

## Chapter 6

### BUILDINGS AND BUILDING REGULATIONS\*

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\***Cross references**—Community development, ch. 9; fair housing, ch. 14; fire prevention and protection, ch. 16; floods, ch. 18; health and sanitation, ch. 20; planning and development, ch. 26; public works, ch. 28; soil erosion and sediment control, ch. 32; solid waste management, ch. 34; subdivision and land development regulations, ch. 36; utilities, ch. 40.

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## ARTICLE I. IN GENERAL

### Sec. 6-1. Adoption of building codes.

(a) In accordance with S.C. Code 1976, § 6-9-50, the County adopts and shall enforce those codes that the South Carolina Building Codes Council (BCC) has adopted as mandatory codes for regulation of construction within this state, including those related to building, residential, gas, plumbing, mechanical, fire, energy, and electrical. In addition, the county shall be deemed to have adopted simultaneous with adoption by the BCC and shall enforce those codes for the regulation of construction within this state that the BCC may, from time-to-time, duly adopt as mandatory codes.

(b) Within such codes when reference is made to the duties of certain officials named therein that designated official in the county who has the duties corresponding to those of the named official in such code shall be deemed to be the responsible official insofar as enforcing the provisions of such code are concerned. The provisions of the codes referenced which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply. Instead, the current county ordinances and general state statutes concerning the council-administrator form of government shall continue to apply to personnel-related matters involving said building officials, deputies, inspectors, and assistants.

(c) The adoption of these codes is done to facilitate proper inspection activities by the county relating to the construction of buildings within the unincorporated portions of the county and relating to the public safety, health, and general welfare.

(Code 1983, § 3.5-1; Ord. No. 99-6-5, § I, 6-21-1999; Ord. No. 2002-5-6-06, §§ I, II, 5-6-2002; Ord. No. 2003-4-7-2, § I, 4-7-2003; Ord. NO. 2006-9-18-10, § I, 9-18-2006)

**Cross reference**—Community development code, § 9-31 et seq.

**State law reference**—Authority to adopt technical codes by reference, S.C. Code 1976, § 6-9-50.

### Sec. 6-2. Fees.

(a) *Generally.* No permit shall be issued until the required fees are paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure is paid.

(b) *Schedule of fees.* The county council shall establish a schedule of fees for permits, and appeals and a copy of such schedule is on file and available in the county offices.

(Code 1983, § 3.5-2)

### Sec. 6-3. Notification of quitting required.

(a) Should any person to whom a permit was issued quit the construction or installation for any reason, he shall notify the building official and state the reason. If the construction or installation was partially completed, the person for whom the permit was issued, upon quitting the installation, shall notify the building official and request an inspection. Acceptance of, or violations against the work shall be recorded by the inspector on the permit record. No refund of the permit fee shall be granted to the person to whom the permit was issued.

(b) If the holder of a permit quits the installation and fails to notify the building official, the owner or his agent may notify the building official and request inspection. Upon inspection, the holder of the permit shall be sent a notice of any violation. The owner may then secure another qualified person to proceed with the work.

(c) If no work was done, the holder of the permit shall be entitled to a refund on his permit; provided, however, that a minimum charge shall be made.

(Code 1983, § 3.5-3)

### Sec. 6-4. Penalties.

Should work for which a permit is required be started without obtaining such permit, the fees specified in section 6-2 shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the require-

ments of this Code in the execution of the work nor from any other penalties prescribed in this Code.  
(Code 1983, § 3.5-4)

**Sec. 6-5. Recovery of expense in the enforcement of the Standard Unsafe Building Abatement Code.**

All expenses necessarily incurred by the county in the enforcement of this section, whether it shall be done in-house or on a contractual basis, shall be considered a lien against the property. Notice of such lien shall be given by prepaid registered mail to the owner or agent, in the same manner as provided under subsection 28-2(c), and if the lien remains unpaid for a period of 14 days after the date of such statement, or if the whereabouts of the property owner or agent is unknown, the lien expense shall be added to the annual tax levied on the property and shall be collected by the county in the same manner as such tax.  
(Code 1983, § 3.5-5)

**Secs. 6-6—6-30. Reserved.**

**ARTICLE II. DWELLINGS UNFIT FOR HUMAN HABITATION\***

**Sec. 6-31. Findings.**

In accordance with S.C. Code 1976, §§ 31-15-320 and 31-15-330, the governing body of Orangeburg County finds that there exist in the county dwellings which are unfit for human habitation due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of adequate ventilation, light or sanitary facilities; or
- (4) Other conditions rendering such dwellings unsafe or unsanitary, dangerous or

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\*Cross reference—Community development code, § 9-31 et seq.

dangerous to the health, safety or morals or otherwise inimical to the welfare of the residents of the county.

