

MOBILE AND MANUFACTURED HOUSING ORDINANCE

**Barnwell County,
South Carolina**



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

**Revised by the Planning Commission
January 2016**

BARNWELL COUNTY
MOBILE AND MANUFACTURED HOME ORDINANCE

ARTICLE 1 - TITLE AND AUTHORITY

These regulations shall be known as the Mobile and Manufactured Home Ordinance of Barnwell County, South Carolina. Pursuant to the provisions Title 6, 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 Barnwell County Council hereby adopts and enacts into law the Barnwell County Mobile and Manufactured Housing Ordinance hereby effective upon third reading.

ARTICLE 2 - JURISDICTION

This Ordinance shall apply within the unincorporated areas of Barnwell 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 mobile home parks to be parked, located placed maintained or used for business, living or other purposed on any street, alley, park, county property or private property within the boundaries of Barnwell County, South Carolina, except in conformance with these regulations.

ARTICLE 3 - PURPOSE

The purpose of this Ordinance is to establish rules and regulations for the location and installation of mobile and manufactured homes in Barnwell 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 Barnwell County. Specifically, this Ordinance establishes design, structural and location standards in the unincorporated areas of Barnwell County.

ARTICLE 4 - EXCEPTIONS

It shall be unlawful for any person to cause or allow any mobile or manufactured home or travel trailer located in individual location 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 Barnwell County except in conformance with these regulations, with the following exceptions:

1. A manufactured home intended for use as a storage facility (not to be occupied by any person more than one (1) hour per day and not intended for office, dwelling or sleeping purposes).

2. 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 a certificate of occupancy from the designated agent of the County.
3. 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.
4. In the event of a disaster, manufactured homes or travel trailers placed in Barnwell 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 unless approved by the Emergency Management Director and the Building Inspector. Similarly, in the event of such disaster, manufactured homes or travel trailers used for medical relief shall be exempt from the provisions of this Ordinance.
5. Unoccupied manufactured homes that are principally for sale or resale and not presently used as a business office on a manufactured home dealership lot are exempt from these regulations.
6. Manufactured homes or travel trailers incidental to building construction or land development are exempt from the provisions of this Ordinance providing a temporary use permit is obtained in compliance with Section 3-107 of the Barnwell County Zoning Ordinance.
7. 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 - 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 5.2 - Building

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

Section 5.3 - 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 purposes in the County.

Section 5.4 - Conditional Use

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

Section 5.5 - District

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

Section 5.6 - Installation Permit

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

Section 5.7 - 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 Barnwell County.

Section 5.8 - Manufactured Home

A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to S.C. Code Section 40-29-70, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (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 5.9 - Manufactured Home Park

A lot providing rented parking space for five (5) or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.

Section 5.10 - 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 S.C. 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 chassis, 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.

Section 5.11 - Modular Building

A structure consisting of two (2) or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the International Residential Code as conforming to International Residential Code or the Manufactures' installation instructions for site built units. A mobile home, house trailer, or manufactured home is not a modular building.

Section 5.12 - 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 5.13 - Occupancy Permit

A permit issued by Barnwell County authorizing the occupancy of a mobile home in Barnwell County as a residential dwelling.

Section 5.14 - Permitting Agent

A person authorized, such as the Building Inspector or Designee, by Barnwell County to enforce this Ordinance and to issue the required permits,

Section 5.15 - Principal Structure or Use

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

Section 5.16 - Special Exception

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

Section 5.17 - 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 5.18 - 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 5.19 - 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 5.20 - 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 5.21 - Yard

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

Section 5.22 - Yard, front

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

Section 5.23 - Yard, rear

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

Section 5.24 - 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 mobile home for the first time or to move from one site to another within the unincorporated area of Barnwell County must obtain installation and occupancy permits from the Barnwell County Permitting Agent.

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.

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

1. A copy of a mobile home license from Barnwell County pursuant to the requirement of S.C. 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.
4. Dimensions and topographic 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.

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 Barnwell 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 Barnwell County shall meet the minimum construction standards of the U.S. Department of Housing And Urban Development, the Standard Building Code or otherwise comply with the Uniform Standards Code for Manufactured Housing Act (S.C. Code Section 40-29-10, et seq.).

Section 6.5 - Location

Manufactured homes meeting the construction standards set forth in Section 5.1 of this Ordinance shall be permitted to locate in those areas of Barnwell County which are zoned for such use pursuant to the Barnwell County Zoning Ordinance and are so delineated on the Official Map of Barnwell County.

