

Mobile Homes

BILL NO. 08-11

ORDINANCE NO. 08-05-22

AN ORDINANCE TO AMEND CHAPTER 35 OF THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, ENTITLED MANUFACTURED AND MOBILE HOMES, TO PROVIDE FOR THE REGISTRATION OF MANUFACTURED HOUSING AND SIMILAR STRUCTURES LOCATED WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF BERKELEY; TO PROVIDE FOR THE ISSUANCE OF MOVING PERMITS, MANUFACTURED HOUSING REQUIREMENTS, AND MANUFACTURED HOUSING DEALER RESPONSIBILITIES; AND TO REPEAL ORDINANCE NO. 98-2-14 IN ITS ENTIRETY.

NOW, THEREFORE, IT SHALL BE ORDAINED that Chapter 11 of the Code of Ordinances, Berkeley County, South Carolina, shall be amended as follows:

Chapter 35

Manufactured Housing Regulations, Licensing Requirements and Schedule of Fees

Division I. Generally

- Sec. 35-1. Definitions
- Sec. 35-2. Responsibility for enforcement
- Sec. 35-3. Exceptions
- Sec. 35-4 – 35-10. Reserved

Division II. Permits, Inspections, Fees, Regulations, etc.

- Sec. 35-11. Sale of manufactured homes
- Sec. 35-12. Age of manufactured homes allowed in unincorporated Berkeley County
- Sec. 35-13. Wind Zone Homes
- Sec. 35-14. Duty of owner to obtain registration decal
- Sec. 35-15. Issuance and display of registration decal
- Sec. 35-16. Replacement of registration decal
- Sec. 35-17. Tax liability
- Sec. 35-18. Responsibilities of dealers
- Sec. 35-19. Responsibilities of installers
- Sec. 35-20. Required license to install manufactured homes
- Sec. 35-21. Required license for repairs, alterations or modifications
- Sec. 35-22. Addressing
- Sec. 35-23. Permit required; posting of permit card
- Sec. 35-24. Suspension or revocation of permit
- Sec. 35-25. Administrative fee(s)
- Sec. 35-26. Inspection only fee(s)
- Sec. 35-27. Moving permit
- Sec. 35-28. Set-up permit

Certified True and Correct Copy of Original Record

Barbara B. Austin 5-30-08
Barbara B. Austin Clerk to Council
County Council Berkeley County SC

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 means 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. 35-14. 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

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".

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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.

Sec. 35-33. Chief Building Official; Revocation 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

- 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 long-term care by a family member or professional caregiver 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.

Sec. 35-45. Penalty.

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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.

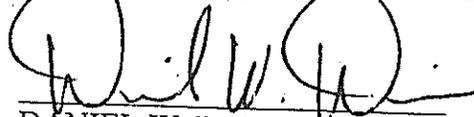
BE IT FURTHER ORDAINED that Ordinance No. 98-2-14 is hereby repealed in its entirety.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON JULY 1, 2008.

ADOPTED this 27th day of May 2008.

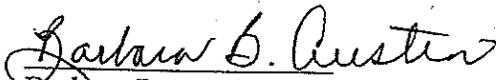
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Berkeley County, South Carolina



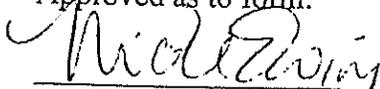
DANIEL W. DAVIS, Chairman
Berkeley County Council

Attest



Barbara B. Austin, CCC
Clerk of Council

Approved as to form:



Nicole Scott Ewing, Esq.
County Attorney

First Reading: February 25, 2008

Second Reading: April 27, 2008

Public Hearing May 27, 2008

Third Reading: S May 27, 2008