

STATE OF SOUTH CAROLINA }
 }
COUNTY OF MARLBORO }

ORDINANCE # 628

AN ORDINANCE TO REPEAL THE MANUFACTURED HOME REGULATIONS AND LICENSING ORDINANCES IN MARLBORO COUNTY AND ADOPTING A REPLACEMENT MANUFACTURED HOME ORDINANCE TO REGULATE AND LICENSE MANUFACTURED HOMES IN MARLBORO COUNTY

WHEREAS, Marlboro County Council finds that the public safety, health and welfare of the citizens necessitates that manufactured homes be regulated and that the current ordinance regulating manufactured homes is inadequate to afford the safety, and safe guard the health and welfare of the public and the residents of manufactured homes that is desired;

WHEREAS, manufactured homes used for dwellings are required to be registered and licensed in accordance with State Law; and

WHEREAS, Marlboro County Council finds that the adoption of a new Ordinance regulating the licensing and use of manufactured homes in Marlboro County is desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF MARLBORO COUNTY IN COUNCIL DULY ASSEMBLED AS FOLLOWS:

SECTION 1. DEFINITIONS.

Unless clearly indicated otherwise by the context, as used in this Ordinance:

- A. "Mobile Home" as defined in S.C. Code §6-1-150 (A) (5) is a structure, not including a modular home, designed for temporary or permanent habitation and constructed to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction or sale to a location where it is intended to be a housing unit or a storage unit. Mobile home includes both mobile and manufactured homes.
- B. "Licensing Agent" is the Marlboro County Codes Enforcement Department.
- C. "Move" means to transport or change place that requires the intentional disconnection of any utilities of a mobile home to relocate, excluding natural disasters.
- D. "Local Governing Body" means the Marlboro County Council.
- E. "Local Official" means the Marlboro County Codes Enforcement Officer.

F. “Landowner” means the owner of real property on which a mobile home is located.

G. “Manufactured home, residentially designed” means a single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code.

SECTION 2. MOBILE HOMES ALLOWED IN MARLBORO COUNTY.

A. **Mobile Homes Not Existing in County.** A Mobile Home not already located within the county which was manufactured prior to July 15, 1976 or not manufactured to HUD construction and safety standards shall not be moved into Marlboro County. Mobile Homes manufactured prior to July 15, 1976, and not manufactured to HUD construction and safety standards that have been determined to have been moved into the county illegally shall be considered “derelict” for purposes of this Ordinance.

B. **Mobile Homes Already Existing in Marlboro County.** Mobile homes manufactured prior to July 15, 1976, and already existing within the county shall be permitted, established, or moved within the jurisdiction of this Ordinance **only** when the following requirements are met:

1. The mobile home must be currently set up and registered with the Licensing Agent, have any taxes from the previous year and the current year paid and must also pay any permit fees currently due prior to approval of requests to relocate, or if no relocation is required, before a power permit is issued;

2. If not previously registered in the County, an applicant must provide acceptable proof to the Licensing Agent that the mobile home has been continuously located within the County for the past five years based on Tax Assessor records or other official records.

3. The mobile home must meet all applicable federal, state, local zoning, habitability, and set-up requirements included in this ordinance.

SECTION 3. REGISTRATION AND LICENSING OF MOBILE HOMES

A. Within fifteen (15) days after bringing a mobile home into Marlboro County, or the purchase of a mobile home in this County for Dwelling purposes, or the movement of a mobile home from one site to another within the County, the owner, rental agent, or person in possession of such mobile home shall obtain a mobile home license from the Licensing Agent. If the mobile home is to be relocated in Marlboro County from another county, the mobile home owner or agent must submit the moving permit from such county to the Licensing Agent.

To obtain such mobile home license, the mobile home owner, rental agent, or person in possession must submit to the Licensing Agent the following:

1. Sales contract, notarized bill of sale, or other title document evidencing ownership.
2. Lien holder's name and address, if any.
3. Copy of the moving permit. (If the mobile home or manufactured home has been moved from one site to another).
4. Copy of DHEC certificate confirming that septic tank has been installed and approved or document showing connection to city or county service.
5. Name of the owner and person to be in possession, if other than owner.
6. Year, make, model, size and complete serial number of the mobile home or manufactured home.
7. Name, tax map number and mailing address of the owner of the land where the mobile home or manufactured home will be located.
8. Proof that all taxes have been paid on the mobile home and on any mobile home traded for the subject mobile home.
9. Payment of a registration fee and late fee, if applicable.

