

Chapter 35

Manufactured Housing Regulations, Licensing Requirements and Schedule of Fees

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DIVISION 1. GENERALLY

Sec. 35-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affidavit of repossession means a sworn statement on letterhead specifying the intent of the mortgage holder and/or the dealer.

Bill of sale and BOS mean a legal document evidencing the sale of a manufactured home.

Dwelling is any building that contains one or two dwelling units used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Dwelling Unit is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Manufactured home is a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it (S.C. Code of Laws Title 40 § 29-20(9)).

Manufactured home set-up permit means a certificate issued by the county permitting department prior to the move and/or installation of any manufactured home within the boundaries of the county.

Moving permit means a certificate issued by the county permitting department prior to the movement of any manufactured home within or out of the boundaries of the county.

Mobile Home is a home that was manufactured in a factory prior to June 15, 1976 and, as a result, pre-dates and does not comply with the national Manufactured Housing Construction and Safety Act of 1974, 42-U.S.C. 5401, et seq.

Recreational Vehicle(s) and/or Campers for the purpose of this ordinance, are not considered a manufactured home and may not be set up or used for any other purpose other than for personal recreational, camping and travel use.

Registration decal and decal mean a numbered label issued by the county permitting department registering the manufactured home for ad valorem tax purposes.

Sec. 35-2. Responsibility for enforcement.

Within the codes adopted by this ordinance, when reference is made to the duties of certain officials and/or boards named therein, that designated official

and/or board of the county that has duties corresponding to those of the named official and/or board in such code shall be deemed to be the responsible official to enforce the provisions of such code(s) and/or ordinances are concerned.

Sec. 35-3. Exceptions

The provisions of this chapter shall not apply to transactions involving the sales and purchases of manufactured homes between manufacturers and licensed dealers.

DIVISION II. PERMITS INSPECTIONS, FEES, REGULATIONS, ETC.

Sec. 35-11. Sale of manufactured homes.

Pursuant to Title 40, Chapter 29 §40-29-340, Code of Laws of S.C., No person may sell or offer for sale a manufactured home manufactured after June 15, 1976, unless its components, systems, and appliances meet the criteria of compliance with the Construction and Safety Standards Act and have been properly certified by the Department of Housing and Urban Development.

Sec. 35-12. Age of manufactured homes allowed in unincorporated Berkeley County.

Mobile homes manufactured before June 15, 1976 will not be permitted to move into or within the unincorporated areas of Berkeley County. If no manufacturing date can be established, it is presumed that the unit was manufactured on January 1 of the model year for that home. Manufactured homes currently located within the unincorporated areas of Berkeley County which were manufactured after June 15, 1976, in accordance with HUD Construction and Safety Standards Act may be maintained in the county and are subject to the normal rules and regulations relating to buying, selling, and relocating manufactured homes, such as applying for and obtaining all necessary permits.

Mobile homes built on or before June 15, 1976, are properly registered, and located within the unincorporated areas of Berkeley County as of the date of the adoption of this ordinance, can continue to be occupied and used in the unincorporated areas of Berkeley County, in the location where they are presently, but will not be issued permits to be moved or relocated unless moving out of Berkeley County or to a landfill.

Homes that have not been correctly or legally registered or removed from the tax books due to moving permits, derelict or non-habitable homes, homes deemed as no value by the assessor's office, condemned by codes enforcement or removed off the tax books due to any other reason not mentioned above, will be required to meet the guidelines within this ordinance before the home(s) can remain in the County and will require an inspection by the Chief Building Official before power will be restored.

Sec. 35-13. Wind Zone Homes.

Berkeley County is in a Wind Zone 2 area. Federal law defines the wind zone 2 as all areas within the counties of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, Jasper and Williamsburg. All other counties fall within wind zone 1. All manufactured homes must be labeled to meet the minimum wind speed for the zone in which they are to be placed. Consequently, only homes built to wind zone 2 specifications, and labeled as wind zone 2 units, may be placed in Berkeley County. The wind zone requirements are provisions of federal law and no exceptions or variances are permitted, therefore, only Wind Zone 2 or 3 homes will be permitted to move within unincorporated Berkeley County.

