county.

Failure to send notice to a person specified in this section or failure to receive the notice shall not invalidate any proceedings or decision in connection with the manufactured home/FAS park.

(3) Review. The Board of Adjustment shall hear all testimony regarding an application at the public hearing. The Board may continue a hearing when necessary to obtain further information or to notify additional property owners.

At the public hearing the Board of Adjustment shall review the staff memorandum by the Planning Department and all testimony and materials concerning the proposed park and shall determine whether:

(a) The proposal complies with the applicable regulations set forth in this chapter.

(b) The proposal complies with the Benton County Comprehensive Plan and zoning regulations.

(c) The proposal is compatible with the adjacent land use, existing or planned.

(d) Particular conditions exist on or in close proximity to the proposed manufactured home/FAS park site which justify additional or more restrictive requirements than those provided by this chapter.

(e) The proposed manufactured home/FAS park is served with adequate means of drainage, water supply, sewage disposal and other necessary services and utilities.

(f) The proposed park has adequate means of ingress and egress.

(g) The public health, safety and welfare will be served by the proposed park.

(4) Board of Adjustment Action. Based on its review of testimony and consideration of the foregoing factors, the Board of Adjustment shall approve the application as submitted, approve the application subject to conditions or limitations, or deny the application.

The Board of Adjustment shall make a decision within one hundred twenty (120) days of the Planning Director's acceptance of a complete application, pursuant to the provisions of Chapter 17.10 BCC. When an Environmental Impact Statement is required, or where the property is located within

a flood control zone as determined by R.C.W. 86.16, the time spent preparing, distributing and reviewing the required documents shall not be included in the one hundred twenty (120) days.

[Ord. 165 (1983) § 9; Ord. 457 (2007) § 8]

3.22.090 VARIANCE. (a) General. The Board of Adjustment may issue a variance from the manufactured home/FAS park requirements only where strict application of the ordinance results in unnecessary hardship to the property owner.

(1) Economics shall not be a basis for a variance.

(2) In granting a variance, the Board of Adjustment may designate conditions to secure the objectives of the regulations and application provisions as to light, air, character of the neighborhood, conformance with the Comprehensive Plan, and the public health, safety, comfort, convenience and welfare.

(3) The Board of Adjustment shall not grant a variance to the density requirements of the Comprehensive Plan.

(b) Findings. Before issuing a variance, The Board of Adjustment must determine that:

(1) there are special circumstances such as size, shape or topography which are the cause of the hardship.

(2) The hardship applies to the property involved, regardless of the owner, and is not common to the surrounding area.

(3) Denial of the variance would deny the preservation and enjoyment of substantial property rights.

(4) The granting of the variance will not adversely affect the health or safety of persons residing or working in the neighborhood, and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(5) The variance does not allow the property to be used contrary to any Federal, State or County law.
 [Ord. 165 (1983) § 10; Ord. 457 (2007) § 9]

3.22.100 DECISION. (a) General. The Board of Adjustment's decision to approve, approve with conditions, or deny the application shall be final unless timely appealed to the Superior Court in accordance with State law; provided, that a rehearing may be held as provided in the Board of Adjustment Rules of Procedure.

(b) Approvals. All manufactured home/FAS park approvals issued by the Board of Adjustment shall be conditioned on the approval of development permits, as provided in BCC 3.22.120. The preliminary Manufactured Home/FAS Park Permit shall be issued by the Planning Director after approval or conditional approval of the proposed manufactured home/FAS park by the Board of Adjustment. The Board of Adjustment shall have the power to place additional limitations or conditions on preliminary Manufactured Home/FAS Park Permits to secure adequate protection to the zone or locality in which such use is to be permitted. After receipt of the preliminary Manufactured Home/FAS Park Permit, the applicant may proceed with construction. No final Manufactured Home/FAS Park Permit shall be issued by the Planning Director until all conditions have been satisfied for that phase and the original reproducible drawing of the manufactured home/FAS park has been submitted to the Planning Director. The preliminary Manufactured Home/FAS Park Permit shall be valid for two (2) years. If the conditions set by the Board of Adjustment have not been met and a final Manufactured Home/FAS Park Permit issued within two (2) years after the date of Board approval, the approval shall expire.

