

STATE OF SOUTH CAROLINA)
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) **ORDINANCE NUMBER 2006-10-16-12**
)
 COUNTY OF ORANGEBURG)

**AN ORDINANCE
 ADOPTING STANDARDS AND PROVIDING FOR ADMINISTRATION,
 ENFORCEMENT, AND OTHER RELATED MATTERS REGARDING
 (1) MANUFACTURED HOUSING AND (2) MODULAR HOUSING**

WHEREAS, Orangeburg County has previously codified standards applicable to land and to development of, construction and improvements on land located within the unincorporated boundaries of Orangeburg County (“Standards”);

WHEREAS, Orangeburg County Council finds that some of the Standards should be revised (1) to reflect changes in State and case law, and (2) to expressly adopt at the local level additional standards available under State and Federal law;

WHEREAS, Orangeburg County Council finds that certain State and Federal standards regarding manufactured housing and modular building units should be included in the revision to provide protection at the local level for citizens of the County.

NOW, THEREFORE, pursuant to the authority granted to the County Council for Orangeburg County under the Constitution, statutes, and laws of the State of South Carolina, **BE IT ENACTED** by the Orangeburg County Council, in meetings duly assembled, after three readings and a public hearing, the following ordinance:

SECTION I. DEFINITIONS.

1. This ordinance shall be part of the Community Development Code (“code”) and, unless specifically stated to the contrary in this ordinance, the County shall administer and enforce this ordinance as it does the rest of the code, including recourse to the Community Development Review Board.

2. **MANUFACTURED HOME.** A “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. (Adopting S.C. Code § 40-29-

20(9); adapted from S.C. Code Reg. 79-1(T).)

3. **MOBILE HOME.** A “Mobile Home” is a Manufactured 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.
4. **MODULAR BUILDING UNIT.** Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with applicable residential building codes, and transported to the point of use for installation or erection. (Adapted from S.C. Code § 23-43-20(2).)

SECTION II. MODULAR HOMES: CONSTRUCTION AND SAFETY; INSTALLATION STANDARDS.
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5. **CONSTRUCTION AND SAFETY.** Subject to compliance with all other applicable laws, the following Modular Building Units may be moved into or within the unincorporated boundaries of Orangeburg County:
 - A. Those built in accordance with the version of the International Residential Code in effect pursuant to S.C. Code Section 6-9-50 at the time of manufacture, and
 - B. If new, exhibit objective evidence of being in compliance with 5.A., such as having affixed to it a label from the South Carolina Building Codes Council, or
 - C. If used, be in compliance with the version of the relevant mandatory residential code in effect pursuant to S.C. Code Section 6-9-50 at the time of the move.No other Modular Building Units may be moved into or within the unincorporated boundaries of Orangeburg County.
6. **PARITY WITH SITE-BUILT HOMES.** If properly erected or installed in accordance with the provisions of this ordinance, Modular Building Units compliant with 5., shall be considered and accepted as equivalent to a site-built home; however, Modular Building Units are also subject to Orangeburg County local land use and zoning requirements, fire zones, building setback requirements, site development requirements, subdivision control, and on-site installation requirements, as well as the review and regulation of aesthetic requirements so long as those requirements are reasonable and uniformly applied and enforced without distinction as to whether a building is modular or constructed on site in a conventional manner. (S.C. Code § 23-43-130.)
7. **STANDARDS FOR PLACEMENT OF MODULAR HOMES.**

- A. ADOPTION BY REFERENCE.** Orangeburg County adopts by reference as if set forth verbatim in this ordinance the standards listed in South Carolina Code Section 23-43-85 (A) and (B), as amended.
- B. MANUFACTURED AFTER JANUARY 1, 2005.** A single-family Modular Building Unit manufactured after January 1, 2005, must meet the standards set forth in South Carolina Code Section 23-43-85(A) to be placed in this County, including roof pitch, eave projections, exterior walls, siding and roofing materials.
- C. PLACED IN THE STATE AFTER JANUARY 1, 2005.** A single-family Modular Building Unit placed in this State after January 1, 2005, must meet the standards set forth in South Carolina Code Section 23-43-85(B) to be placed in this County, including perimeter wall located under exterior walls and certain pilings or foundations as dictated by coastal or flood plains.
- D. VARIANCE.** Notwithstanding 7.A. and 7.B., the County will honor a variance from the standards in 7. if the variance is issued by the South Carolina Building Codes Council.

8. BUILDING PERMITS; CERTIFICATES OF OCCUPANCY. The Orangeburg County Building Official shall issue:

- A.** Building permits for certified Modular Building Units prior to installation.
- B.** Certificates of occupancy for certified Modular Building Units, but only after
 - i. The presentation of evidence that the Modular Building Units were installed by a person currently licensed as a general or residential contractor and
 - ii. Inspected pursuant to the requirements of South Carolina Code Section 23-43-10, et seq., as amended, and found to comply with that Chapter of the Code of Laws of South Carolina. If inspection reveals that the Modular Building Units do not comply with that Chapter, the Units must be brought into compliance before the Building Official may issue a certificate of occupancy.

