ORDINANCE # 02-476

AN ORDINANCE PROVIDING FOR REPAIRING, CLOSING OR DEMOLISHING ABANDONED MOBILE HOMES OWNED BY THE SUMTER COUNTY FORFEITED LAND COMMISSION

WHEREAS, the Forfeited Land Commission for Sumter County, currently owns and will, in the future, own, mobile homes because the former owner(s) failed to pay the property taxes and no one bid on mobile homes at the delinquent tax sale; and

WHEREAS, some of the mobile homes owned by the Forfeited Land Commission have some value and are marketable as dwellings and some of the mobile homes owned by the Forfeited Land Commission are unfit for human habitation due to (a) dilapidation, (b) defects increasing the risk of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities, or (d) other condition rendering such abandoned mobile homes unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county; and

WHEREAS, it is in the best interest of the citizens of Sumter County for the mobile homes owned by the Forfeited Land Commission to be either sold or destroyed, depending on whether the mobile homes have value;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL FOR SUMTER COUNTY, SOUTH CAROLINA IN COUNCIL DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

1. TITLE. This ordinance shall be known as the "Abandoned Mobile Home Ordinance".

2. DEFINITIONS.
   (1) "County" shall mean that area comprising the county other than municipality;
   (2) "Public officer" shall mean the officer or officers who are designated by the County Administrator to exercise the powers prescribed by this Ordinance:
   (3) "Owner" shall mean the holder of the title to the mobile home and every lien holder of record.
   (4) "Parties in interest" shall mean all individuals, association, corporations, and others who have an interest of record in an abandoned mobile home and any who are in possession thereof;
   (5) "Mobile home" shall mean a structure, transportable in one or more sections which, in the traveling mode, is 8 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 build 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 system contained therein.

(6) "Abandoned mobile home" shall mean a mobile home owned by the county because the former owner(s) failed to pay the property taxes thereon and no one bid on such mobile home at the delinquent tax sale.

(7) "Person" shall mean any individual, firm, partnership or corporation

3. Appointment of Public Officer.

The Public Officer(s) designated to exercise the powers prescribed by this ordinance shall be appointed by the County Administrator for Sumter County and shall serve at the pleasure of the County Administrator. The Public Officer shall act on behalf of the Forfeited Land Commission.

4. Sale of Mobile Homes that have value.

A. The Treasurer for Sumter County shall attempt to sell all mobile homes owned by the Sumter County Forfeited Land Commission.

B. If the Treasurer for Sumter County has reason to believe that people of legal age are living in a mobile home owned by the Forfeited Land Commission, the Treasurer shall offer to sell the mobile home to the people living in the mobile home for the amount of the delinquent taxes. The offer shall be in writing and delivered in person. The occupant(s) to whom the offer is made shall have 10 days from receipt of the offer to accept the offer. Any offer not accepted within 10 days after receipt shall be considered rejected. The occupants will have 30 days after acceptance of the offer to tender the purchase price. If the occupant(s) of the mobile home fails to tender the purchase price within the 30-day time for payment, the Treasurer shall attempt to sell the mobile home in accordance with the following paragraphs.

C. The Treasurer for Sumter County shall offer to sell the mobile home to the owner of the real property upon which any mobile home owned by the Forfeited Land Commission is situated for the amount of the delinquent taxes. The offer shall be in writing and sent by certified mail, return receipt requested, to the owner at the address shown on the records of the Sumter County Auditor. The owner of the real estate to whom the offer is made shall have 30 days from receipt of the offer, as shown by the postal return receipt, to accept the offer. Any offer not accepted within 30 days after receipt shall be considered rejected. Any offers returned due to non-delivery or non-acceptance of the mail shall be considered rejected. The owner of the real estate will have 30 days after acceptance of the offer to tender the purchase price. If the owner of the real estate fails to tender the purchase price within the 30-day time for payment, the Treasurer may advertise and sell the mobile home in accordance with the following paragraph.

