

UNION COUNTY, MISSISSIPPI

PORTABLE HOME ORDINANCE

Adopted November 20, 2017
Effective December 20, 2017

AN ORDINANCE
ADOPTING REGULATIONS FOR PORTABLE HOMES IN UNION
COUNTY, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION
AND ENFORCEMENT THEREOF

Supervisor _____ offered the following resolution:

WHEREAS, Section 17-1-1, et seq. of the Mississippi Code as amended, empowers the county to adopt and enforce ordinances related to factory manufactured Portable homes; and

WHEREAS, the Board of Supervisors has prepared regulations and has given reasonable consideration, among other things, to the character of the Portable Home Ordinance and its particular uses, with a view to conserving the value of property and encouraging the most appropriate use of the land throughout the unincorporated areas of Union County, less and except any property owned by any enterprise, corporation or entity engaged in a major capital project as the term "project" is defined in Mississippi Code Annotated Section 57-75-5(f) during the construction phase of said project, and;

WHEREAS, the Board of Supervisors deems it necessary for the purpose of promoting the health, safety and general welfare of the County to enact a Portable Home Ordinance, which among other things; is designed to lessen congestion on County roads, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to facilitate the adequate provisions of transportation, water supply, refuse disposal and other public requirements;

WHEREAS, the Board of Supervisors has given due public notice of hearing relating to such subdivision regulations, and has held such public hearing on Monday, November 20, 2017, in accordance with Mississippi law;

Supervisor _____ seconded the motion and upon vote the results were

Supervisor Steve Watson voted	_____
Supervisor Chad Coffey voted	_____
Supervisor Evan Denton voted	_____
Supervisor Randy Owen voted	_____
Supervisor Dave Kitchens voted	_____

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF SUPERVISORS OF UNION COUNTY, MISSISSIPPI ON THIS THE 20th DAY OF NOVEMBER, 2017, AS FOLLOWS:

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ARTICLE 1

GENERAL

Section 101 - Title

This ordinance shall be known as the Union County Portable Home Ordinance and may be so cited.

Section 102 - Purpose

The purpose of this Ordinance is to preserve and promote the public health, safety and general welfare of the inhabitants of Union County and to the public generally, and to encourage and facilitate the orderly growth and development of the County. The regulations set forth in this Ordinance shall be applicable within the unincorporated areas of Union County, with the exception of any property owned by any enterprise, corporation or entity engaged in a major capital project as the term "project" is defined in Mississippi Code Annotated Section 57-75-5(f) during the construction phase of said project.

Section 103 - Scope

- A. It shall be unlawful for any person being the owner, agent, individual, corporation or entity having control of any land within the unincorporated areas of Union County, Mississippi, with the exception of any property owned by any enterprise, corporation or entity engaged in a major capital project as the term "project" is defined in Mississippi Code Annotated Section 57-75-5(f) during the construction phase of said project, Mississippi, to locate or place a Portable home or homes on said property, as a temporary or permanent residence to be occupied by person(s), without adhering to the provisions set forth herein in this Portable Home Ordinance.
- B. Any area hereafter annexed to a city or town or incorporated as a City or Town, immediately upon annexation or incorporation shall be no longer subject to the Union County Subdivision Regulations, but shall conform to the Portable home regulations, if any, adopted by the City or Town.

Section 104 - Interpretation

In interpreting and applying this Ordinance, its provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not the intent of this Ordinance to interfere with, abrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of building or premises, and likewise not in conflict with this Ordinance; nor is it the intent of this Ordinance to interfere with, abrogate and annul any easement, covenant or

other agreements between parties except wherein the Ordinance imposes a greater restriction, this Ordinance shall control.

Section 105 - Severability

If any Section, sub-section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

Section 106 - Liability

This Ordinance shall not be constructed or construed as imposing upon Union County or the Board any liability or responsibility for damages to any person or property caused by defect in any piping or appliance or installation of any products. Nor shall Union County, the Board or any official employee of Union County be held as assuming any such liability or responsibility by means of the inspection authorized under this Ordinance.

Section 107 - Nonconforming Uses

The lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform to the provisions herein, may be continued. However, if such nonconforming use is discontinued for a period of thirty (30) days, the existing Portable home must then meet the provisions of this Ordinance.

ARTICLE 2

WORD INTERPRETATIONS AND DEFINITIONS

Section 201 - Word Interpretations

For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future, the singular number includes the plural, and the plural number includes the singular.

The word "shall" and "will" are mandatory; the word "may" is permissive.

The word "used" or "occupied" includes the words "intended", "designed" or "arranged" to be used or occupied.

The word “lot” shall mean a Portable home lot or space unless otherwise stated.