SECTION 4. PROOF OF LICENSE REQUIRED PRIOR TO CONNECTING ELECTRICITY.

It shall be unlawful for any public utility to provide service to any mobile home or manufactured home where a permit is required under this ordinance prior to the issuance of required license(s) or to maintain any such service upon notification by the Building Code Enforcement Department that a violation was made against the provisions of this ordinance.

SECTION 5. PERIOD OF VALIDITY OF LICENSE ISSUED BY LICENSING AGENT; DECAL; LICENSE FEE.

A mobile home license issued by the Licensing Agent shall be valid until title to such mobile home is transferred to a new owner or until the mobile home is relocated. The license shall be evidenced by a decal to be delivered to the owner or his agent on such form as shall be prescribed by the South Carolina Department of Revenue and shall be displayed on the mobile home so as to be clearly and readily visible from the outside. If

for some reason a mobile home decal which has been on display is lost or destroyed, the said mobile home owner or his agent shall be required to purchase another decal.

SECTION 6. NEW LICENSE REQUIRED UPON TRANSFER OF MOBILE HOME.

If the title to a mobile home is transferred to a new owner, the new owner or his agent shall within fifteen (15) days after the date of such transfer obtain a new license from the Licensing Agent.

SECTION 7. MOVING PERMIT; CERTIFICATE CONCERNING TAXES; NOTICE TO ELECTRIC SUPPLIER.

If a mobile home is to be relocated, the owner shall, prior to relocation, obtain a moving permit from the Licensing Agent. Before issuing a moving permit, the Licensing Agent shall require a certificate from the County Treasurer that there are no unpaid taxes due on the mobile home. If the mobile home is to be moved beyond the boundaries of the County, any taxes that have been assessed for the calendar year shall be paid in full, and if taxes have not yet been assessed for the calendar year in which the move is being made, the Assessor shall provide the County Auditor with an assessment and the auditor shall apply the previous year's millage. The County Treasurer shall collect such taxes before issuing the requisite certificate to the Licensing Agent.

The Licensing Agent shall promptly notify the present electric supplier that a permit has been issued. The permit required by this Section shall not be required of mobile home dealers when they are moving a mobile home from their sales lot to a customer's lot. Provided, further, that the mobile home dealer shall not be relieved from obtaining a permit required from the Department of Highways and Public Transportation for such relocation.

The moving permit shall accompany the mobile home while it is being moved. The moving permit shall be designed and displayed in accordance with regulations to be issued by the S.C. Department of Revenue, which shall adopt such regulations as may be necessary to insure uniform licensing and moving permit procedures. It shall be the responsibility of the mobile home transporter that the required moving permit is properly displayed and accompanies the mobile home while it is being moved. It shall be a violation of this Ordinance for any mobile home dealer or transporter of a mobile home to move a mobile home, unless the owner or agent of such mobile home has obtained the moving permit as required by this Ordinance.

SECTION 8. SUBMISSION OF MOVING PERMIT TO LICENSING AGENT OF NEW COUNTY; ISSUANCE OF NEW PERMIT; TRANSMISSION OF PAPER TO NEW COUNTY.

If the relocation is from one county to another, the mobile home owner shall with fifteen (15) days after his mobile home is relocated submit the moving permit to the Licensing Agent of the county wherein such mobile home is relocated and obtain a new license. The Licensing Agent issuing the moving permit shall promptly furnish the Licensing Agent of the county to which the mobile home is being transported with a copy of the license application or permit.