(Ord. No. 2006-10-16-13, § I, 10-16-2006)

**Sec. 6-32. Powers of county.**

In accordance with S.C. Code 1976, § 31-15-330, and the specific terms of this article, the county shall exercise its police powers to repair, close or demolish any dwelling within the unincorporated boundaries of the county that is unfit for human habitation. This article shall be part of the community development code ("code") and, unless specifically stated to the contrary in this article, the county shall administer and enforce this ordinance as it does the rest of the code, including recourse to the community development review board.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Sec. 6-33. Determination by code official.**

The code official shall cause to be conducted a preliminary investigation and issue any resulting notice and complaint of violation of this ordinance. The code official may determine that a dwelling is unfit for human habitation if s/he finds that a condition exists in such dwelling which is dangerous or injurious to the health, safety or welfare of those persons who are in or around the dwelling.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Sec. 6-34. Definitions.**

As used in this article, the following terms shall have the following meanings:

*Complaint* means a written communication informing an owner and all parties in interest of the existence of a dangerous condition affecting the dwelling.

- (1) *Content.* The Complaint shall state the allegations and charges with respect to the dangerous condition and contain a notice that a hearing will be held before the community development review board at a place and time specified, that the owner and parties in interest have the right to file an answer to the complaint and to appear in person at the hearing (in

person and/or by legal counsel) and give testimony at the hearing, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing.

- (2) *Service.* The complaint shall be served on the owner and all parties in interest as allowed under the code.

*Complaint hearing* means a hearing regarding the charges and allegations in a complaint shall be held by the community development review board not less than ten days nor more than 45 days after the service of the complaint. Testimony and evidence shall be given at the hearing, but the rules of evidence prevailing in courts of law shall not be controlling.

*Dangerous condition* means a condition that exists in a dwelling which is dangerous or injurious to the health, safety or welfare of those persons in or around the dwelling, such as occupants of such dwelling, the occupants of neighboring dwellings, or other residents in the county. Such conditions include the following:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of adequate ventilation, light or sanitary facilities;
- (4) Structural defects; or
- (5) Any condition that an expert in the field of health services, fire services, law enforcement, or emergency services opines renders the relevant dwelling unsafe or unsanitary, dangerous or dangerous to the health, safety or otherwise inimical to the welfare of the occupants, neighbors, or other residents in the county.

*Dwelling* means any building or structure, or part thereof, used or occupied by humans as a habitation or intended to be used by humans as a habitation, including any unattached structures which serve functions customarily included within a human habitation.

*File* means the act of delivering an original of the relevant document and the required filing fee to the community development review board for filing in any proceeding arising from a violation.

*Owner* means the holder of the title in fee simple of the dwelling and every mortgagee of record of the dwelling.

*Parties in interest* means all individuals, associations, corporations and others who have interests of record in the dwelling and any who are in possession of the dwelling.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

#### **Sec. 6-35. Duty of owner.**

The owner of a dwelling shall at all times keep the dwelling free from any dangerous condition. If there is more than one owner of a dwelling, each owner shall be fully responsible and accountable for complying with this duty.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

#### **Sec. 6-36. Violation of article.**

It shall be a violation of this article for a dangerous condition to exist in a dwelling, and the county shall hold the owner, or in the case of multiple owners, may hold any or all of the owners of the dwelling responsible for any violation.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

#### **Sec. 6-37. Preliminary investigation.**

The code official shall cause to be conducted a preliminary investigation to determine if there is a basis for finding a violation of this ordinance. The right of entry into the dwelling shall comport with the right of entry provisions in the administration and enforcement provisions of the code.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

#### **Sec. 6-38. Notice of violation.**

If the preliminary investigation discloses a basis for charging a violation, then the code official shall cause to be delivered to at least one owner a notice of the violation.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Sec. 6-39. Private remediation; contest.**

Upon notice, the owner of the dwelling shall have a duty to timely remedy the dangerous condition or timely object or contest the finding of the dangerous condition.

(1) *Private remediation.* In the event that the owner of the dwelling shall opt to privately remedy the dangerous condition such remedy must be such that the danger to the public health, welfare or safety is eliminated within the following time table:

a. The owner shall promptly begin private remediation of the dangerous condition. If the owner has not begun private remediation of the dangerous condition within seven calendar days of the date of delivery of the county's notice, then the owner shall be deemed to have failed to promptly begin private remediation.

b. The owner must complete private remediation of the dangerous condition within a reasonable time period. If the owner has not completed private remediation of the dangerous condition within 20 calendar days of the date of delivery of the county's notice, the owner shall be deemed to have failed to remedy the dangerous condition within a reasonable time period. Upon request from the owner and good cause shown, the county may grant an extension of time to the owner to complete private remediation.

