

Manufactured Housing Ordinance

**Calhoun County,
South Carolina**



**Prepared by Lower Savannah Council of Governments
on behalf of the Calhoun County Planning Commission**

June 2010

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Approved by the Planning Commission on 6/21/2010

Ordinance No. _____

STATE OF SOUTH CAROLINA

CALHOUN COUNTY COUNCIL

AN ORDINANCE TO REGULATE MANUFACTURED HOMES IN
UNINCORPORATED AREAS OF CALHOUN COUNTY

Be it ordained by the Calhoun County Council of the State of South Carolina

ARTICLE 1 – TITLE AND AUTHORITY

These regulations shall be known as the Manufactured Home Ordinance of Calhoun County, South Carolina. Pursuant to the provisions of title 6 chapter 29, title 31 chapter 29, title 31 chapter 17, and title 40 chapter 29, which enable municipalities and counties to enact regulations necessary for the promotion, protection, and improvement of the public health, safety, comfort, good order, appearance, convenience, prosperity, morals and general welfare, the Calhoun County Council hereby adopts and enacts into law the Calhoun County Manufactured Housing Ordinance hereby effective upon third reading.

ARTICLE 2 – JURISDICTION

This Ordinance shall apply within the unincorporated areas of Calhoun County, South Carolina. It shall hereafter be unlawful for any person to cause or allow any mobile or manufactured home located in individual locations or in manufactured home parks to be parked, located, placed, maintained, or used for business, living or other purposes on any street, alley, park, county property, or private property within the boundaries of Calhoun County, South Carolina, except in conformance with these regulations.

ARTICLE 3 – PUPOSE

The purpose of this Ordinance is to establish rules and regulations for the location and installation of manufactured homes in Calhoun County in order to provide for an orderly, sound, and healthy environment for the occupants of such homes that will contribute to the general welfare of the citizens of Calhoun County. Specifically, this Ordinance establishes design, structural, and location standards in the unincorporated areas of Calhoun County.

ARTICLE 4 – EXCEPTIONS

It shall be unlawful for any person to cause or allow any manufactured home or travel trailer located in individual locations or in parks to be parked, located, placed, maintained, or used for business, living or other purposes on any street, alley, park, county property, or private property within the boundaries of Calhoun County except in conformance with these regulations, with the following exceptions:

- (1) A manufactured home not intended for dwelling or sleeping purposes and used as a clinic or intended for display of merchandise or machinery may be temporarily located for a period of time not to exceed seven (7) days after obtaining approval from the designated agent of the County.
- (2) These regulations shall not apply to modular, prefabricated, or unitized dwellings permanently affixed to the ground nor to campers or travel trailers not exceeding eight (8) feet in body width nor exceeding four thousand five hundred (4,500) pounds gross weight and designed for recreation or other similar short term uses.
- (3) In the event of a disaster, manufactured homes or travel trailers placed in Calhoun County to provide emergency housing relief shall be allowed a period of time not to exceed sixty (60) days to comply with the provisions of this Ordinance. Similarly, in event of such disaster, manufactured homes or travel trailers used for medical relief shall be exempt from the provision of this Ordinance.
- (4) Unoccupied manufactured homes that are principally for sale or resale on a manufactured home dealership lot are exempt from these regulations.
- (5) In the event of expansion or enlargement of a mobile/manufactured home park existing at the time of adoption of this Ordinance, all of the terms and conditions of this Ordinance shall apply to the expanded or enlarged portions of such parks.

ARTICLE 5 – DEFINITIONS

For the purpose of this Ordinance certain words, abbreviations, and terms used herein shall be defined as referenced below. Words, abbreviations and terms not herein defined shall have their customary dictionary definitions. The term “shall” is mandatory.

Section 5.1 – Abandonment

Any manufactured home that has been unoccupied for one year or is not healthful or safe for occupancy and shows evidence of abandonment, or a manufactured home that both exhibits evidence of deterioration that would require repairs in excess of 50 percent of its current replacement value and is unoccupied.