“Exceptions”:

1. A mobile home or manufactured home temporarily located within Marlboro County for the express pre-determined purpose of conveyance outside of the county within thirty (30) days after arrival; or
2. A mobile home or manufactured home held for display or exhibition purposes by a mobile home dealer licensed by the State of South Carolina as such; or
3. A mobile home or manufactured home passing through Marlboro County on a public street, road, or highway for conveyance elsewhere.
4. Temporary registration may be obtained for mobile homes moved and stored for evictions, repossessions and other court orders. Proof of court order or affidavit of repossession required.
5. Temporary registration may be obtained by individual owners for a period not to exceed one hundred eighty (180) days where circumstances do not allow for completion of all of the requirements for permanent registration in accordance with this ordinance.

SECTION 9. COPIES OF APPLICATIONS AND PERMITS TO BE GIVEN TO COUNTY ASSESSOR.

A copy of all license application and moving permits shall be furnished to the County Assessor within ten (10) days of date of issuance.

SECTION 10. MOBILE HOME FEES

All fees are to be collected by the Licensing agent and shall be paid into the General Fund of the County.

Mobile Home Registration Fees	\$ 25
Processing & Inspection Fees (Includes Decal)	\$100
Penalty for late registration (after 15 days)	\$5/day (\$100 maximum)

defects, leaks, and obstructions.

2. “Hot and cold water supply”. Every mobile home or manufactured home shall have connected to the plumbing a kitchen sink, lavatory, and tub or shower with separate cold and hot running water. All water shall be supplied through an approved system connected to a potable water supply.

3. “Heating facilities”. Every mobile home or manufactured home shall have heating facilities which are properly installed and maintained in a safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each mobile home or manufactured home shall be provided with alternative system, approved by the Codes Enforcement Department.

4. “Cooking and heating equipment”. All cooking and heating equipment and facilities shall be installed in accordance with the Federal Manufactured Home Construction and Safety Standards.

5. “Smoke detector”. Every mobile home and manufactured home shall be provided with an approved listed smoke detector(s), installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.

SECTION 12. COMPLIANCE REQUIRED.

Where upon inspection by the Codes Enforcement Officer, a mobile home or manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require owner to make the necessary improvements to render the unit habitable; or block the use and placement of said unit by denying electricity to the unit, and/or requiring the removal of said unit at the owner's expense.

Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance.

The Building Codes Enforcement Officer may grant exceptions to this requirement in hardship cases, not to exceed thirty (30) days.

SECTION 13. MOBILE HOME SET UP

Manufactured housing must meet or exceed the following criteria:

1. Be installed in accordance with the Manufacturer's Installation Manual. In the

absence of such a Manual, the home must be installed in accordance with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations. The following conditions must also apply:

a. In either instance the mobile home must be set up by a currently licensed installer or contractor licensed by the South Carolina Manufactured Housing Board. A photocopy of the current license of the installer or contractor, issued by the South Carolina

Manufactured Housing Board, must be provided before the home can be occupied. The copy must be signed and currently dated by the installer or contractor.

b. If a retail dealer is installing the home, a current photocopy of the retail dealer's license, issued by the South Carolina Manufactured Housing Board, must be provided before the home can be occupied.

2. Have skirting or a curtain wall around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

3. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps with hand rails at each exterior doorway, in accordance with applicable Building Codes.

4. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.

5. Be provided with sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.

6. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of a separate meter. Any existing home not in compliance with this section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by the Codes Enforcement Department to be in violation of this Ordinance.

It shall be **unlawful** for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the Marlboro County Codes Enforcement Officer to establish the home.

Additionally, no mobile home or manufactured home shall be used or occupied unless and until the home has been installed in accordance with these regulations and inspected

for compliance by the Codes Enforcement Department.

SECTION 14 ENFORCEMENT

The responsibility for the enforcement of this Ordinance is assigned to the staff of the Marlboro County Codes Enforcement Officer. At the discretion of the County Administrator, additional positions may be assigned responsibility to assist with the enforcement of this Ordinance.

SECTION 15. CHECKLIST.

The Marlboro County Administrator, or his designee, may develop a detailed checklist containing all elements of this ordinance and any other previously adopted laws or ordinance relevant to this issue.

SECTION 16. REMODELING AND REPAIRS

All work performed on single and two family residences including mobile homes is required to meet the International Residential Building Code as adopted by the State of South Carolina.