Wind zone 1 homes currently located and properly registered within the unincorporated areas of Berkeley County as of the date of the adoption of this ordinance, can continue to be occupied and used in the unincorporated areas of Berkeley County, in the location where they are presently, but will not be issued permits to be moved or relocated unless moving out of Berkeley County or to a landfill.

Sec. 35-14. Duty of owner to obtain registration decal.

Each owner of a manufactured home located within Berkeley County, shall obtain and display a county registration decal as required by state law within 15 days of purchase or change of ownership or if the manufactured home is relocated except:

A manufactured home temporarily located within the county for the express predetermined purpose of conveyance outside of the county within 30 days after arrival;

A manufactured home held for display or exhibition purposes by a manufactured home dealer licensed by the state as such; or

A manufactured home passing through the county on a public street, road or highway for conveyance elsewhere;

Sec. 35-15. Issuance and display of registration decal.

Registration shall occur when the manufactured home is properly listed with the county permitting department for ad valorem tax purposes within 15 days as specified in section 35-14. Upon such listing, the county permitting department shall issue a numbered decal to the person registering the manufactured home. The decal shall be displayed on the outside of the manufactured home so as to be clearly and readily visible from the street or driveway to which the manufactured home is addressed. All expired decals and stickers must be removed. Prior to the registration decal being issued, the following information must be submitted to the county permitting department:

For new homes: A sales contract, bill of sale and form 400 or Application for Certificate of Title evidencing Ownership; For used homes: A sales contract, bill of sale and copy of the title in the previous owners name evidencing Ownership;

County or municipal zoning authorization;

A copy of the moving permit, if the mobile home has been moved from another county into Berkeley County;

A copy of the septic tank permit and/or final approval form from DHEC or a letter from the local water and sanitation authority stating they will provide the manufactured home's water and sanitation connection;

The name and address of the owner and the name and address of the person to be in possession, if other than the owner;

The year, make, model, size, and complete serial number of the manufactured home;

The lien-holder's name and address; and

Payment of a \$5.00 registration fee

A registration decal shall be valid until ownership to such manufactured home is transferred to a new owner or until the manufactured home is relocated out of Berkeley County.

The registration of a manufactured/mobile home will be suspended if the taxes on said registered home become delinquent and are not paid within 1 year from the date of the delinquency. If this happens, as the owner of the home, your home would be in violation of this ordinance and may be subject to the following:

1. a \$500.00 fine, per day per section 35-45;
2. disconnection of electricity;
3. if the home is pre 1977, may then fall under sections 35-12
4. and, if home does not meet the wind zone requirements, may then fall under section 35-13

No construction permits for temporary or permanent installation, including electrical permits, shall be issued until all of the requirements of this section have been met.

It shall be the responsibility of the owner of the manufactured home and/or the property owner, to which the home(s) sit, to ensure the manufactured home(s) are property registered with the Berkeley County permitting department.

Sec. 35-16. Replacement registration decal.

Upon satisfactory evidence that any registration decal has been lost or destroyed, a duplicate shall be issued. A fee of \$5.00 shall be charged for the replacement of a registration decal. It will be the responsibility of the applicant/owner of the manufactured home requesting the duplicate decal to call and request an inspection from the Building and Codes Department for placement of the registration decal on the home.

Sec. 35-17. Tax liability.

Any and all tax liabilities follow the manufactured home pursuant to state law. A **buyer** of a manufactured home upon which there are unpaid taxes shall be responsible for the unpaid taxes.

Sec. 35-18. Responsibilities of dealers.

Each manufactured home dealer shall complete in full a bill of sale form (BOS) on every manufactured home sold. The BOS form must reflect all trade-ins. A copy of the BOS, title, and/or Form 400 (application for title) shall be required prior to issuance of permits.