Section 5.2 – Accessory

A building or use subordinate to and serving a principal building or use which is subordinate in area, extent or purpose to the principal building or use served; designed for the comfort, convenience or necessity of occupants of the principal use served; located on the same lot as the principal building or use served, except for permitted off-site accessory uses; and which meets all setback requirements for the principal structure. Accessory uses shall include, but not be limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

Section 5.3 – Building

Any structure having a roof supported by columns or walls and which is designed for shelter, support, or enclosure of person, animals, or property of any kind.

Section 5.4 – Camper

A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, self-propelled or towed, and not used for residential purpose in County.

Section 5.5 – Conditional use

A use permitted by the district regulations upon compliance with specified conditions without review by the Board of Zoning Appeals.

Section 5.6 – District

A geographical area assigned a zoning district designation pursuant to the provisions of this Ordinance.

Section 5.7 – Installation Permit

A permit issued by Calhoun County authorizing the set-up and installation of a manufactured home in Calhoun County as a residential dwelling.

Section 5.8 – Lot

An area, plot, parcel or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Calhoun County.

Section 5.9 – Manufactured Home

A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to SC Code Section 40-29-70, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it.

Section 5.10 – Manufactured Home Park

A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured homes sales or storage lots for unoccupied units are not manufactured home parks.

Section 5.11 – Mobile Home

A structure manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards pursuant to SC Code Section 40-29-70, which is a movable or portable dwelling unit over thirty (30) feet in length constructed to be towed on its own chasses, without permanent foundation, consisting of a single or two or more connected components. The term does not include prefabricated, modular or unitized dwelling on a permanent foundation, or travel trailer, camper, or similar recreational unit. Mobile Homes are a non-conforming use in Calhoun County.

Section 5.12 – Modular Building

A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to the International Building Code standards for site built units. A mobile home, house trailer, or manufactured home is not a modular building.

Section 5.13 – Motor Home

A motor vehicle on a truck or bus chassis designed to serve as a self-contained living quarters for recreational travel.

Section 5.14 – Nonconforming

A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this zoning ordinance, but which are prohibited by this Ordinance or are not in compliance with the requirements of this Ordinance.

Section 5.15 – Permitting Agent

A person designated by resolution of Calhoun County to enforce this Ordinance and to issue the required permits.

Section 5.16 – Principal Structure or Use

A structure or use which is significant or primary rather than accessory.

Section 5.17 – Special Exception

A use specifically permitted after review and approval by the Board of Development Appeals, subject to ordinance standards and additional conditions set by the Board of Development Appeals.

Section 5.18 – Street

A public thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.

Section 5.19 – Structure

Anything constructed or erected, the use of which requires location of the ground, or attachment to something located on the ground, including buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding minor landscaping features such as ornamental pools, planters, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.

Section 5.20 – Trailer

A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definition criteria of a manufactured or mobile home as defined in this Ordinance.

Section 5.21 – Variance

Relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.

Section 5.22 – Yard

A required open space unoccupied and unobstructed by structures except those specifically permitted.

Section 5.23 – Yard, front

A yard situate between the front building line and the front lot line extending the full width of the lot.

Section 5.24 – Yard, rear

A yard situated between the rear building line and the rear lot line and extending the full width of the lot.

Section 5.25 – Yard, side

A yard situated between the side building line and a side lot line and extending from the front yard to the rear yard.

ARTICLE 6 – GENERAL PROVISIONS

Section 6.1 – Permit Application Required

Individuals desiring to place and occupy a manufactured home or mobile office for the first time or to move from one site to another within the unincorporated area of Calhoun County must obtain an installation permit from the Calhoun County Permitting Agent. The installation permit shall be obtained prior to placement on the proposed site. Site approval, DHEC approval, moving permit, and copy of license of the installer shall be required prior to permitting. Applications for permits shall be filed with the Permitting Agent on a form to be developed by the Permitting Agent. The cost of the permit shall be set by the County Council. Permits shall expire six (6) months after date of issue.