9. INSTALLATION. Any person installing a Modular Building Unit within the unincorporated boundaries of Orangeburg County must have a current general or residential contractor's license.

10. LICENSING. Any person engaging in the business of selling wholesale or retail as a manufacturer or manufacturer's representative of Modular Building Units within the unincorporated boundaries of Orangeburg County must have a current license to do same from the South Carolina Building Codes Council. (S.C. Code § 23-43-150.)

SECTION III.	MANUFACTURED HOMES: CONSTRUCTION AND SAFETY; LICENSING; PERMITTING; INSTALLATION.
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11. CONSTRUCTION AND SAFETY. Subject to compliance with all other applicable laws, the following Manufactured Homes may be moved into or within the unincorporated boundaries of Orangeburg County:

- A. Those built after June 15, 1976 in accordance with the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. 5401, et seq., as amended, and
- B. If new, exhibit objective evidence of 11.A., such as having affixed to it a label from HUD, or
- C. If used, is in compliance with the Used Manufactured Home Minimum Habitability Requirements promulgated by the South Carolina Manufactured Housing Board, South Carolina Code Regulation 79-43, as amended.

No other Manufactured Home may be moved into or within the unincorporated boundaries of Orangeburg County, including forbidding movement into or within the County of any mobile home constructed before June 15, 1976.

12. LICENSING OF BUSINESS AND SERVICE PROVIDERS.

A. REQUIREMENTS. Prior to engaging in any business or service within the unincorporated boundaries of Orangeburg County required to be licensed under South Carolina Code Section 40-29-30, as amended, or under South Carolina Code Regulation 79-1, et seq., as amended (“Regulation 79-1”), a person must hold a current license issued by the South Carolina Manufactured Housing Board for the relevant business or service, including: manufacturers, retail dealers, retail sales persons and multi-lot sales persons, installers, repairers, and contractors.

B. VIOLATION. In the event that a person violates 12.A., the person shall be guilty of a misdemeanor and subject to prosecution in magistrate’s court with the following fine and restitution structure applicable:

i. **First Offense.** If guilty of a first offense, shall be (1) fined in the same amount the person charged for the business or service performed without the requisite license and (2) make restitution in full to the person who paid for the business or service performed without the requisite license; however, in the event that (1) and (2) exceed the jurisdictional limits of the magistrate’s court, then (1) and (2) shall be capped at the jurisdictional limit.

ii. **Second Offense.** If guilty of a second offense, shall be (1) fined in the an amount double the amount the person charged for the business or service performed without the requisite license and (2) make restitution in full to the person who paid for the business or service performed without the requisite license.

13. LICENSING OF MANUFACTURED HOMES. Every Manufactured Home located within the unincorporated boundaries of Orangeburg County shall be licensed in accordance with South Carolina Code Section 31-17-320, et seq., as amended, except:

- A. RETIRED TITLE.** Manufactured Homes that have met all the requirements of South Carolina Code Section 56-19-500, et seq., as amended, such that the title certificate to the Manufactured Home has been retired and the Manufactured Home is affixed to, classified as, and taxed as real property without severance.
- B. DEALERS.** Manufactured Homes held by a dealer for resale.
- C. DMV.** Manufactured Homes licensed by the South Carolina Department of Motor Vehicles.

14. PREREQUISITES TO LICENSING OF MANUFACTURED HOMES. Before issuing a license for a Manufactured Home to be located within the unincorporated boundaries of Orangeburg County, the Orangeburg County Building Official shall require from the person applying for the license the following:

- A. FEE.** Payment of a licensing fee in the amount of \$5.00.
- B. ELECTRICAL INSPECTION.** Proof that the Manufactured Home passed the electrical inspection described in the relevant section of this ordinance.
- C. TITLE.** Either (i) a copy of the certificate of title to the Manufactured Home or (ii) a copy of the completed application for a certificate of title to the Manufactured Home submitted to the South Carolina Department of Motor Vehicles. As to (ii), the Orangeburg County Building Official shall issue a certified copy of the application form indicating that the licensing requirements have been provisionally met for a period of 30 days; however, if the person applying for the license re-appears within 30 days with proof that the South Carolina Department of Motor Vehicles has issued to the person a certificate of title to the Manufactured Home, then the Building Official shall receive the provisional application and issue without further cost a certified copy of the application form indicating that the licensing requirements have been met.

Upon satisfaction of the foregoing, the Orangeburg County Building Official shall give the license applicant a certified copy of the application form, indicating that the licensing requirements have been met.

15. INSTALLATION.

- A. PREREQUISITE TO INSTALLATION PERMIT.** In order for a permit to be issued to install a Manufactured Home within the unincorporated boundaries of Orangeburg County, the following must occur:
 - i. a copy of the current license of the installer or contractor, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit. If a retail dealer is installing the Manufactured Home, a copy of the current retail dealer's license, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit.
 - ii. proof that the installation site has either (a) been approved for a septic tank by DHEC or (b) is on an operational sewer service line.

B. STANDARDS. Orangeburg County adopts by reference as if set forth verbatim in this ordinance the Manufactured Home Installation Requirements promulgated by the South Carolina Manufactured Housing Board, South Carolina Code Regulation 79-42, et seq., as amended (herein "Regulation 79-42").