Manufactured home dealers shall report all repossessions and trade-ins that are taken back into inventory. An affidavit of repossession/trade-in shall be required prior to the issuance of permits.

Any manufactured home dealer and/or mover violating the requirements of this ordinance shall be held financially responsible for refunding to the buyer any and all costs incurred by the buyer in the purchase of the manufactured home.

Sec. 35-19. Responsibilities of installers.

The manufacturer's installation manual is the document to be used for the first placement of new manufactured homes. Subsequent installations must utilize the State installation regulations, along with Berkeley County's manufactured housing set-up instructions, if the manufacturer's installation manual is not available. Such written instructions must be available at the job site at the time of inspection by the county building and codes enforcement department.

A manufactured home installer shall be liable to the purchaser of the manufactured home for failure to properly install/set-up the manufactured home pursuant to the requirements of this section.

Sec. 35-20. Required license to install manufactured homes.

The only licenses acceptable for installation of manufactured homes are the manufactured home contractor and manufactured home installer licenses. These are in addition to a Retail Dealer license for homes the dealer sells. A residential builder or general contractor license is not acceptable for installation of a manufactured home.

Sec. 35-21. Required license for repairs, alterations or modifications.

A manufactured home contractor and manufactured home repairer, a S.C. licensed residential builder, S.C. licensed general contractor, S.C. registered residential specialty contractor, as long as the Residential Builders Commission recognizes their specialty, are permitted to repair, alter and/or modify manufactured homes. A S.C. licensed retail dealer is also acceptable for

performing repairs to homes sold by that dealer and/or an employee working directly for a licensed retail dealer or manufacturer.

All repairs, alterations and/or modifications must be in compliance with the Construction and Safety Standards Act as set forth by the Department of Housing and Urban Development

Sec. 35-22. Addressing.

All manufactured homes shall have permanent affixed numbers and must comply with the requirements of the streets, roads and other public property ordinance. All address number(s) and/or letters must be at least 4”.

Sec. 35-23. Permit required; posting of permit card.

No work relating to the codes adopted by this ordinance shall commence until a valid permit for such work has been applied for and issued by the permitting department. Work requiring a permit shall not commence until the permit holder, or his/her agent, has posted a permit card in front of the premises. The permit card must be protected from the weather and maintained on site throughout construction.

Sec. 35-24. Suspension or revocation of permit.

The Chief Building Official is authorized to suspend or revoke an approved permit(s) issued under the provisions of this ordinance whenever the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance, regulation or any state or federal laws.

Sec. 35-25. Administrative fee(s).

A non-refundable administrative fee of twenty-five and no/100 (\$25.00) dollars shall be paid by the applicant for each permit requested at the time of application.

Sec. 35-26. Inspection Only fee(s).

A fee of Twenty-five and no/100 (\$25.00) dollars shall be paid by the applicant for each inspection service, required under the Codes or by the Building Official, which is not otherwise addressed in this ordinance, including safety inspections. If a safety inspection is performed on a home and it is determined that that home has not previously had a set-up permit or building permit as required by this ordinance or any other Berkeley County ordinances, and/or state laws, a new set-up permit, building permit or any other applicable permits, will then be required.

Sec. 35-27. Moving Permit.

Prior to the movement of any manufactured home being transported out of or within the boundaries of Berkeley County for any reason, a moving permit must be acquired from the permitting department. This moving permit must be displayed at the rear of the manufactured home during the entire transit period. Failure to acquire and display this permit will be a violation of this ordinance.

Before issuing a moving permit, the permitting department shall require receipts from the County treasurer and/or the County tax collector indicating that all prior taxes and fees have been paid on the manufactured home. If the manufactured home is to be moved outside the boundaries of the County, all current taxes and fees must be paid, in addition to prior taxes and fees. The value of the manufactured home shall be assessed by the assessor, and the auditor shall base the taxes on the prior year's millage.