The application should include, but may not necessarily be limited to, the following:

- 1) A copy of a mobile home license from Calhoun County pursuant to the requirement of SC Code Section 31-17-320, et seq.
- 2) Proposed location of the home, (including the street address) and the name, current address and phone number of the applicant.
- 3) A legal description of the tract upon which the home is to be located as evidenced by a survey unless adequately identified by existing legal records.
- 4) Dimensions and general topographical descriptions of the property.
- 5) Distances from all property lines to the exterior walls of the home.
- 6) Distances from the exterior walls of the home to any other structure on the same and adjacent tracts of land.
- 7) Proposed tract improvements.
- 8) Access to the site from the nearest public street or road.
- 9) Description of the proposed method of sewage disposal, water supply and solid waste removal.
- 10) Copy of license by licensed Manufactured Home Installer.

Section 6.2 – Water Supply and Waste Disposal

The water supply and waste disposal systems of all mobile and manufactured homes shall be inspected and/or approved by the South Carolina Department of Health and Environmental Control (SCDHEC) before an installation permit may be issued. In the case of an existing waste disposal system, a written certification, by a septic tank contractor licensed by SCDHEC, of the systems existence and suitability shall be accepted in place of specific approval by SCDHEC.

Section 6.3 – Installation Permit

Following receipt and review of an Application to determine compliance with the requirements of this Ordinance, the Zoning Ordinance and the Land Development

Regulations of Calhoun County, the Permitting Agent shall make a site inspection of the proposed location to confirm that all other relevant requirements of this Ordinance are met prior to issuance of an Installation Permit.

Section 6.4 – Construction Standards

All manufactured homes brought into Calhoun County shall meet the minimum construction standards of the U. S. Department of Housing and Urban Development, the International Building Code, or otherwise comply with the Uniform Standards Code for Manufactured Housing Act (SC Code Section 40-29-10, et seq.).

Section 6.5 – Construction Age

No mobile home shall be permitted for use and placement in Calhoun County which was constructed more than 10 years prior to the application for permit unless the owner presents evidence satisfactory to the Permitting Agent that the home has been brought to current HUD or International Building Code requirements, and was manufactured after June 15, 1976. Mobile homes previously licensed in Calhoun County pursuant to South Carolina Code of Laws, Section 31-17-320, are exempt from this requirement.

Section 6.6 – Location

Manufactured homes meeting the construction standards set forth in Section 6.4 of this Ordinance shall be permitted to locate in those areas of Calhoun County which are zoned for such use pursuant to the Calhoun County Zoning Ordinance and are so delineated on the Official Map of Calhoun County.

Section 6.7 – Site Suitability

All manufactured homes shall be installed upon a foundation of properly graded material of sufficient strength and durability to support the size and weight of the structure in a completely stable and safe condition. Said surface shall be prepared so as to allow for proper drainage without erosion.

Section 6.8 – Tract Regulations

No more than one manufactured home shall be permitted on any parcel. Each parcel shall be individually platted and recorded with neither the width nor length being less than one hundred (100) feet. Homes shall be set back from all property lines a minimum of thirty (30) feet on the front, ten (10) feet on the sides, and twenty (20) feet on the rear. All other requirements in this Ordinance shall apply to each parcel.

Section 6.9 – Foundations

All foundations, whether permanent or semi-permanent, shall be inspected and approved by the inspector for compliance with the following requirements:

- (1) Piers or load bearing supports or devices shall be designed and constructed to distribute loads evenly. Piers shall be securely attached to the frame of the ~~mobile~~-manufactured home or shall extend at least six (6) inches from the centerline of the frame member. Piers are required on all corners and on all frame rails. Manufactured load-bearing supports or devices shall be listed or approved for the use intended, or piers shall be constructed as described in subsections (2) through (6) below.
- (2) Piers less than thirty-six (36) inches in height shall be constructed of open or closed cell, eight (8) inches by sixteen (16) inches, concrete blocks (with open cells vertically placed upon the footing). Single stacked block piers shall be installed with sixteen (16) inches perpendicular to the main (I-beam) frame. The piers shall be covered with a two (2) inch by eight (8) inch by sixteen (16) inch treated wood or concrete cap. Piers between thirty-six (36) inches and eighty (80) inches in height and all corner piers shall be at least sixteen (16) by sixteen (16) inches in cross section, shall consist of interlocking masonry units, and shall be fully capped with two-inch-thick solid masonry units or the equivalent, so long as such caps or equivalents cover the entire cross-sectional area of the piers. Such piers shall be constructed on footings consisting of no less than two (2) solid masonry units eight (8) by sixteen (16) by four (4) inches laid side by side so as to provide a sixteen (16) by sixteen (16) inch area. Such units shall be recessed no less than two (2) inches deep in the soil.
- (3) Piers exceeding eighty (80) inches in height shall be constructed in accordance with the provisions of subsection (2) above, provided the piers shall be filled solid with grout and reinforced with four (4) three-eighth inch steel reinforcing bars. One (1) bar shall be placed in each corner cell or hollow masonry unit piers, or in each corner of the grouted space of piers constructed of solid masonry units. Bars shall be continuous and extend in one piece from the top of the footing to the bottom of the cap unit. Such piers shall be constructed on footings of solid concrete no smaller than twenty-four (24) by twenty-four (24) by eight (8) inches.
- (4) Cast-in-place concrete piers meeting the size and height limitations and requirements of subsections (1), (2), and (3) above may be substituted for masonry units.
- (5) If wood is used as an alternate for the two inch masonry cap units as required in subsections (2), (3), and (4) above, such wood shall be treated,

shall measure no less than two (2) by eight (8) by sixteen (16) inches, and shall cover the entire cross section of the piers.

- (6) Wedges, if used, shall be no thicker than two (2) inches and shall measure at least four (4) inches in width and ten (10) inches in length. Wedges shall be of treated wood if installed in direct contact with masonry. Wedges shall be used in pairs and shall be placed on top of one another so as to form a rectangular unit.

Section 6.10 – Tiedowns

All manufactured homes shall be anchored to resist flotation, collapse or lateral movements by providing frame ties and/or supplemental strap ties as installed by the manufacturer, to ground anchors as specified below:

- (1) Frame ties shall be provided at each corner of the home, with one additional frame or supplemental strap tie per side at the intermediate location on a home of less than fifty (50) feet and one (1) additional tie per side for homes of fifty (50) feet or more. Ties at locations other than the corners may be either frame ties or supplemental strap ties as installed by the manufacturer.
- (2) Any additions to the home shall be similarly anchored.
- (3) The above requirements shall be in addition to and consistent with applicable state and local requirements for resisting wind forces.

Section 6.11 – Installation Requirements

- A. The home must be properly installed per Manufacturer's Installation manual by a licensed Manufactured Home Installer. In the event that the Manual is not provided, the home must be installed according to Section 19 – 425.39, Manufactured Home Minimum Installation, as promulgated by the South Carolina Manufactured Housing Board.
- B. Skirting or a curtain wall, unpierced except for required ventilation (one square foot of ventilation per 150 square feet of crawl space) and an access door not less than eighteen (18') inches in any dimension not less three (3) square feet must be installed. Such access door(s) or panel(s) shall be fastened in a manner that does not required the use of a special tool to remove or open same, and located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Skirting or a curtain wall may consist of brick, masonry, vinyl, treated wood, corrosive resistant metal, or similar materials designed and manufactured for permanent outdoor installation.
- C. Each exterior door shall have a landing or porch area within minimum measurements of 36 inches by 36 inches. The minimum width of a stairway

shall be 36 inches. Steps shall not have a rise of more than eight (8) inches or a tread width less than ten (10) inches. Anywhere a step or landing is thirty (30) or more inches above ground level, it must be provided with a handrail at least thirty-six (36) inches tall and have vertical pickets spaced to allow no more than a four (4) inch horizontal opening. If the landing/steps are not set into the ground, they must be secured with a ground anchor and strap so that the landing/steps cannot turn over or be pushed over. If masonry steps are used, the blocks or bricks must be mortared and provided with hand rails as required.