(c) Phasing. When a developer or group of developers have in their control an area of land which they wish to develop as a manufactured home/FAS park, they may cause to be prepared a plan of the entire area of the development. Once the total plan is approved, the project may be developed in a number of phases without submitting an individual plan for each phase; provided that:

(1) Each phase is developed in accordance with the approved plan. Substantial change from the approved plan shall cause a new plan and application to be submitted.

(2) Each phase is developed to allow for the systematic and logical extension of roads and utilities.

(3) The first phase shall be completed within two (2) years of the date of approval of the manufactured home/FAS park plan. Each successive phase shall be completed within twenty-four (24) months of the previous phase. If more than twenty-four (24) months elapses between any two phase completions, the Board of Adjustment shall review the manufactured home/FAS park to determine if the conditions are still valid.

(4) Should the Board of Adjustment become aware of significant change in conditions which affect the manufactured home/FAS park, they may cause a new plan and application to be submitted.

(d) Extension. An extension of approval may be granted by the Board upon a written request submitted by the applicant at least one (1) month prior to the expiration date, and upon the Board's determination that:

(1) Substantial construction has begun on the site;

(2) No change has occurred in the Benton County Comprehensive Plan or Zoning Ordinance, or in the objectives of the Board of Adjustment since approval which affects the manufactured home/FAS park proposal and warrants the denial of an extension; and

(3) Nothing new or substantially different has occurred in the actual impacts of the manufactured home/FAS park upon land uses in the area which warrants denial of the extension.

[Ord. 165 (1983) § 11; Ord. 283 (1996) § 2; Ord. 457 (2007) § 10]

3.22.110 TERMINATION OF PERMIT. A final Manufactured Home/FAS Park Permit shall be terminated by the Board of Adjustment for violation of the provisions of this chapter or noncompliance with the conditions and limitations of the preliminary permit. Before terminating any final permit, the Board of Adjustment shall hold a public hearing, as provided in this section.

[Ord. 165 (1983) § 12; Ord. 457 (2007) § 11]

3.22.120 DEVELOPMENT PERMITS. (a) Benton County Building Official. No person shall erect or enlarge any structure within the boundaries of a manufactured home/FAS park, or cause the same to be done, without first obtaining applicable building, plumbing and mechanical permits for such structures from the Benton County Building Official. Inspections shall be made by the Benton County Building Official during construction to assure compliance with this chapter.

(b) Washington State Department of Labor and Industries. Additions or alterations to manufactured homes/FAS which require alterations to bearing walls must have approval from the Department of Labor and Industries.

(c) Benton County Fire Marshal. Fire prevention plans shall be made pursuant to Chapter 3.16 BCC and Chapter 3.18 BCC and approved by the Benton County Fire Marshal. Inspections shall be made by the Benton County Fire Marshal during construction to assure compliance with Chapter 3.16 BCC and Chapter 3.18 BCC.

(d) Health Officer. Individual on-site sewage disposal permits are to be obtained from the Benton-Franklin District Health Department. Other systems must meet the approval of the Department of Health, the Washington State Department of Ecology or any municipality providing sewer or water.
[Ord. 165 (1983) § 13; Ord. 457 (2007) § 12]

3.22.130 MANUFACTURED HOME/FAS PARK LICENSE. (a) General. No person shall operate a manufactured home/FAS park without first obtaining a Manufactured Home/FAS Park License.

Only a manufactured home/FAS park which has been issued a final Manufactured Home/FAS Park Permit shall receive a Manufactured Home/FAS Park License. The Planning Director shall issue the final Manufactured Home/FAS Park Permit after all conditions required by the Board of Adjustment and all provisions of this chapter have been satisfied.