C. INSPECTION; FEE. A County inspection shall be required of any new installation of a Manufactured Home. County Council shall establish a fee for inspection of the installation of a Manufactured Home. (S.C. Code § 40-29-350)

D. VIOLATION. It shall be a violation of this ordinance for any person to install a Manufactured Home within the unincorporated boundaries of Orangeburg County if any part of the installation does not comply with either (1) the manufacturer's installation manual or (2) Regulation 79-42. In the event of a violation of this type by a licensed installer, the licensed installer shall, at his/her own expense, bring the installation of the Manufactured Home into compliance. In the event of a violation of this type by an unlicensed installer, the provisions of 12.B. shall apply.

16. MOVING PERMIT. Every Manufactured Home to be relocated from, within or into the unincorporated boundaries of Orangeburg County shall have and display during the move a moving permit in accordance with the requirements of S.C. Code § 31-17-360 through 390, except for a Manufactured Home being moved by a licensed Manufactured Home dealer from the dealer's sales lot to a customer's lot. It shall be a violation to move a Manufactured Home within the unincorporated boundaries of Orangeburg County and such a violation shall be prosecuted in magistrate's court in accordance with the fine structure outlined in section 12.B.

17. ELECTRICAL. (S.C. Code § 40-29-370)

A. INSPECTION; FEE. Prior to connecting a Manufactured Home to electricity, the Manufactured Home must pass an electrical inspection performed by a county Building Inspector which inspects from the meter base to the main panel of the home. County Council shall establish a fee for the electrical inspection.

B. VIOLATION. It shall be a violation of this ordinance for an electrical supplier to connect a Manufactured Home to an electrical supply without the electrical supplier having proof that that the electrical passed inspection.

SECTION IV. HABITABILITY	MANUFACTURED HOMES: REQUIREMENTS.	USED,	MINIMUM
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18. STANDARDS. Orangeburg County adopts by reference as if set forth verbatim in this ordinance the Used Manufactured Home Minimum Habitability Requirements promulgated by the South Carolina Manufactured Housing Board, South Carolina Code Regulation 79-43, as amended (herein "Regulation 79-43").

19. VIOLATION. It shall be a violation of this ordinance for any person or retail dealer to sell to a consumer for occupancy any used Manufactured Home to be used for the purpose of living, sleeping, cooking, or eating therein, which does not comply with Regulation 79-43, except as specifically allowed under that Regulation. In the event of a violation of this type by

- A. A licensed retailer or someone who from time-to-time has sold Manufactured Homes, the seller shall be adjudged guilty of a misdemeanor in magistrate's court and be subject to the following fine and restitution: (1) a fine in the amount of \$300.00; and (2) restitution to the purchaser in an amount equal to the full purchase price paid (without deduction for any fees or expenses). In addition, the seller shall, at the option of the purchaser, remove, at the seller's sole expense, the relevant Manufactured Home from the purchaser's premises. The person who ultimately has possession of the relevant Manufactured Home shall have the duty to either bring the Manufactured Home into compliance with Regulation 79-43 or properly dispose of the Manufactured Home. Failure to fulfill this duty shall result in a separate violation of this ordinance.
- B. Any person who is neither a licensed retailer nor a person who has from time-to-time sold Manufactured Homes, the seller shall, at the option of the purchaser, refund the purchaser the full purchase price paid (without deduction for any fees or expenses) and remove, at the purchaser's option and at the seller's sole expense, the relevant Manufactured Home from the purchaser's premises. The person who ultimately has possession of the relevant Manufactured Home shall have the duty to either bring the Manufactured Home into compliance with Regulation 79-43 or properly dispose of the Manufactured Home. Failure to fulfill this duty shall result in a separate violation of this ordinance.

SECTION V. MANUFACTURED HOMES AND MODULAR BUILDING UNITS: DWELLINGS UNFIT FOR HUMAN HABITATION.
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21. Manufactured Homes and Modular Building Units shall also be subject to the County ordinance regarding Conditions Detrimental to Public Health, Welfare or Safety on Vacant or Developed Lots.

SECTION VI. CONFLICTS.

Any previously enacted ordinance that is in conflict with the provisions of this ordinance is hereby repealed from and after the effective date of this ordinance.

SECTION VII. SEVERABILITY.

If, for any reason, any part of this ordinance is invalidated by a court of competent

jurisdiction, the remaining portions of this ordinance shall remain in effect.

SECTION VII. EFFECTIVE DATE.

This ordinance shall become effective immediately upon approval at third reading.

ADOPTED and **APPROVED** in meeting duly assembled this 16th day of October, 2006.

ORANGEBURG COUNTY COUNCIL

By: _____
Harry Wimberly
In His Capacity as Vice Chairman
(Pursuant to OCCO 2-38)

ATTEST:

By: _____
Jacqueline Turner
In Her Capacity As Clerk to Council

First Reading (Title Only): August 14, 2006
Public Hearing: September 5, 2006
Public Hearing: September 18, 2006
Second Reading: October 2, 2006
Third Reading: October 16, 2006