The moving permit will only be issued to:

- A. The owner of record or, by notification in writing, to the owner's authorized agent or representative;
- B. A licensed manufactured home dealer when the dealer is required to move the manufactured home pursuant to a sales contract; or
- C. A person authorized by a lien-holder to repossess the manufactured home and who submits a signed "authorization to repossess" form.

Manufactured homes that have received an eviction, writ of ejectment or writ of possession, order of default judgment or any other documents from a magistrate regarding the removal of homes from a particular site in Berkeley County, will not be required to pay the taxes prior to removal of the home **IF** the home is staying in Berkeley County, on an approved storage lot and will remain on the books for ad valorem taxes. The moving permit fee below will apply along with proper documentation from the magistrate. If the home is moving out of the county or to a dealer's lot, all taxes will need to be paid prior to the issuance of the moving permit.

The moving permit shall be (\$25.00) twenty-five and no/100 dollars to move manufactured homes, within or out of Berkeley County. This permit is valid for a period of thirty (30) days. If at such time the permit expires, an extension fee of five (\$5.00) five and no/100 dollars is required to extend the permit for another thirty (30) days.

A fee is not required for removal of a new or used home from a dealer's lot. A complimentary permit will be issued for (30) thirty days. If the complimentary permit expires, the extension fee of (\$5.00) five and no/100 dollars shall apply.

Sec. 35-28. Set-up permit.

A permit shall be required for the placement of any manufactured home or mobile unit within the unincorporated areas of Berkeley County. Only a licensed dealer or licensed installer of manufactured homes, or owner, if said person is actually performing the installation, shall apply for the permit. A fee of (\$45.00) forty-five and no/100 dollars shall be paid for said permit, therefore; it shall be unlawful for any person selling a manufactured home, or for a manufactured home mover, to

deliver or place a unit upon any prospective temporary or permanent site without first having secured a manufactured home set-up permit for the proposed site from the Berkeley County permitting department.

The manufactured home set-up permit shall be valid for a period of 180 days from the date of application. If the permit expires, the permitting department's Expiration, Extension, and Renewal policy will be enforced.

Sec. 35-29. Separate permits required for decks, additions, garages, sheds etc.

The standard steps, decks, or entrance for a manufactured home is 4 ft. x 4 ft. Any other steps, decks, ramps, continuous footers and foundations, porches, covered or uncovered, larger than the standard 4 ft. x 4 ft. will require a separate building permit. This includes additions and renovations.

A separate permit(s) must be applied for each separate building or structure being constructed or set up other than the manufactured home. i.e. a shed, garage or pole buildings, etc. and must meet all zoning and set back requirements.

For more information regarding the permitting and code requirements for these additions, refer to the Berkeley County Buildings and Building Regulations ordinance.

Sec. 35-30. Work without a permit, including placement of manufactured homes.

Where work for which a permit is required, has begun prior to obtaining said permit(s), the fees specified herein shall be doubled. The payment of such doubled fees shall not relieve any persons from fully complying with the requirements of this ordinance or any codes in the execution of work nor from any other penalties prescribed herein.

Sec. 35-31. Prerequisites for connection of electricity.

No utility company or rural electric cooperative shall make a new connection of electrical energy to a manufactured home unless a Berkeley County building inspector has telephoned his/her approval of the connection to the electrical supplier. This includes manufactured homes where the power has been turned off due to fire or other catastrophe, at which time, the building official must inspect home prior to the issuance of any permits.

If electrical connection has been made without proper inspection(s), the Building Official will request the proper utility to remove such service, immediately.

Sec. 35-32. Permit Authorization Cards.