The word “utilities” shall mean to include electricity and/or natural gas services, water supply and sewage disposal.

Section 202 - Definitions

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

Accessory Building or Use: Any building or use which is subordinate or incidental to the main building or dominant use of the lot or process.

Board: The Union County Board of Supervisors, which is intended to be the governing body of this Ordinance.

Enforcement Officer: The enforcement officer shall be the appointed by the Board of Supervisors. In addition, the Mississippi State Health Department designated representative also shall be considered an enforcement officer for the purpose of enforcing all public health provisions of this Ordinance and other applicable health codes adopted by the State of Mississippi and/or Union County, Mississippi. Therefore, any reference to “Enforcement Officer” is intended to mean the appointed Enforcement Officer of Union County and/or, where applicable, the Mississippi State Health Department representative.

Family: Family means a social unit and includes a husband, wife, mother, father, step-mother, step-father, children, step-children, adopted children, grandchildren, siblings, in-laws and related individuals. The term “family” is intended to also mean “single-family”, and the terms may be used interchangeably.

HUD Code: The Manufactured Home Construction and Safety Standards, (24 CFR Section 3280, et seq.) promulgated by the Secretary of U.S. Department of Housing and Urban Development, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 (the HUD Code), is recognized herein as the standard of manufactured home construction, strength, durability, energy performance, fire resistance, installation and performance of plumbing and electrical systems which code shall not be preempted by any state or local building codes.

International Building Code (IBC): Is a model building code developed by the International Code Council (ICC).

Manufactured Home: A manufactured home means a structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.), and manufactured after June 14, 1976.

Pad: An elevated area of dirt, which is packed, and that is 10 inches in height in the center of the pad. The area shall extend at least 10 feet from the exterior walls of the portable home on every side of the portable home.

Portable Home: A building/structure which is built and/or constructed in part, or in whole, by a party other than the landowner. It is a building/structure which is used or is intended to be used as a place where a person resides temporarily and/or permanently. It is a building/structure which may be factory-built building/structure or may otherwise be a manufactured building/structure, and is transportable as a whole unit or in one or more sections prior to, or after, its placement at the intended location. It is a building/structure as defined herein regardless of whether it is or is not building according to the International Building Code. It is a building structure when erected on site, is four hundred and eighty (480) or more square feet, and that is intended to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein.

Portable Home Lot: A portable home lot is defined as an area of land or space where a single portable home is located. A portable home lot shall be a minimum of 0.5 acres.

Portable Home Lot Area: The total area including within the front, side and rear lot lines. The total area on which a single portable home lot is located shall be a minimum of one-half (1/2 or .5) of an acre or of such size, not less than one-half acre, as to provide for adequate sewage and waste disposal, subject to approval by the Enforcement Officer.

Portable Home Park: A portable home park is defined as an area of land owned or leased by an individual, partnership, or corporation which contains more than two (2) portable homes. It is likewise defined as two (2) or more parcels of land, whether contiguous or not, within 200 yards of each other which contain two (2) or less portable homes located on said lands.

Non-Conforming Use: A structure and/or land use lawfully occupied by a use that does not conform to the regulations at the time of the passage of this Ordinance or subsequent amendments.

Road: A public or private thoroughfare which affords the principal means of access to abutting property.

Special Exception: A special exception is a use that would not be appropriate generally or without restrictions but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity.

Structural Additions: Any roofed, canopied, enclosed porch and/or room or structure which is used in connection with a portable home. A concrete slab porch with no roof shall not be considered a structural addition.

Variance: A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to public interest and where, owing to conditions peculiar to the enforcement of the Ordinance would result in unnecessary and undue hardship. A variance shall not be granted because of the presence of nonconformities on adjacent properties.

ARTICLE 3

PORTABLE HOME RESIDENTIAL DWELLINGS

Section 301 – GENERAL REQUIREMENTS

- A. A single portable home may be located on property for the purpose of providing housing for a single family. Proof of property ownership in the form of a deed must be presented to the Enforcement Officer when applying for a permit. Said property must be of sufficient size to provide for adequate sewage and waste disposal, subject to approval by the Enforcement Officer, and in no case shall a portable home be located on property less than one-half (½) acre in area/size.
- B. A portable home shall be located at least 100 yards from the center line of any road.
- C. A portable home must be permitted pursuant to and abide by all provisions as set forth in the Union County Flood Management Ordinance.
- D. The axle, tongue and wheels, if any, on all portable homes which are bolted on shall be removed from portable homes used as permanent dwellings.
- E. To the extent applicable, portable homes shall meet the requirements established by the Manufactured Home Construction and Safety Standards Act of 1974 promulgated by the Secretary of the U. S. Department of Housing and Urban Development in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974.
- F. To the extent applicable, every portable home shall be installed in accordance with the manufacturer's installation manual or, at a minimum, the Uniform Standard Code for Factory Manufactured Homes Act.
- G. T the extent applicable, every portable home shall meet the requirements established by the International Building Code.
- H. Every portable home shall have tie downs or other services securing the stability of the portable home.
- I. Each portable home shall be skirted on all sides.

