Manufactured Homes

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF FRANKLIN COUNTY, GEORGIA; CHAPTER 26, ENTITLED "MANUFACTURED HOMES AND TRAILERS," TO REVISE THE STANDARDS FOR INSTALLATION OF MANUFACTURED HOMES.

The PURPOSE of this article is to set forth requirements for the placement of manufactured homes in the county, including requirements for building permits, septic tank permits, relocation permits, and annual location permits, and for other purposes.

NOW, THEREFORE, BE IT RESOLVED by the Franklin County Board of Commissioners that all manufactured homes relocated to or within the unincorporated area of Franklin County shall comply with the provisions of this Ordinance. Therefore, Chapter 26 of the Franklin County Code shall be deleted in its entirety and replaced with the following.

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 new or pre-owned manufactured home in the unincorporated area of Franklin County.

(b) *Building Official* 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) *Class A, B, C, or D Recreational Vehicle* means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, vacation and recreational purposes, and shall have current motor vehicle tags as required by state law.

(d) *County Marshal* means the person appointed, employed, or otherwise designated to enforce the ordinances of 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 Franklin 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) *Manufactured Storage Structure* means any pre-fabricated structure that is designed for the purpose of storage and not for habitation; includes any structure such as a shipping container or pre-fabricated building that does not satisfy the appropriate codes for a residence. Manufactured storage structures are not permitted for occupancy.

(i) *Mobile home* means a mobile home or a manufactured home as such terms are defined in the act known as "The Uniform Standards Code for Manufactured Homes Act," (O.C.G.A. § 8-2-130 et seq.).

(i) *Pre-owned manufactured home* means any manufactured home that has been previously used as a residential dwelling and has been titled.

(j) *Qualified Inspector* means a person inspecting for compliance with the provisions of this Ordinance who holds certification as set forth in O.C.G.A. § 8-2-26.1.

Section 2. Conditions. All manufactured homes located in the jurisdiction shall bear a label certifying it to have been 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*. Every mobile home located anywhere in the county on January 1 is subject to ad valorem taxation by the taxing jurisdiction authorized to impose an ad valorem tax on the property. Taxes shall be charged against the owner of the property, if known, and against the specific property itself, if the owner is not known.

Section 3. Permitting, Inspection and Fees. A relocation permit shall be required to place, install, locate, or relocate a manufactured home in the jurisdiction. No relocation permit may be obtained until the building, septic tank, and annual location permits have been issued. Building permits are obtained at the board of commissioners' office. Septic tank permits are obtained at the health department. Relocation permits and annual location permits are obtained at the tax commissioner's office.

(a) Building Permit. To obtain a building permit, an Applicant shall provide to the building official:

(1) Septic Tank Permit from the Franklin County Board of Health;
(2) Recorded plat of the property and a description of exact location contemplated for the placement of the manufactured home;
(3) Physical address of the property;
(4) For new manufactured homes, make, model and size of manufactured home.
(5) For pre-owned manufactured homes, an Inspection Report from a Qualified Inspector as that term is defined in O.C.G.A. § 8-2-26.1 stating that the home meets the Minimum Health and Safety Standards as outlined in Section 4. The Applicant shall be solely responsible for the payment of any charges for the services of the Qualified Inspector, and any such fees shall be in addition to the Permit Application Fee required to be paid to the County pursuant to this Ordinance; and
(6) The Permit Application Fee required by subsection (d) of this Section.

(b) Annual Location Permit. Each year every owner of a manufactured home subject to taxation under Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated shall on or before May 1 and at the time of returning such manufactured home for taxation, pay all taxes due to the tax commissioner on such manufactured home and obtain a manufactured home annual location permit.

The tax commissioner shall not issue such annual location permit until all outstanding taxes due on the manufactured home, including delinquent taxes, interest and penalties are paid.

The tax commissioner shall give the taxpayer a decal as evidence of the payment of all outstanding taxes and the issuance of a manufactured home annual location permit.

The manufactured home decal shall be in the color and form prescribed each year by the state revenue commissioner and shall reflect the calendar year for which the permit is issued.

The manufactured home decal shall be attached to the manufactured home of the owner immediately after receiving it from the tax commissioner. The decal shall be prominently displayed on the manufactured home in a window facing the driveway which makes it clearly visible to county officials that come on the premises to inspect the manufactured home.

Any person acquiring a manufactured home after January 1 of each year shall obtain from the tax commissioner a manufactured home annual location permit by May 1 or within 45 days of acquisition, whichever occurs later, upon satisfactory evidence that all outstanding taxes due on the manufactured home, including delinquent taxes, interest and penalties, if any, have been paid.

Each year every owner of a manufactured home situated in this county on January 1 which is not subject to taxation under Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, by virtue of its qualifying the owner for a homestead exemption or if acquired from a dealer after January 1, shall nevertheless obtain a manufactured home decal from the tax commissioner by May 1, or within 45 days of acquisition, whichever occurs later. The decal shall be displayed as provided in this ordinance.

Violation of this section shall be punishable as set forth in Section 6(b) below.

(c) Relocation Permit. No person shall move a manufactured home within the jurisdiction or into the county for location within the jurisdiction, or a manufactured home out of the county whose location has been in the jurisdiction without first obtaining a relocation permit from the tax commissioner. No relocation permit shall be issued unless the applicant provides the location to which the manufactured home is to be moved. To obtain a relocation permit, an Applicant shall provide to the tax commissioner:

(1) Building Permit from the Franklin County building official (for homes that are to be located in Franklin County);
(2) Proof that all state and county taxes theretofore accruing and payable with respect to the manufactured home have been paid.