A Permit Authorization Card (PAC) shall be required for all manufactured home dealers, installers, movers, and contractors wishing to move and/or set-up manufactured homes in the unincorporated area of Berkeley County. A separate card must be purchased for each employee authorized by the license holder to

pick up permits issued under the provisions of this ordinance. The fee for dealers, installers, and contractors, whose home office is located in South Carolina, will be (\$25.00) twenty-five and no/100 dollars for each card issued. All dealers, installers and contractors, whose home office is located out of state, must have a South Carolina state license and will be required to pay of a fee of (\$40.00) forty and no/100 dollars for each card issued. These cards are renewable annually prior to January 1st of the following year.

Sec. 35-33. Chief Building Official; Revoking of a Permit Authorization Card.

The Chief Building Official may revoke the Permit Authorization Card of any contractor and/or business who is found to have made any misrepresentation in obtaining a Permit Authorization Card or deemed to have committed misconduct. Allegations of misrepresentations or misconduct shall be presented in affidavit form to the Chief Building Official.

Sec. 35-34. Re-issuing of a Permit Authorization Card.

The Chief Building Official may re-issue the Permit Authorization Card of any person or business whose card has been revoked after twelve (12) months from the date of the revocation.

Sec. 35-35. Re-inspection fee(s).

In addition to any fees listed herein, the re-inspection fees listed below shall apply and be paid by the applicant for each re-inspection due to any of the following violations:

Upon notification by the applicant that work is ready for inspection, inspector arrives at site and finds work has not been completed or is otherwise not ready for inspection; or

Non-compliance with Code requirements; or

Wrong address or no address on the structure; or

Failure to post an approved and valid "permit" card in a conspicuous place on the premises; or

Failure to have proper documentation at job site, i.e. Approved site and/or construction plans, manufactured housing set up manual, etc.

*First re-inspection fee is twenty-five (\$25.00) and no/100 dollars;

**Second re-inspection fee for the same violation is fifty (\$50.00) and no/100 dollars;

***Third re-inspection fee for the same violation is one hundred (\$100.00) and no/100 dollars; and

****For each re-inspection thereafter for the same violation, the fees will continue to increase in twenty-five (\$25.00) and no/100 dollar increments.

Sec. 35-36. Change of occupancy.

HUD labeled manufactured homes are constructed as single-family detached residences only. They are not designed or intended for use as, nor will they meet any building code requirements for, offices, stores/shops, class rooms, places of assembly, storage buildings, etc. A customary home occupation may be conducted within a manufactured home, as long as it is permitted by the planning and zoning department, meets the provisions of any applicable state or federal laws and the principal use remains as a residence.

Sec. 35-37. FEMA Flood Zone; Santee Cooper Dam Breach Area; Elevation Certificates.

Where a structure is being moved, installed or set-up in a flood zone or within the Santee Cooper dam breach area, or both, all-applicable elevation certificate(s) must be turned into the flood plains manager prior to an inspection. The first elevation certificate is due at the time of submission for your permit. The final elevation certificate is due prior to any inspections.

Where a request for FEMA flood information is requested prior to the application of a set-up permit, an administrative fee of \$25.00 shall be paid by the applicant prior to obtaining said permit for a FEMA flood determination.

For further flood information, refer to Berkeley County's code of ordinances entitled *Flood Damage Prevention and Protection*.

Sec. 35-38. Septic and/or sewer required for set up of home.

A septic tank "construction to build" permit or final approval form from DHEC or the water and sewer tap receipts must accompany any and all requests for placement of a manufactured home into or within the unincorporated areas of Berkeley County. If the manufactured home is a replacement for a home that was previously there and/or septic or water connections are already available, an existing availability letter will be provided and must be signed by the applicant for our records.

Sec. 35-39. Construction Trailers.

Refer to the *Building and Building Regulations* ordinance for information on construction trailers.

Sec. 35-40. Temporary use permits and fees.

Berkeley County recognizes that there exists, certain special instances when a property owner requires temporary use of a residential structure. The following are the only instances a temporary use permit will be considered:

- 1) Allowing a residential structure to be built or placed on a parcel while an already existing residential structure is occupied.
 - a. This permit will expire 30 days from the approved final inspection of the primary structure.
 - b. All other structures must be removed or demolished within this time.