Section 6.12 – Abandonment and Storage

Any manufactured home determined to be abandoned shall be considered unsafe and unhealthful and shall be required to be removed by its owner or the owner of the land on which it is located. If this is not done by the owner or landowner, Calhoun County may remove the manufactured home, the expense of which shall be charged to the owner or landowner. Prior to removing an abandoned home Calhoun County shall give 30 days written notice to the owner of a right to cure the defect. The notice shall be sent by regular mail to the last address available for real property tax purposes. Calhoun County shall not be required by this Article to remove abandoned homes.

Manufactured homes, campers, motor homes or mobile offices that change ownership or have been unoccupied must be permitted and brought up to current installation requirements before utility service will be authorized. Permit fees shall be one half (1/2) of regular permit fee.

Under no conditions shall a manufactured home in any condition be permitted for storage use in Calhoun County.

Section 6.13 – Property Owner Consent

No manufactured home shall be permitted to be located on property owned by someone other than the manufactured home owner without written consent of the property owner, a copy of which shall be filed with the building official.

ARTICLE 7 - MANUFACTURED HOME PARKS

Manufactured home parks are allowed where pursuant to Calhoun County Zoning Ordinance; they must comply in full with the conditions of this ordinance, Calhoun County's Land Development Standards, and Calhoun County's Zoning Ordinance.

Section 7.1 - Allowable Size

A Manufactured Home park shall be no less than (3) acres in size, and be located on a well-drained site and properly graded to insure drainage and freedom from stagnant pools of water.

Section 7.2 - Density

A Manufactured Home park shall not exceed a gross density of four (4) dwelling units per acre.

Section 7.3 - Spacing

Each Manufactured Home park space shall not be less than ten thousand (10,000) square feet; each space shall be at least one hundred (100) feet in length and width and clearly defined.

Section 7.4 - Setbacks

Manufactured Homes shall be situated on each space so as to provide:

- 1) A minimum setback of thirty (30) feet on the front
- 2) A minimum setback of ten (10) feet on the sides
- 3) A minimum setback of twenty (20) feet on the rear

Section 7.5 - Foundation

All Manufactured Homes located on a space in a Manufactured Home park must be appropriately anchored to a foundation pursuant to Article 6 of this ordinance.

Section 7.6- Skirting

All Manufactured Homes, whether on temporary or permanent foundations, shall have adequate visual screening between the walls and the ground surface to conceal all utilities, foundations, wheels, and other items, and to protect children from possible harm under Manufactured Homes. Such screening shall be of attractive, durable material and construction as required by Article 6 of this ordinance.

Section 7.7- Outdoor Storage Space

All Manufactured Homes shall have access to adequate outdoor storage space for the purpose of storing furniture, tools, outdoor equipment, and other such items which cannot easily be accommodated inside. Such facilities shall be provided in convenient proximity to all Manufactured Homes, and may consist of individual buildings or structures which are shared by several units. They shall be of such design and construction as to enhance the appearance of the premises and shall be of durable, weather resistant materials. The placement of any other structure(s) is prohibited without consent of the Planning Commission. Where adequate, the enclosed foundation crawl space of the Manufactured Home may be used for storage.

Section 7.8- Buffering

Adequate buffers in the form of screen fencing, walls or planting screens shall be provided around all Manufactured Home parks in order to reduce or avoid conflicts with incompatible forms of existing development and to protect Manufactured Home residences from the potential undesirable effects of commercial or industrial areas. Such buffers shall be provided along all property lines and shall consist of a strip approximately ten (10) feet wide with thickly planted evergreen shrubbery. Walls or screens of durable material may be combined with said planting subject to the approval of the building official.

*NOTE:

All existing Manufactured Home parks which do not conform, shall be allowed to continue as a Manufactured Home park and treated accordingly.

ARTICLE 8 – ADMINISTRATION, ENFORCEMENT AND PENALTIES

The administration of this Ordinance shall be the responsibility of the Permitting Agent appointed by the Calhoun County Council. The Permitting Agent shall have the authority to issue permits and make all decisions concerning compliance with this Ordinance.