- J. Steps and/or landings are required for portable homes at all doors.
- K. A portable home must have a minimum of four hundred and eighty (480) square feet enclosed by the interior walls and roof and floor.
- L. Every portable home must comply with the applicable rules and regulations of the Manufactured Home Inspection Division of the Mississippi State Fire Marshall's Office.
- M. Every portable home shall have a minimum of two (2) exits for fire safety purposes. The location and dimensions and specifications shall be in compliance with the State Fire codes existing at the time at portable home permit is applied for by a person or entity.
- N. Every portable home shall be placed on a pad.
- O. Every portable home must have electricity, water, sewage and waste disposal and HVAC. For electrical service, water service, sewage and HVAC, an adequate plan for the proper installation and use shall be approved by the Enforcement Office of Union County prior to the issuance of a permit.

Section 302 – PERMITS REQUIRED

It shall be unlawful to locate a portable home in Union County without first obtaining a permit. Application for such permit shall be obtained from the Enforcement Officer for Union County. The permit fee shall be \$50.00.

In addition, all portable homes and lots shall not be located in a flood plain and must be permitted pursuant to and abide by all provisions as set forth in the Union County Flood Management Ordinance.

Section 303 – SEWAGE DISPOSAL

The property owner must first obtain a permit or letter of intent from the Mississippi Department of Health regarding proper sewage and waste disposal before locating a portable home on property.

An adequate plan for the proper and sanitary disposal of sewage and waste to the Enforcement Officer of Union County must be provided prior to the issuance of a permit from the Enforcement Officer of Union County.

Section 304 – WATER SUPPLY

A safe, adequate and conveniently located water supply shall be provided for each portable home site. No water supply either from a community water system or private well shall be installed or used until the owner of the portable home has obtained a permit from Union County.

ARTICLE 4

PORTABLE HOME PARKS

Section 401 – GENERAL PROHIBITION

- A. There shall be no portable home parks. Meaning, that no individual, partnership, corporation or entity shall have more than two (2) portable homes located on one or more tracts of land regardless of whether said tracts of land are owned, leased or optioned by the individual, partnership, corporation or entity, that are located within 200 yards of each other. Furthermore, there shall not be more than two (2) portable homes, whether owned by the same individual, partnership, corporation or entity or another individual, partnership, corporation or entity located within 200 yards of another portable home.

ARTICLE 5

ADMINISTRATION AND ENFORCEMENT

Section 501 - ENFORCEMENT OFFICER

The provisions of this Ordinance shall be administered and enforced by the Enforcement Office for Union County, Mississippi, his/her assigns and successors. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections necessary in carrying out his/her duties in the enforcement of this Ordinance.

Section 502 - BOARD OF SUPERVISORS

The Union County Board of Supervisors shall have the final authority to approve, deny, modify, or otherwise change applications for amendments, appeals, variances, special exceptions and any other provisions of this Ordinance, except that the Board may accept the recommendations of the Enforcement Officer.

Section 503 - APPEALS

Should any party be aggrieved by the decision of the Enforcement Officer in its proceedings as provided, such party may appeal the decision by giving written notice within fifteen (15) days

from the date of such decision and the appeal shall be heard by the Union County Board of Supervisors. Appeals shall be submitted directly to the Board through the clerk of the Board, and any appeal shall contain a copy of the original application for permit which is being appealed, a statement of the reason for appeal any other information or documentation as the appellant may deem relevant to the appeal. The Board may request, and the appellant shall provide, any additional information or documentation the Board believes would aid in its decision.

An appeal from any action, decision, ruling, judgment or order of the Union County Board of Supervisors may be taken by any person or persons, jointly or separately, to the Circuit Court of Union County and pursuant the applicable laws of the State of Mississippi relevant to appeals from a Board of Supervisors.

Section 504 – SPECIAL EXCEPTIONS

The Board of Supervisors is empowered to hear and decide special exceptions authorized in this Ordinance to decide such questions and to grant special exceptions when such conditions and safeguards are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted unless and until a written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is required.

A written notice of public hearing will be provided by the Enforcement Officer to all property owners within 1,000 feet of the subject property, or to the property owners in the vicinity which in the opinion of the Enforcement Officer are significantly affected by the application.

