

ORDINANCE # 02-476

AN ORDINANCE PROVIDING FOR REPAIRING, CLOSING OR DEMOLISHING
ABANDONED MOBILE HOMES

WHEREAS, the County Council for Sumter County, South Carolina (the county) being the governing body of said county, has found that there exist in the unincorporated area of the county abandoned mobile homes which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards 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, a majority of the resident members of the legislative delegation representing said county have approved the adoption of this ordinance; and

WHEREAS, the county desire to exercise its polie power as authorized un the provision of Section 31-15-310, et seq., of the Code of Laws of South Carolina (1976, as amended) to provide for the repair, closing, or demolition of such abandoned mobile homes;

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 ar 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, acorporation,, and other who hav an interest of record in a 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 an which is build on a permanent chassis and designed to be used as a abandoned mobile home 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) “Reasonable Costs” shall mean fifty (50%) percent or less of estimated costs or required repairs, alterations, and/or improvements in relation to the estimatee value of a abandoned mobile home.

(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.

4. Authority.

Whenever the County Administrator or his designated representative finds that there exist in the County abandoned mobile homes which are unfit for human habitation and/or other use due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions 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 Sumter County, the County Administrator or his designated representative may, exercise the County's police powers to repair, close or demolish any such mobile home.

5. Filing of Complaint and Investigation.

Whenever a complaint or petition is filed with the County Administrator, or his designated representative, by any one of the administrative heads of the County departments which routinely deal with areas relevant to this statute including Engineering, Roads and Bridges, Delinquent Tax Collector, Public Works, Sheriff, and EMS, or by at least five (5) residents of the County who have some portion of their property within 2,000 feet of some portion of the property upon which the abandoned mobile home is located, charging that any abandoned mobile home is unfit for human habitation, or whenever it appears to the County Administrator, or other designated representative, (on his own motion) that any abandoned mobile home or other structure is unfit for human habitation, the County Administrator shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such abandoned mobile home or other structure, a complaint and notice in letter form (return receipt requested) stating the charges in that respect and that a hearing will be held before the County Administrator or his designated representatives not less than ten (10) calendar days nor more than thirty (30) calendar days after the service of such complaint or letter; that the owner and parties in interest shall be given the right to file and answer to the complaint in letter form and to appear in person or otherwise and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in the courts of law or equity shall not be controlling in such hearings.

6. Notice to Owner and Necessary Action by Owner

That if, after such notice and hearing the County Administrator or his designated representative determines that a abandoned mobile home or other structure under consideration is unfit for human habitation it shall be stated in writing, such writing, to include the findings of fact in

support of such determination, and this writing shall be issued and caused to be served upon the owner of such property together with or .in the form of a notice.

- (a) If the repair, alteration or improvement of the abandoned mobile home can be made at a reasonable cost in relation to the value of the abandoned mobile home the owner shall be required within the time specified in such order, to repair, alter or improve such abandoned mobile home or other structure to render it fit for human habitation or to vacate and close the mobile home and demolish it or otherwise remove it ; or
- (b) If the repair, alteration or improvement of the abandoned mobile home cannot be made at a reasonable cost in relation to the value of the abandoned mobile home, the owner shall be required, within the time specified in the order, to remove or demolish such abandoned mobile home.

7. Failure to Comply

If the owner fails to comply with the order to repair, alter or improve or remove and demolish, the County Administrator, or his designated representatives, may cause such abandoned mobile home, or other structure to be repaired, altered or improved, or removed or demolished.

8. Removal or Demolition

If such owner fails to comply with the order to remove 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 repairs alterations or improvements, vacating and closing or removal or 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.

9. 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 mus bid the work in conformity with the Sumter County Procurement Code.

10. Unfitness

A abandoned mobile home or other structure is unfit for human habitation if conditions exist in such abandoned mobile home or other structure which are dangerous or injurious to health or safety of the occupants of such abandoned mobile home, the occupants of neighboring abandoned mobile homes or other residents of the County. Such conditions may include the following, without limiting the generality of the foregoing. defects therein increasing the hazards of fire, accidents, or other calamities,, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness,, and any other conditions in a reasonable way relating

to unfitness for human habitation as previously set forth.

12. Service of Complaint

- (a) Complaints by letter or orders hereunder shall be delivered to and/or served upon such persons either personally or by certified mail (restricted delivery, return receipt requested), but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the County Administrator or his designated representatives) shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper of general circulation in the county.
- (b) A copy of such complaint or order shall also be posted in a conspicuous place on the premises affected by the complaint or order.
- (c) A copy of such complaint or order shall further be filed with the Sumter County Clerk of Court's Office in the County's Miscellaneous Records book, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. No fee shall be charged to the County for the filing of such complaint or order under this Ordinance.

13. Rights of Persons Affected by Orders

Any person affected by an order issued by the County Administrator or his designated representatives, may within sixty (60) days after the posting and service of the order, petition the Circuit Court for an injunction restraining the County Administrator or his designated representatives from carrying out the provisions of the order and the court may upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause. Hearings shall be had by the Court on such petitions within twenty (20) days or as soon thereafter as possible and shall be given preference over other matters on the Court's calendar as authorized by §31-15-370 of the Code of Laws of South Carolina, 1976, as amended.

The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to the facts, if supported by evidence, shall be conclusive. Costs shall be at the discretion of the Court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the County Administrator or his designated representative or because of compliance by such person with any order of the public officer.

14. Powers and Duties

The County Administrator, or his designated representatives, may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article, including the following powers in addition to others herein granted.

- (a) To investigate the abandoned mobile home or other structure conditions in the County in order to determine which abandoned mobile homes therein are unfit for human habitation;
- (b) To administer oaths and affirmations, examine witnesses and receive evidence;
- (c) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinance; and
- (e) To delegate any of his functions and powers under this ordinance to such officers and agents as he may choose.

15. Proceeds of Sale of Materials

If a abandoned mobile home or other structure 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 and any balance remaining shall be deposited with the Sumter County Clerk of Court by the County Administrator and shall be secured in such manner as may be directed by such Clerk of Court and shall be disbursed by such Clerk of Court to the persons found to be entitled thereto by a final order or decree of such court.

16. Penalties

In addition to, or alternately to, any remedies provided under this Article, any person who violates any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not more than Five Hundred (\$500.00) Dollars or imprisoned for a period not exceeding thirty (30) days. Each day of violation shall constitute a separate offense.

First Reading: **June 11, 2002**

Public Hearing: **June 25, 2002**

Second Reading: **July 9, 2002**

Third Reading: **August 13, 2002**