An owner may apply to county via the code official for waiver of tipping fees regarding private remediation of a dangerous condition on the grounds of financial hardship. Upon recommendation from the code official, the county administrator may grant a requested waiver of tipping fees on the ground of financial hardship.

(2) *Administrative appeal.* The owner of the dwelling shall have the right to contest

the county's finding of the dangerous condition in accordance with the procedures in place for objection or appeal to the community development review board.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Sec. 6-40. Remediation restrictions.**

All remediation shall be in accordance with all laws relevant to the remediation activity, including extermination, testing for and abating hazardous materials (including by way of example, but not as an exclusive list, lead-based paint and asbestos). In addition, in the event that the dangerous condition involves evidence of feral rodents, snakes, pests, or vermin, extermination of such rodents, snakes, pests and vermin must be proper, as that is defined elsewhere in the code, and completed prior to beginning other remediation efforts.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Sec. 6-41. Effect of failure to timely remediate or contest.**

If an owner who receives notice fails to remedy the dangerous condition or contest the county's finding of a dangerous condition, then the county shall proceed to the complaint stage.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Sec. 6-42. Complaint stage.**

If the dangerous condition is not remedied within 20 days of delivery of notice to an owner, then the violation shall proceed to the complaint stage. The following shall occur in the complaint stage:

(1) *Complaint.* The code official shall file a complaint, and then issue and serve a copy of the complaint on the owner and all parties in interest. Each recipient of the complaint shall have 30 days from his/her receipt of the notice to file a written answer to the complaint.

(2) *Hearing.* A hearing shall be held by the community development review board. The code official or his/her designee shall appear, give testimony and otherwise enter evidence regarding all issues relevant to the alleged violation. Any recipient who

timely filed an answer to the complaint shall have the right to appear (in person and/or through legal counsel), give testimony and otherwise enter evidence regarding all issues relevant to the alleged violation.

- (3) *Decision.* The board shall issue a decision as provided in the code and the written decision shall be labeled "Findings and Order."
- (4) *Further proceedings.* In any proceeding pursuant to this article in which there are findings and an order, the county shall contemporaneously deliver to the owners and all parties in interest information regarding their right under S.C. Code 1976, § 31-15-370 to petition the circuit court for an injunction restraining the carrying out of the order and that the failure to petition within 60 days of delivery and posting of the order will render the order, including the effect of failure to comply with the order, final and enforceable.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

#### **Sec. 6-43. Judicial proceedings.**

In the event of the issuance of an order, the owners and all parties in interest shall have the rights accorded to them under S.C. Code 1976, § 31-15-370.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

#### **Sec. 6-44. Public remediation; costs; lien.**

Upon (1) the order becoming final and enforceable, and (2) the passing of the deadline for private compliance with the order, a county building inspector shall inspect the dwelling for compliance with the order. If the dangerous condition has not been remedied in accordance with the order, the code official shall take action in accordance with the provision of the order regarding the effect of failure by the private parties to comply with the order. If the code official removes or abates the dangerous condition, all costs shall

be handled in accordance with the "cost; lien" section of the administration and enforcement provisions.

(Ord. No. 2006-10-16-13, § II, 10-16-2006)

**Secs. 6-45—6-60. Reserved.**

### **ARTICLE III. MANUFACTURED AND MODULAR HOMES\***

#### **DIVISION 1. GENERALLY**

##### **Sec. 6-61. Community development code.**

This article shall be part of the community development code ("code") and, unless specifically stated to the contrary in this article, the county shall administer and enforce this article as it does the rest of the code, including recourse to the community development review board.

(Ord. No. 2006-10-16-12, § I, 10-16-2006)

*Cross reference*—Community development code, § 9-31 et seq.

##### **Sec. 6-62. Definitions.**

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

*Manufactured home* means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 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 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 1976, § 40-29-20(9); adapted from S.C. Code Reg. 79-1(T))

*Mobile home* means a manufactured home that was manufactured in a factory prior to June 15, 1976 and, as a result, predates and does not

*\*Cross reference*—Community development code, § 9-31 et seq.

comply with the National Manufactured Housing Construction and Safety Act of 1974, 42-U.S.C. 5401, et seq.