SECTION 17. MOBILE HOME PARK OWNERS

Mobile home park owners required to furnish licensing agent with a listing and map.

Each mobile home park owner as defined by South Carolina State Law shall on or before January 1 of each year provide to the Licensing Agent a map or plat showing the lots and the location of all mobile homes in his or her mobile home park and shall furnish the Licensing Agent with a list of mobile home owners in his or her park. Such list shall show the full name of the owner and the year, make, and model of the mobile home owned by such owner.

SECTION 18. DERELICT MOBILE HOMES

1. Definition: a “derelict mobile home,” is a mobile home that is:
 - (A.) Not connected to electricity or not connected to a source of safe potable water supply sufficient for normal residential needs, or both; or
 - (B.) Not connected to a DHEC approved wastewater disposal system; or
 - (C.) Unoccupied for a period of at least 30 days and for which there is clear and convincing evidence that the occupant does not intend to return on a temporary or permanent basis; and

(D.) That it is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a hazard to the health or safety of the occupants, the persons using the mobile home, or the public.

2. Removal: The local official may seek to remove the home and either sell or destroy the home by applying to the local magistrate and following the procedures in South Carolina Code section 6-1-150 and §29-15-10.

The owner of the land on which the derelict mobile home is located may also remove the home and either sell or destroy the home by applying to the local magistrate and following the procedures in South Carolina Code §6-1-150 and §29-15-10.

3. Procedure for Removal

(A.) If a landowner seeks to have a mobile home removed from his property and sold, the landowner may apply to a magistrate and follow the procedures in S.C. Code Section 29-15-10. The landowner does not have to have the mobile home determined to be a derelict mobile home in order to have it removed from his property and sold following the procedures of the South Carolina Code Section 29-15-10.

(B.) If a landowner seeks to have a mobile home determined to be derelict so it may be removed from the landowner's property and destroyed, the landowner must:

- (1) apply to the local official to have the mobile home inspected.
- (2) receive written confirmation from the local official that the mobile home has been inspected and meets the requirements for removal and disposal as provided in this section;
- (3) file the required pleadings with the magistrate to seek to have the mobile home removed from the property and destroyed, and follow the procedures in the South Carolina Code Section 29-15-10 to notify the owner of the mobile home and any lienholders that the local official has determined that the mobile home is a derelict mobile home and that the matter is the subject of a proceeding in the magistrate court; and
- (4) post a notice on each door of the mobile home for thirty consecutive days reading substantially as follows:

“NOTICE”

This mobile home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact: (name and telephone number of landowner seeking removal) or (name and telephone number of

magistrates court where action is pending).

“(Date of Notice)”

(C.) If, in a court proceeding with the proper notice, the magistrate determines that the mobile home is derelict, as provided in this section, and orders the derelict mobile home to be removed and destroyed, the landowner must remove and dispose of the derelict mobile home and send proof of the removal and disposal to the county auditor.

(E.) If a local official determines that a derelict mobile home has value for which it may be sold, the local official may apply to the magistrate and follow the procedures in South Carolina Code Section 29-15-10 to notify the owner of the mobile home and any lienholders that the local official has determined the mobile home is a derelict mobile home and has filed the required pleadings with the magistrate to seek to have the mobile home removed from the property and sold.

E. If a local official seeks to remove and destroy a derelict mobile home, the local official must follow the procedures in the South Carolina Code Section 29-15-10 to notify the owner of the mobile home and any lienholders that the local official has determined the mobile home is a derelict mobile home and has filed the required pleadings with the magistrate to seek to have the mobile home removed from the property and destroyed.

F. In addition to the notice requirements in the magistrates court, in order to (a) remove and sell, or (b) remove and destroy a derelict mobile home, a local official must post a notice on each door of the mobile homes for thirty (30) consecutive days reading substantially as follows:

“NOTICE”

This mobile home is the subject of a proceeding in the magistrates court to determine if it will be removed from this property. For further information, please contact: (name and telephone number of local government office seeking removal) or (name and telephone number of magistrates court where action is pending)

(Date of Notice)

G. In a court proceeding with the proper notice, a magistrate must determine whether a derelict mobile home may be either (a) removed and sold, or (b) removed and destroyed. In order for the mobile home to be removed and destroyed, it must meet the requirements of a derelict mobile home as defined in this section.