Section 6.6 - 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 6.7 - 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 spaced no farther apart than eight (8) feet on each frame rail. Manufactured load-bearing supports or devices shall be listed or approved for the use intended, or piers shall be constructed as described in subsections two (2) through seven (7) below.
2. Lay one (1) 4x16x16 solid block or two (2) solid cap 4x8x16 blocks side by side parallel with the trailer, to serve as a footing.
3. Piers shall be constructed of open or closed cell 8"x8"x16" block, laid with the cells vertically placed on the footing.

4. Piers shall be double blocked with blocks interlocked and capped with a solid 4x16x16 or equivalent.
5. Piers over eighty (80) inches in height shall be constructed as above and shall be laid in concrete mortar and steel reinforcing bars inserted in block cells with the block cells filled with concrete.
6. Two (2) inch or four (4) inch solid concrete blocks or pressure treated wood may be used to fill the remainder of any gap between the pier and the main frame. Wedges should be at least four (4) inches wide and six (6) inches long and shall be fitted and driven tight between the last solid block and main frame.
7. Blocks must be located along the full length of the frame, spaced no more than eight (8) feet apart, and not more than five (5) feet from the ends of the mobile or manufactured home.

Section 6.8 - Installation Requirements

- A. The home must be properly installed per Manufacturer's Installation manual. In the event that the Manual is not provided, the home must be installed according to Chapter 79.42b, Manufactured Home Minimum Installation, as promulgated by the S.C. Manufactured Housing Board.
- B. Skirting or a curtain wall, unpierced except for required ventilation and access door must be installed and may consist of brick, masonry, vinyl, or similar materials compatible with the exterior sheathing, designed and manufactured for permanent outdoor installation.
- C. Permanent landing and steps with handrails are required at each exterior doorway in conformance with Barnwell County Building Codes. All steps, landings and handrails shall be inspected and approved by the inspector for compliance with the following requirements:
 1. Steps shall be a minimum of thirty-six (36) inches in clear width.
 2. The maximum riser height shall be seven and three-quarter ($7\frac{3}{4}$) inches, and the minimum tread depth shall be ten (10) inches. There shall be no difference between any tread depth or rider height greater than three-eighths ($\frac{3}{8}$) of an inch.
 3. As a minimum, a 4' x 4' landing shall be required on the outside of each exterior door.
 4. Porches, landings, decks, or raised floor surfaces more than thirty (30) inches above the ground must have a guardrail no less than thirty-six (36) inches high.

Open sides of steps with a total rise of more than thirty (30) inches above the ground shall have handrails no less than thirty-four (34) inches high from the nose of the tread.

5. Required guardrails and handrails must have intermediate rails (pickets) spaced at no more than four (4) inches apart.

Section 6.9 - Tiedowns

All mobile and manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing frame ties and/or supplemental strap ties as installed by the manufacturer to ground anchors. Mobile and manufactured homes must be tied down with anchors spaced no more than twelve (12) feet apart, in conformance with S.C. Manufactured Home and Installation Guides. Any additions to the home shall be similarly anchored. These requirements shall be in addition to and consistent with applicable state and local requirements for resisting wind forces.

Section 6.10 - Power and Occupancy Permit Required

Upon completion of all requirements set forth in this Ordinance regarding the installation of the Mobile Home on the site, a second site inspection shall be made by the Permitting Agent to confirm completion and compliance prior to issuance of a Power and Occupancy Permit.

Section 6.11 - Utility Connection

Pursuant to the provisions of S.C. Code Section 31-1-40, no supplier of electricity may connect electrical power to a manufactured home in Barnwell County unless the owner of the home presents to the supplier of electricity a Power Authorization Certificate issued by the Barnwell County Building Inspector. Nor shall any provider of water, sewer or other utilities in Barnwell County provide utilities or services without receipt of a copy of the required Power Authorization Certificate. Any person violating this provision is guilty of a misdemeanor and, if prosecuted and convicted, must be fined not more than five hundred (\$500) dollars for each offense pursuant to the provisions of S.C. Code Section 31-1-50.

ARTICLE 7 - ADMINISTRATION, ENFORCEMENT AND PENALTIES

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

Section 7.1 - Installation Permit

The Building Inspector 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 7.2 - Fees

In addition to the fee of five (\$5) dollars, charged for a license required by S.C. Code Section 31-17-320, et seq., at the time of the application the Permitting Agent shall also require the payment of an Inspection Fee in the amount of seventy-five (\$75) dollars or the rate most recently approved by Barnwell County Council to the County Treasurer for inspections necessary to determine compliance with all relevant codes and ordinances of Barnwell County. In the event that the County Building Inspector must visit the site more than two (2) times due to inspection failure, an additional Inspection Fee in the amount of fifty-five (\$55) dollars or the rate most recently approved by Barnwell County Council will be assessed prior to a third visit.

