

AN ORDINANCE TO REVISE THE STANDARDS FOR INSTALLATION OF PRE-OWNED
MANUFACTURED HOMES

WHEREAS, the General Assembly of the State of Georgia has declared that no county shall impose any health or safety standards or conditions based upon the age of a manufactured home;

WHEREAS, under authority of the Constitution of the State of Georgia and O.C.G.A. § 8-2-160 *et seq.*, a county may establish standards, conditions, and an inspection program for pre-owned manufactured homes which are relocated; and

WHEREAS, promotion and maintenance of property values within the jurisdiction and the health and general welfare of the citizens of Oconee County are furthered when standards for the condition of structures, including pre-owned manufactured homes, are established and enforced.

NOW, THEREFORE, BE IT RESOLVED by the Oconee County Board of Commissioners that all manufactured homes relocated to or within the jurisdiction, shall comply with the provisions of this Ordinance.

Section 1. Definitions. The following words, terms, or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section.

- (a) *Applicant* means any person seeking to install a pre-owned manufactured home in the unincorporated area of Oconee County.
- (b) *Code Enforcement Officer* means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the county building official or any of his or her assistants.
- (c) *Certificate of occupancy* means a document issued by the Code Enforcement Officer certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.
- (d) *Guarantee of Condition Bond* means a surety bond to guarantee that the affidavit and photographs required by paragraphs (1) and (2) of subsection (a) of Section 3 of this ordinance reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the County.
- (e) *Install* means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

- (f) *Jurisdiction* means the unincorporated areas of Oconee County, Georgia.
- (g) *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 therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.*
- (h) *Pre-owned manufactured home* means any manufactured home that has been previously used as a residential dwelling and has been titled.

Section 2. Conditions. All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.* (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, *et seq.*

Section 3. Permitting, Inspection, Certificate of Occupancy and Fees. A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

- (a) Permit. To obtain a permit, Applicants shall provide to the Code Enforcement Officer:
 - (1) An affidavit, in an approved form, signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;
 - (2) A reasonably complete set of photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 4 of this ordinance;
 - (3) A \$250.00 refundable guarantee of condition bond or \$250.00 refundable cash deposit; and
 - (4) The permit and inspection fee required by subsection (d) of this Section.
- (b) Inspection. Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicants shall arrange for all required inspections.
- (c) Certificate of Occupancy. A certificate of occupancy shall be issued to the Applicant at such time that the Code Enforcement Officer certifies that the requirements of this ordinance have been met.
- (d) Fee. A permit and inspection fee of fourteen cents per square foot shall be charged to the applicant to cover the cost to the County to process the permit application and inspect the pre-owned manufactured home. The applicant may also be charged a like fee for each follow-up inspection that may be necessary.

- (e) Alternative Inspection. At the request of the Applicant, the Code Enforcement Officer may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the county.
- (f) Permit issuance and appeals. Upon submission of the matters required herein and compliance with the provisions of this ordinance, the Code Enforcement Officer shall issue the permit allowing the location of a pre-owned manufactured home within the unincorporated portion of the County. Failure of the Code Enforcement Officer to act to either grant or deny the permit within 30 days of the completed submission shall constitute a denial of the permit. Any denial of a permit may be appealed by the applicant under the provisions of Article 13 of the Unified Development Code of Oconee County.

Section 4. Minimum Health and Safety Standards. All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the Code Enforcement Officer:

- (a) HUD Code: Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
- (b) Interior Condition. Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
- (c) Exterior Condition. The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- (d) Sanitary Facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.
- (e) Heating Systems. Heating shall be safe and in working condition. Un-vented gas heaters shall be prohibited.
- (f) Electrical Systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered

with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded.

- (g) Hot Water Supply. Each home shall contain a water heater in safe and working condition.
- (h) Egress Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.
- (i) Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.
- (j) Smoke Detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

Section 5. Enforcement and Violations.

- (a) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.
- (b) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the Code Enforcement Officer.
- (c) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense according to law. Each day such violation continues shall constitute a separate offense.

Section 7. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Done this 7th day of September, 2010.

OCONEE COUNTY BOARD OF COMMISSIONERS