The Board of Supervisors shall make written findings certifying compliance or noncompliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangement have or have not been made concerning the following, where applicable:

- A. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety, convenience, traffic flow and access in case of fire or catastrophe is adequate.
- B. The character of the neighborhood is not adversely affected.
- C. Refuse and service areas have been provided.
- D. Utilities with reference to locations, availability, and compatibility.
- E. Screening and buffering with reference to type, dimensions, and character.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with properties in the area.

G. Required other open space areas.

Every exemption authorized hereunder shall not be personal to the applicant but shall be transferable and shall run with the land so long as the conditions under which the exception was granted continues. In granting the special exception, the Board may prescribe appropriate conditions and safeguards, when made a part of the terms under which special exception is granted, shall be deemed a violation of this Ordinance and punishable as provided. The Board shall prescribe a time limit within which the action for the special exception shall be begun, completed or both. Failure to begin complete, or both, such action within the time limit set shall void the special exception.

Section 505 – VARIANCES

The Board of Supervisors is empowered to hear and grant variances where the strict application of this Ordinance would result in peculiar and exceptional hardship upon the property owner. A variance from the terms of this Ordinance shall not be granted unless and until a written application for a variance is submitted demonstrating that special conditions and circumstances exist which are peculiar to the land involved and which is not applicable to other lands and that the liberal interpretation of the provisions of this Ordinance would deprive the applicant rights under the terms of this Ordinance commonly enjoyed by other property owners in the County.

A variance shall not be granted because of special conditions and circumstances resulting from the actions of the applicant. Granting of a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or portable homes in Union County. No non-conforming use of neighboring lands or portable homes, and no permitted or non-conforming use of lands or portable homes in the County shall be considered grounds for the issuance of a variance.

A written notice of public hearing shall be provided by the Enforcement Officer to all property owners within 1,000 feet of the subject property, or to the property owners in the vicinity in the opinion of the Enforcement Officer and significantly affected by the application.

The Board of Supervisors shall make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum that will make possible the reasonable use of the land for a Portable home or Portable home park and the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting a variance the Board of Supervisors may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

Section 506 – FEES

All persons are required to pay fees for the issuance of permits, certificates of compliance and the processing of appeals and other matters pertaining to this Ordinance according to the following schedule:

Portable Home Permit Fee.	\$ 50.00
Special Exceptions.	\$ 100.00
Variance	\$ 100.00

In addition to the listed fees, the applicants shall be required to pay all costs relating to the publication of all necessary legal notices.

The amounts set forth in the fee schedule shall be determined by the Board of Supervisors and they shall have the sole right to alter or amend the schedule. No action or proceedings shall be taken on any application until all applicable fees, charges, and expenses have been paid in full. No person other than the Union County Board of Supervisors or a duly delegated representative shall collect or accept any monies or other fees in related matters for which a proper receipt shall be issued. No fees or other monies paid in conjunction with portable home related matters shall be refunded.

Section 507 – ENFORCEMENT

In case of any violation of this Ordinance, the Enforcement Officer, in addition to other remedies, may institute any appropriate action or proceedings in the name of Union County, Mississippi to enforce the terms, conditions and provisions of this ordinance or abate such violation to prevent occupancy and to prevent any illegal act, conduct or use in or about subject premises. All such legal actions instituted to enforce the terms, conditions and provisions of this ordinance or abate such violation to prevent occupancy and to prevent any illegal act, conduct or use in or about subject premises shall be filed in the Chancery Court of Union County, Mississippi. In the event a legal action is filed in the name of Union County, Mississippi, and/or should the Chancery Court of Union County grant a judgment in favor of Union County, Mississippi, the individual, partnership, corporation or entity whom judgment is granted against shall be responsible for all attorneys fees, costs and expenses expended by Union County, Mississippi in said legal action.

Section 508 – PENALTIES FOR VIOLATION

Any person, firm or corporation who shall knowingly and willfully violate the terms, conditions or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

Any person, firm or corporation who shall violate the terms, conditions or provisions of this Ordinance and who shall remain in violation following notice by the Enforcement Officer and, if filed by the aggrieved party, exhaustion of appeals to the Union County Board of Supervisors, Union County Circuit Court and Supreme Court of Mississippi or Court of Appeals of Mississippi, may be assessed with the costs of removal of the non-compliant portable home from his/her/its property if so ordered by the Union County Chancery Court.

Section 509 – EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty (30) days from and after its passage and adoption.

Adopted by the Union County Board of Supervisors this the ____ day of

_____, 2017.

President

ATTESTED TO:

Clerk of Board of Supervisors