H. If the magistrate determines that the mobile home is derelict and is to be removed

and sold, the local official must follow the procedures in South Carolina Code Section 29-15-10.

I. If the magistrate determines that the mobile home is derelict and is to be removed and destroyed, the local official or the landowner must remove and dispose of the derelict mobile home and send proof of the removal and disposal to the county auditor as provided in South Carolina Code Section 12-49-85(D).

4. Cost of Removal and Disposal

(A.) All costs of removal and disposal are the responsibility of the owner of the derelict mobile home, and may be waived only by order of the magistrates court or if a local governing body has a program that covers removal and disposal costs.

(B.) A lienholder of the derelict mobile home is not responsible for the costs of removal and disposal unless the lienholder or his agent affects a recovery of the mobile home under its lien and subsequently the lienholder or his agent knowingly abandons the mobile home on the property and allows the mobile home to become a derelict mobile home.

(C.) If the landowner is the owner of the derelict mobile home and is unwilling or unable to pay the costs of removal and disposal, a lien for the costs of removal and disposal may be placed on the landowner's real property where the derelict mobile home was located.

(D.) A registration fee of twenty-five (\$25.00) dollars shall be paid when a manufactured home or mobile home is registered with the county or municipality. This fee is in addition to all other fees and charges relating to a manufactured home or mobile home and must be paid before electrical connection.

SECTION 19. PENALTIES

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to the penalties of a fine or forfeiture not exceeding FIVE HUNDRED (\$500) dollars, or imprisonment not exceeding thirty days, or both allowable for such offense in Magistrate's Court.

Additionally, any owner moving a mobile home into Marlboro County without a moving permit must pay a penalty fee of \$250 to Marlboro County Government before utilities will be established.

In addition to the above penalties, any mobile home that has been moved into Marlboro County in violation of SECTION 2 - (A) of this ordinance shall be removed from the County within 15 days after proper notice of the violation has been given to the owner

and/or notice of the violation has been posted on the mobile home.

If the mobile home is not moved within the 15 days, the Marlboro County Code Enforcement Officer shall seek injunctive relief from the Magistrate Court to compel the owner to remove the mobile home at the owner's expense. If necessary the County reserves the right to move the mobile home. All expenses incurred by the County in carrying out this provision of this ordinance shall become a lien against the property on which the mobile home was situated.

Marlboro County reserves the right to waive any penalties set forth by this ordinance if the violations are satisfied to the satisfaction of the Marlboro County Codes Enforcement Officer prior to any court hearing date after the issuance of a citation by the Marlboro County Codes Enforcement Officer.

SECTION 20. PROVISIONS OF OTHER ORDINANCES THAT CONFLICT WITH ORDINANCE # 628.

Provisions of Marlboro County ordinances in conflict with this Ordinance are hereby repealed.

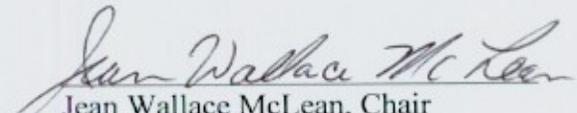
SECTION 21. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

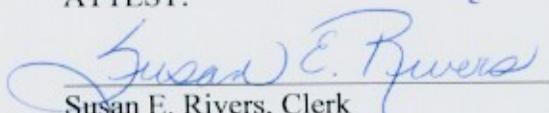
If at any time any provisions of this ordinance are determined to be in conflict with the laws of the State of South Carolina governing manufactured or mobile homes, South Carolina law shall control, and to the extent allowed by law, be enforced by Marlboro County.

Adopted this 29th day of August, 2007.

(SEAL)


Jean Wallace McLean, Chair
Marlboro County Council

ATTEST:


Susan E. Rivers, Clerk
Marlboro County Council

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FIRST READING:	May 10, 2007
SECOND READING:	June 14, 2007
THIRD READING:	August 29, 2007