- 2) Allowing use of an accessory structure (i.e. room over detached garage), built to residential standards, to be occupied while a primary residence is constructed.
 - a. This permit will expire 30 days from the approved final inspection of the primary structure and the accessory structure must be removed from the property prior to expiration of permit.
- 3) Permitting the temporary set up of a manufactured home for the purpose of remodeling or bringing it up to building standards. In this case no plumbing hookup or electrical permit will be approved.
 - a. This permit will expire 90 days from issuance of a permit.
 - b. Additional 30-day extensions may be requested but are not guaranteed approval.
- 4) Allowing the temporary placement or construction of a secondary dwelling unit for the purpose of care giving to permit a family member or professional caretaker to live within proximity of the person in need for as long as the need exists.
 - a. The applicant must also fill out an acceptable hold harmless agreement to be signed by the applicant and the Planning and Zoning Administrator of Berkeley County.
 - b. When the need for long-term care no longer exists the property owner will have 45 days to remove the secondary dwelling unit from the property.
- 5) All other instances not stated herein but deemed appropriate by the Zoning Administrator.
 - a. This permit will expire 30 days from the approved final inspection of the primary structure.
 - b. Extensions of 30 days will be approved on a case-by-case basis.

Nothing in this section exempts an applicant from securing all other required permits. Primary building permits must be applied for at the time of the temporary use permit is approved.

The fee associated with this application is one hundred \$100.00 and no dollars, is non-refundable, and expires 30 days from the date approved by the Planning and Zoning Administrator. The owner/ applicant must, within 30 days, apply for all applicable permits. If the application expires or the additional required permits have not been applied for, within the 30 days, the approved temporary use application will then become null and void and a new application and payment will then be required.

Payment for this temporary use request/application, does not guarantee approval.

Sec. 35-41. Refunds.

The applicant of any permit may request, in writing, a refund of all fees paid except for services that have already been rendered, i.e., administrative fees, plan review fees, floodplain research fees, permit authorization cards, etc. Conditions of this refund request are as follows:

1. No work shall have commenced on the project for which the permit was issued.

2. The owner or permit holder must request the cancellation, in writing, and within 90 days from the date the application is approved.
3. The permit and all related documents shall be surrendered before a check will be issued.
4. All data will be recorded on a refund form for approval.
5. The surrendered permit will then be cancelled.
6. An inspection of the proposed site will be made and a written verification submitted that no work covered by such permit had commenced.
7. If all is found to be in order, a refund may be authorized.
8. The owner, contractor, business, etc. of record, who actually paid for the permit, will receive the refund.

A refund will not be issued if a stop work order or notice of violation has been issued for work that has begun without a permit.

Sec. 35-42. Miscellaneous fee(s).

Other fees may apply to the permits contained herein, i.e., septic, sewer, impact, fire, planning and zoning variances, etc. Contact the appropriate departments for a schedule of their fees.

Sec. 35-43. Insufficient Funds/Returned checks.

Where a check is returned for any reason, the permit(s) for which the check was written, shall become null and void unless, within 10 days, the check and any fees, is paid in full. The permitting department will follow all applicable state and/or federal laws regarding the collection and reimbursement of returned checks.

Sec. 35-44. Discretions of Building Official.

The building official shall have the authority to render interpretations of this ordinance and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent purpose of this ordinance. It shall also be at the discretion of the building official to request the disconnection of electricity and/or other utilities, to a manufactured home that has been installed or set up illegally, improperly or without proper authority from the Permitting, Planning and Zoning and Building and Codes Department(s), when a home is in violation of this ordinance or any other applicable state or federal law(s) or where necessary due to safety and/or hazardous conditions.

Sec. 35-45. Penalty.

Any person violating or failing to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days for each such violation. Each day of noncompliance with the provisions of this ordinance shall constitute a separate offense.