*Modular building unit* means 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))  
(Ord. No. 2006-10-16-12, § I, 10-16-2006)

**Sec. 6-63. Dwellings unfit for human habitation.**

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 [Article II of this chapter].  
(Ord. No. 2006-10-16-12, § V, 10-16-2006)

**Secs. 6-64—6-70. Reserved.**

**DIVISION 2. MODULAR HOMES**

**Sec. 6-71. 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:

- (1) Those built in accordance with the version of the International Residential Code in effect pursuant to S.C. Code 1976, § 6-9-50 at the time of manufacture, and
- (2) If new, exhibit objective evidence of being in compliance with subsection (1) of this section, such as having affixed to it a label from the South Carolina Building Codes Council, or
- (3) If used, be in compliance with the version of the relevant mandatory residential code in effect pursuant to S.C. Code 1976, § 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.

(Ord. No. 2006-10-16-12, § II, 10-16-2006)

**Sec. 6-72. Parity with site-built homes.**

If properly erected or installed in accordance with the provisions of this division, modular building units compliant with section 6-71 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 1976, § 23-43-130)

(Ord. No. 2006-10-16-12, § II, 10-16-2006)

**Sec. 6-73. Standards for placement of modular homes.**

(a) *Adoption by reference.* Orangeburg County adopts by reference as if set forth verbatim in this division the standards listed in S.C. Code 1976, § 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 S.C. Code 1976, § 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 S.C. Code 1976, § 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 floodplains.

(d) *Variance.* Notwithstanding subsections (a) and (b) of this section, the county will honor a variance from the standards in this section if the variance is issued by the South Carolina Building Codes Council.

(Ord. No. 2006-10-16-12, § II, 10-16-2006)

**Sec. 6-74. Building permits; certificates of occupancy.**

The Orangeburg County Building Official shall issue:

- (1) Building permits for certified modular building units prior to installation.
- (2) Certificates of occupancy for certified modular building units, but only after:
  - a. The presentation of evidence that the modular building units were installed by a person currently licensed as a general or residential contractor; and
  - b. Inspected pursuant to the requirements of S.C. Code 1976, § 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.

(Ord. No. 2006-10-16-12, § II, 10-16-2006)

**Sec. 6-75. 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.

(Ord. No. 2006-10-16-12, § II, 10-16-2006)

**Sec. 6-76. 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 1976, § 23-43-150.)

(Ord. No. 2006-10-16-12, § II, 10-16-2006)

**Secs. 6-77—6-90. Reserved.**

**DIVISION 3. MANUFACTURED HOMES**

**Sec. 6-91. 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:

- (1) 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
- (2) If new, exhibit objective evidence of complying with subsection (1) of this section, such as having affixed to it a label from HUD; or
- (3) 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 movement into or within the county of any mobile home constructed before June 15, 1976.

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-92. 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 S.C. Code 1976, § 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: man-

ufacturers, retail dealers, retail sales persons and multi-lot sales persons, installers, repairers, and contractors.

(b) *Violation.* In the event that a person violates subsection (a) of this section, the person shall be guilty of a misdemeanor and subject to prosecution in magistrate's court with the following fine and restitution structure applicable:

- (1) *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.
- (2) *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.

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-93. Licensing of manufactured homes.**

Every manufactured home located within the unincorporated boundaries of Orangeburg County shall be licensed in accordance with S.C. Code 1976, § 31-17-320 et seq., as amended, except:

- (1) *Retired title.* Manufactured homes that have met all the requirements of S.C. Code 1976, § 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.
- (2) *Dealers.* Manufactured homes held by a dealer for resale.

- (3) *DMV.* Manufactured homes licensed by the South Carolina Department of Motor Vehicles.

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-94. 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:

- (1) *Fee.* Payment of a licensing fee in the amount of \$5.00.
- (2) *Electrical inspection.* Proof that the manufactured home passed the electrical inspection described in the relevant section of this division [section 6-97].
- (3) *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 is required. 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 reappears 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.

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-95. 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:

- (1) 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.
- (2) 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 division 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 1976, § 40-29-350.)

(d) *Violation.* It shall be a violation of this division 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 subsection 6-92(b) shall apply.

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-96. 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 1976, § 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 subsection 6-92(b).

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-97. Electrical.**

(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. (S.C. Code 1976, § 40-29-370.)

(b) *Violation.* It shall be a violation of this division for an electrical supplier to connect a manufactured home to an electrical supply without the electrical supplier having proof that the electrical passed inspection.

(Ord. No. 2006-10-16-12, § III, 10-16-2006)

**Sec. 6-98. Used manufactured homes—Standards.**

Orangeburg County adopts by reference as if set forth verbatim in this section 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").

(Ord. No. 2006-10-16-12, § IV, 10-16-2006)

**Sec. 6-99. Same—Violation.**

It shall be a violation of this division 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:

- (1) 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:
  - a. A fine in the amount of \$300.00; and
  - b. 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 division.

- (2) 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 division.  
(Ord. No. 2006-10-16-12, § IV, 10-16-2006)