Section 8.1 – Installation Permit

The Permitting Agent shall make a site inspection of the proposed location of any manufactured home in Calhoun County and if the requirements of this Ordinance are met by the site, the Permitting Agent may issue an installation permit authorizing the installation of the home on the proposed site upon receipt of approval from SCDHEC of the water and waste disposal system to be utilized by the applicant.

Section 8.2 – Utility Authorization

Upon completion of the installation, a third site inspection shall be made by the Permitting Agent to determine compliance with the requirements of this Ordinance and shall issue all utility authorizations upon determination that the requirements of this Ordinance have been substantially met.

Section 8.3 – Fees

In addition to the fee of \$5.00 charged for a license required by South Carolina Code Section 31-17-320, et seq., at the time of the application for the installation permit, the Permitting Agent shall also require the payment of Permit Inspection Fees in the amount of \$150.00 for a single wide manufactured home or \$250.00 for a multisection unit, for inspections necessary to determine compliance with all relevant codes and ordinances of Calhoun County.

ARTICLE 9 – PROCESS FOR APPEALS

Section 9.1 – Appeal from Permitting Agent

Any person aggrieved by a decision of the Permitting Agent may appeal that decision to the Board of Development Appeals in writing on a form provided by the Permitting Agent within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Permitting Agent unless he certifies to the Board that a stay would cause imminent peril to life or property. The Board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

Section 9.2 – Variances

An owner or authorized agent may appeal to the board on a form provided by the Permitting Agent for a variance from the requirement of this Ordinance when the strict application of regulations would result in unnecessary hardship. A variance may be granted if the Board makes all of the following findings and conclusions in a written order:

- (1) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) these conditions do not generally apply to other property in the vicinity;
- (3) because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- (4) the authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance;
- (5) the effect of the variance would not allow the establishment of a use not otherwise permitted in the district; would not extend physically a nonconforming use of the land; and would not change the district boundaries shown on the official zoning map.

Section 9.3 – Special Exceptions

An owner or authorized agent may appeal to the Board on a form provided by the Permitting Agent for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria. The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations: (1) traffic impact; (2) vehicle and pedestrian safety; (3) adverse impact of proposed use on aesthetic character of the area; and (4) orientation and spacing of improvements or structures. The Board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

Approved by the Planning Commission on 6/21/2010

Section 9.4 – Fees for Appeals to Board

A fee of \$100.00 shall be paid for each appeal to the Board of Development Appeals from a decision of the Permitting Agent, for a variance or special exception.

Section 9.5 – Appeal to Circuit Court

A person having a substantial interest in a decision of the Board of Development Appeals, or an officer for the County authorized by County Council, may appeal to the Circuit Court by petition or review on grounds that the decision is contrary to law, filed with the Clerk of Court and Secretary of the Board within thirty (30) days after the decision of the Board is mailed. Within thirty (30) days after receipt of notice of filing a petition, the Permitting Agent or Secretary of the Board proceedings including a transcript of evidence and finding and conclusions of the Board.

Approved by the Planning Commission on 6/21/2010

ARTICLE 10 – PENALTIES

Except as may be otherwise stipulated elsewhere in this Ordinance, any violation of this Ordinance or violation of an order given pursuant to this Ordinance shall be a misdemeanor and, upon conviction, shall be punishable as such. Each day that a violation continues shall be considered a separate offense. Conviction of a violation shall be punishable by a fine or not more than \$200.00 or imprisonment for not more than thirty (30) days, or both for each violation.

ARTICLE 11 – LICENSE, LICENSE DECAL, MOVING PERMITS AND ANNUAL TAX DECAL

Section 11.1 – License Required for Manufactured Home

Within fifteen (15) days of bringing a manufactured home into Calhoun County or the purchase of a mobile home in this County, for dwelling purposes, the owner, rental agent or person in possession shall obtain a license from the Tax Assessor of the County.

Section 11.2 – Exceptions

No such license shall be required with respect to mobile homes held by dealers for resale, nor shall this article be applicable to mobile homes licensed by the South Carolina Department of Transportation.