(b) Issuance. The Benton County Building Official shall issue the first Manufactured Home/FAS Park License upon receipt of the final

Manufactured Home/FAS Park Permit signed by the Planning Director and an annual license fee as established by resolution of the Board of Benton County Commissioners. The License shall be valid through the 31st day of December of the year of its issuance unless suspended or revoked for violating any section of this chapter or for not complying with the conditions or limitations of the preliminary Manufactured Home/FAS Park Permit. Subsequent licenses shall be obtained annually, providing the annual license fee is paid, and shall be valid from January 1 through December 31 of each year.

(c) Posting. The Permit and License for a manufactured home/FAS park shall be posted in a conspicuous place in the manufactured home/FAS park office, and must be readily available for inspection upon request by a designated representative of Benton County. [Ord. 165 (1983) § 14; Ord. 185 (1985) § 2; Ord. 457 (2007) § 13]

3.22.140 OCCUPANCY OF MANUFACTURED HOMES/FAS WITHIN MANUFACTURED HOME/FAS PARKS. A manufactured home/FAS in a manufactured home/FAS park shall not be used for dwelling or sleeping purposes until BCC 3.22.140(a) through BCC 3.22.140(d) are completed:

(a) It is properly placed on a manufactured home/FAS space, the placement has been reviewed by the Benton County Manufactured Home/FAS Installation Inspector, and an Occupancy Permit has been issued, pursuant to Chapter 3.20 BCC.

(b) It meets the requirements of the applicable local or state agency of jurisdiction (i.e., The Washington State Department of Health, the Department of Ecology, Benton-Franklin District Health Department, or municipality) for water and sewer.

(c) It meets the requirements of the Washington State Department of Labor and Industries.

(d) A valid final Manufactured Home/FAS Park Permit and a current Manufactured Home/FAS Park License are in effect on the manufactured home/FAS park. [Ord. 165 (1983) § 15; Ord. 457 (2007) § 14]

3.22.150 ANNUAL INSPECTION. (a) General. Manufactured home/FAS parks shall be inspected at least once per calendar year by the Benton County Building Official, and may be inspected at any time by the Health Officer and any federal, state or county officials for compliance with the provisions of this chapter and the limitations and conditions of the preliminary Manufactured Home/FAS Park Permit, and compliance with other applicable ordinances. Renewal of the Manufactured Home/FAS Park License shall be contingent upon annual inspection and approval of the manufactured home/FAS park by the Benton County Building Official.

(b) Register. The owner or manager shall maintain a register of park occupancy and shall keep the following information current and available on the premises for inspection at all reasonable times by federal, state and county officials. Other records in the manufactured home/FAS park which include the following information may be made available for inspection in lieu of maintaining a register.

(1) Location of each manufactured home/FAS by space number or street address.

(2) Date of placement of each manufactured home/FAS.
[Ord. 165 (1983) § 16; Ord. 457 (2007) § 15]

3.22.160 INTERPRETATION. In interpreting and applying this chapter, each provision shall be considered a minimum requirement adopted for the promotion of the public health, safety and general welfare. When any provision of this chapter is in conflict with any provision of any other ordinance, the provision which establishes the highest standard for the protection of the public health, safety and general welfare shall prevail.
[Ord. 165 (1983) § 17]

3.22.170 PLACEMENT PROHIBITED. No person shall place or cause to be placed more than four (4) manufactured homes/FAS on a single parcel for dwelling or sleeping purposes, except as provided by this chapter.
[Ord. 165 (1983) § 18; Ord. 204 (1986) § 1; Ord. 457 (2007) § 16]

3.22.180 VIOLATIONS - PENALTIES. (a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.

(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.
[Ord. 204 (1986) § 2; Ord. 304 (1997) § 8]

3.22.190 INJUNCTIVE RELIEF. Notwithstanding the existence or use of any other remedy or means of enforcement of the provisions hereof, Benton County may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any of the provisions hereof and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person violating the provisions of this chapter. The Planning and Building Department may accept a written assurance of discontinuance of any act in violation of this chapter from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this chapter.
[Ord. 204 (1986) § 3; Ord. 457 (2007) § 17]

3.22.200 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 204 (1986) § 4]