D. If the owner of real estate upon which a mobile home owned by the Forfeited Land Commission is situated rejects the Treasurer's offer or fails to tender the purchase price within 30 days after accepting the offer, the Purchasing Director for Sumter County shall advertise for sale, by sealed bid, and sell the mobile home to the highest bidder. If the Purchasing Director has more than one mobile home to sell, he may advertise all of the mobile homes at the same time, but the

sealed bids shall be for individual mobile homes. Bidders may submit sealed bids for more than one mobile home but each bid shall be for only one mobile home.

E. Any mobile homes not sold by the Purchasing Director after advertising and bid opening shall be salvaged or demolished according to the following procedures.

5. Salvage or Demolition of Mobile Homes that have no value.

A. Mobile homes that are not sold by the Treasurer or Purchasing Director under the terms of the preceding paragraphs shall be salvaged or demolished.

B. If the former owner of the mobile home can be found in Sumter County or if the former owner owns real property in Sumter County, the Public Official appointed by the County Administrator shall serve upon the former owner of the mobile home a notice that the mobile home must be salvaged or removed within six months or the county will remove the mobile home and charge the costs of the demolition to the former owner of the mobile home. The notice shall be served in the same manner as pleadings are served under the South Carolina Rules of Civil Procedure for Common Pleas. If the former owner salvages the mobile home through repairs and renovation so that the mobile home meets the South Carolina Manufactured Housing Board Standards, then in effect, the Sumter County Forfeited Land Commission shall convey the title to the mobile home to the former owner. If such former owner fails to salvage or demolish the abandoned mobile home, the County Administrator, or other authorized representative, may cause such mobile home to be removed or demolished and the amount of the cost of such removal and demolition by the public officer shall be a lien on any real or personal property of the former owner and shall be collectable in the same manner as county taxes. In addition, Sumter County may bring a collection action in a court of competent jurisdiction in Sumter County to collect the cost of the removal and demolition of the mobile home.

C. If the former owner of the mobile home cannot be found in Sumter County and if the former owner does not own real property in Sumter County then the Public Official appointed by the County Administrator shall serve upon the owner of the real property upon which the mobile home is situated a notice that the mobile home must be salvaged or removed within six months or the county will remove the mobile home and charge the costs of the demolition to the owner of the real property upon which the mobile home is situated. The notice shall be served in the same manner as pleadings are served under the South Carolina Rules of Civil Procedure for Common Pleas. If the owner of the real property upon which the mobile home is situated salvages the mobile home through repairs and renovation so that the mobile home meets the building codes for mobile homes then in effect, the Sumter County Forfeited Land Commission shall convey the title to the mobile home to the owner of the real property upon which the mobile home is situated. If such owner fails to remove and demolish the abandoned mobile home, the County Administrator, or other authorized representative, may cause such mobile home to be removed and demolished and the amount of the cost of such removal and demolition by the public officer shall be a lien against the real property upon which the mobile home was situated and shall be collectable in the same manner as county taxes.

6. Work to be bid in accordance with County Procurement Code.

If the county, in demolishing abandoned mobile homes as permitted by this Ordinance, contracts with a third party not employed by the county to do the work, it must bid the work in conformity with the Sumter County Procurement Code.

7. Proceeds of Sale of Materials

If an abandoned mobile home is removed or demolished by the County Administrator, he shall sell the materials of such abandoned mobile home and shall credit the proceeds of such sale against the cost of the removal or demolition.

8. Twenty-Four Month Grace Period for Rent

The Sumter County Forfeited Land Commission shall not be liable to any real property owner for rent for a twenty-four month period beginning when the delinquent tax sale exemption period expires.

This ordinance shall take effect upon its adoption.

SUMTER COUNTY COUNCIL

(SEAL)

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ITS: CHAIRMAN Charles T. Edens

ATTEST:

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ITS: CLERK: Mary W. Blanding

First Reading: June 25, 2002
Second Reading: July 9, 2002
Public Hearing: July 9, 2002
Third Reading and Adoption: August 13, 2002