Section 11.3 – Period of Validity of License; Decal; License Fee

A manufactured home license issued by the licensing agent shall be valid until title such manufactured home is transferred to a new owner or until the manufactured 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 Tax Commission and shall be displayed on the manufactured home so as to be clearly and readily visible from the outside. The fee for a manufactured home license shall be five dollars. The fee shall be collected by the licensing agent issuing the license and shall be paid into the general fund of the County.

Section 11.4 – New License Required Upon Transfer

If the title to a manufactured home is transferred to a new owner, the new owner or his agent shall within fifteen days after the date of such transfer, obtain a new license from the licensing agent.

Section 11.5 – Moving Permit: Certificate Concerning Taxes; Notice to Electric Supplier

If the manufactured 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 manufactured home and a site approval from the Permitting Agent if moved within Calhoun County. If the manufactured home is to be removed beyond the boundaries of the County, any taxes that have been assessed for that 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 electric supplier that a permit has been issued. The permit required by this section is not required of manufactured home dealers when they are moving a manufactured home from their sales lot to a customer's lot, but the manufactured home dealer is not relieved from obtaining any permit required from the Department of Transportation for the relocation.

Section 11.6 – Permit Shall Accompany Home During Move; Responsibility for Displaying Permit

The moving permit shall accompany the manufactured home while it is being moved. The moving permit shall be designed and displayed in accordance with regulations issued by the South Carolina Department of Revenue. It shall be the responsibility of the transporter that the required moving permit is properly displayed and accompanies the home while it is being moved.

Section 11.7 – Submission of Moving Permit to Licensing Agent of New County; Issuance of New License; Transmission of Papers to New County

If the relocation is from one county to another, the owner, rental agent, or person in possession of the home, within fifteen days after the home is relocated, shall submit the moving permit to the licensing agent of the county in which the home is relocated and obtain a new license pursuant to Section 31-17-320 of the South Carolina Code. The licensing agent issuing the moving permit shall promptly furnish the licensing agent of the county to which the home is being transported with a copy of the certified license application or permit, a copy of the paid tax receipt from the county from which the home is being moved, and either a copy of the certificate of title or a copy of the completed application for a certificate of title submitted to the Department of Public Safety.

Section 11.8 – Copies of Applications and Permits to Be Given to County Assessor and County Auditor

A copy of all license applications and moving permits must be furnished to the County Assessor and the County Auditor within ten days of issuance.

Section 11.9 – Submission to County Auditor of Copy of Application for Title on Manufactured Home; Penalties for Noncompliance

- A. Contemporaneously with the submission of an application for a certificate of title on a manufactured home as required by Section 56-19-240 of the South Carolina Code of Laws, the person submitting the application shall provide to the Calhoun County Auditor a copy of the completed application submitted to the Department of Public Safety.

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- B. It is unlawful for a person applying for a title for a manufactured home to fail to provide a copy of the application to the Calhoun County Auditor. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment for not more than thirty days.

ARTICLE 12 – INTERPRETATION AND CONFLICT, AND SEPARABILITY AND SEVERABILITY

Section 12.1 – Interpretation and Conflict

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements necessary to uphold the purposes and objectives of the Ordinance. It is not intended that this Ordinance interfere with or annul any other legal easement, covenant, rules, regulations or other ordinance, provided that where the provision(s) and regulation(s) imposed by the Ordinance are the greatest or most restrictive, this Ordinance shall govern. When the provision(s) or regulation(s) of any other statute by the State or Federal government are applicable, the State or Federal law shall apply.

Section 12.2 – Separability and Severability

Should any article, section, provision, or application of a provision of this Ordinance be declared by the Courts to be unconstitutional, void or invalid, such declaration shall not affect the validity of the Ordinance in total or any part thereof, other than the specific part or application declared to be unconstitutional, void, or invalid.

Approved by the Planning Commission on 6/21/2010

ARTICLE 13 – ADOPTION

This Ordinance shall be in full force and effect upon third reading hereof.

First Reading:

Second Reading:

Third Reading: _____

CALHOUN COUNTY COUNCIL

By:

David K. Summers, Jr., Chairman

ATTEST:

Donna R. Allread, Clerk to Council

Revised: _____