Any person who has made application for the relocation of a manufactured home and whose application meets the requirements of this article shall be issued a relocation permit and a relocation decal at no charge. The decal issued with the relocation permit shall be red in color and shall be affixed to the manufactured home at all times the manufactured home is being transported within the county. The decal shall be designed in such manner and affixed to the manufactured home in such manner as to cause it to be easily visible for inspection. It shall be unlawful for any person to move or transport any manufactured home which does not have attached and displayed thereon the required relocation decal and manufactured home decal from the tax commissioner.

Violation of this section shall be punishable as set forth in Section 6(c) below.

(d) Initial Inspection. Upon receipt of a Relocation Permit, the Applicant may relocate the manufactured home on a residential site for the purposes of initial inspection by the County Marshal. The Applicant shall arrange for an initial inspection by the County Marshal once the setup of the manufactured home is complete. Setup shall be complete and the initial inspection conducted within 60 days from receipt of the relocation permit. The County Marshal shall verify that the home satisfies the minimum building setbacks, the tie downs and piers are installed in accordance with state regulations, and the septic system has been installed, approved by the Health Department and connected to the

home. If for any reason the Marshal has reason to believe that the home does not meet the minimum health and safety standards as identified in Section 4, the Applicant must provide satisfactory proof that the home meets these standards. Upon satisfaction of all items in the initial inspection, the county will notify the electric utility provider that the manufactured home is approved for electric service. Electricity will not be connected to the manufactured home until approval of the initial inspection has been obtained from the County Marshal.

(e) Final Inspection. Within 30 days of the initial inspection, a final inspection will be conducted to verify that the required skirting, steps, landings, handrails, and guardrails are properly installed. The following is required:

(1) Each manufactured home shall have prefabricated or permanent stairs with a landing constructed of pressure treated lumber, masonry or metal sufficient to provide ingress and egress from two exterior doors of the manufactured home. Loose, stacked steps are strictly prohibited. Landings shall be a minimum of 3'x3'. If over 30" from ground level, handrails and guardrails are required.

(2) A curtain wall made of manufactured home skirting material, masonry construction or other materials manufactured for such purpose must enclose the entire foundation.

(f) Fee. A Building Permit Application Fee as set by the Board of Commissioners shall be charged to the Applicant to cover the cost to the County to process the building permit application and to administer the inspection program for the manufactured home and the issuance of a Certificate of Occupancy upon satisfaction of all conditions precedent thereto pursuant to this Ordinance.

Section 4. Minimum Health and Safety Standards. All pre-owned manufactured homes shall comply with the following before being issued a building permit by the building official:

(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 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. Each pre-owned manufactured home shall contain a water heater in safe and working order.

(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.

(a) It shall be the duty of the tax commissioner, the county marshal, the county sheriff and deputies and the building official to enforce the provisions of this article. Upon information constituting probable cause made known to any person authorized to enforce the provisions of this article that a violation has occurred, a citation and summons may be issued to the alleged violator requiring him to appear before the magistrate court of the county on a day and time certain, to answer the charge contained therein.

(b) Permanent connection to utilities shall not be approved until the building official has approved the initial inspection.

(c) Owners of manufactured homes that are not in compliance within ninety (90) days from the date of the Relocation Permit shall have their permit immediately revoked and shall be ordered to appear before the Magistrate Court. Owners of homes that are found to be

not in compliance shall be required to remove the home from the jurisdiction at their own expense.

(d) Any person, firm, corporation, or other entity who does any act prohibited by this article, or who fails to discharge any duty imposed by this article, shall be guilty of a violation of a county ordinance, amenable to the process of the magistrate court of the county, and, upon conviction, shall be punished as provided in section 6.

Section 6. Penalties

(a) Failure to remove a manufactured home from the jurisdiction upon failure to satisfy all requirements of this article of occupancy within the time period prescribed by this Ordinance shall be punishable by a fine of $1,000.00 and/or up to but no more than 60 days incarceration in the Franklin County Detention Center. Each day any violation under this ordinance continues shall be considered a separate offense.

(b) Any person who fails to attach and display the manufactured home decal shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $25.00 nor more than $200.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a summons, the fine shall be $25.00.

(c) Any person who moves or transports any manufactured home which is required to and does not have attached and displayed thereon the required decals shall be guilty of a misdemeanor and shall be punished by a fine of not less than $200.00 nor more than $1,000.00 or by imprisonment for not more than 12 months, or both.

Section 7. Conflicting Ordinances Repealed

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

Section 8. Effective Date

This Ordinance shall become effective on September 1, 2014.

Section 9. Severability

If any of the provisions of this Ordinance or parts thereof shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any other provision or part of this Ordinance.

Section 10. Code of Franklin County

It is the intention of the Franklin County Board of Commissioners and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Franklin County, Georgia.

BE IT FURTHER RESOLVED that this Ordinance shall become effective on 1 SEPTEMBER 2014.

BE IT RESOLVED this 7 day of June, 2014.

FRANKLIN COUNTY, GEORGIA

(SEAL)

By: J. Thomas Brueger

ATTEST:

By: Elaine H. Evans