ARTICLE 8 - PROCESS FOR APPEALS

Section 8.1 - Appeal of Decision of Building Inspector

Any person aggrieved by a decision of the Building Inspector may appeal that decision to the Building Code Appeals Board in writing on a form provided by the Building Inspector within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Building Inspector 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 8.2 - Variances

An owner or authorized agent may appeal to the Building Code Appeals 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.

The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed structure or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

Section 8.3 - Special Exceptions

An owner or authorized agent may appeal to the board on a form provided by the Building Inspector 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.

Section 8.4 - Fees for Appeals to Board

A fee of one hundred and fifty (\$150) dollars shall be paid for each appeal to the Building Code Appeals Board from a decision of the Building Inspector, for a variance or special exception.

Section 8.5 - Appeal to Circuit Court

A person having a substantial interest in a decision of the Building Code of Appeals Board, or an officer of the County authorized by County Council, may appeal to circuit court by petition for 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, Building Inspector or secretary of the board, with assistance of the County Attorney, shall file with the Clerk of Court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

ARTICLE 9 - 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 of not more than two hundred (\$200) dollars, or imprisonment for not more than thirty (30) days, or both for each violation.

ARTICLE 10 - LICENSE, LICENSE DECAL, MOVING PERMITS AND ANNUAL TAX DECAL

Section 10.1 - License Required for Mobile Home

Within fifteen (15) days of bringing a mobile home into Barnwell 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 County Assessor's Office.

Section 10.2 - Exceptions

No such license shall be required with respect to mobile homes held by dealers for resale, nor shall this article be applicable to travel trailers licensed by the S.C. Department of Motor Vehicles.

Section 10.3 - Period of Validity of License; Decal; License Fee

A mobile home license issued by the County Assessor's Office shall be valid until title to such mobile home is transferred to a new owner or until the mobile 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 S.C. Department of Revenue and shall be displayed on the mobile home so as to be clearly and readily visible from the outside. The fee for a mobile home license shall be five (\$5) dollars, unless an inspection is required whereupon an additional inspection fee of seventy-five (\$75.00) dollars or the rate most recently approved by Barnwell County Council dollars must be paid. The fee shall be collected by the Permitting Agent issuing the license and shall be paid into the general fund of the County.

Section 10.4 - New License Required Upon Transfer

If the title to a mobile home is transferred to a new owner, the new owner or his agent shall within fifteen (15) days after the date of such transfer, obtain a new license from the County Assessor's Office.

Section 10.5 - Moving Permit; Certificate Concerning Taxes; Notice to Electric Supplier

If the mobile home is to be relocated, the owner shall, prior to relocation, obtain a moving permit from the County Assessor's Office. Before issuing a moving permit, the County Assessor's Office shall require a certificate from the County Treasurer that there are no unpaid taxes due on the mobile home. If the mobile 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 County Assessor shall provide the County Auditor with an assessment and the County Auditor shall apply the previous year's millage. The County Treasurer shall collect such taxes before issuing the requisite certificate to the County Assessor's Office.

The County Assessor's Office shall promptly notify the present electric supplier that a permit has been issued. The permit required by this section is not required of mobile home dealers when they are moving a mobile home from their sales lot to a customer's lot, but the mobile home dealer is not relieved from obtaining any permit required from the S.C. Department of Motor Vehicles for the relocation.

Section 10.6 - Permit Shall Accompany Home During Move; Regulations; Responsibility for Displaying Permit

The moving permit shall accompany the manufactured or mobile home while it is being moved. The moving permit shall be designed and displayed in accordance with regulations issued by the S.C. 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 10.7 - 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 (15) 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 S.C. Code Section 31-17-320. The County Assessor's Office 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 S.C. Department of Motor Vehicles.

Section 10.8 - 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 (10) days of issuance.

Section 10.9 - Submission to County Auditor of Copy of Application for Title on Mobile or Manufactured Home; Penalties for Noncompliance

Along with the submission of an application for a certificate of title on a mobile or manufactured home as required by S.C. Code Section 56-19-240, the person submitting the application shall provide to the County Auditor a copy of the completed application submitted to the S.C. Department of Motor Vehicles. It is unlawful for a person applying for a title for a mobile or manufactured home to fail to provide a copy of the application to the County Auditor. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction, may be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or imprisonment for not more than thirty (30) 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 provisions(s) and regulation(s) imposed by the ordinance are the greatest or most restrictive, this Ordinance shall govern. When the provision(s) or regulations 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.

ARTICLE 13 - ADOPTION

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