

## ARTICLE II. MOBILE HOMES/MANUFACTURED HOMES

### Sec. 78-31. Jurisdiction and authority.

This article shall govern the use and operation of all mobile home/manufactured homes on single lots or within parks used for permanent residential occupancy in the unincorporated areas of the county. It is the intent of this article to empower the planning commission, the health department, and the building inspections department to review the development of mobile home/manufactured home sites and mobile home/manufactured home parks within the unincorporated areas of the county for the purposes stated in this article.

(Ord. of 3-27-2003(2), § 1)

### Sec. 78-32. Purpose.

This article is being promulgated to protect the health, safety and general welfare of the citizens of the county. The county recognizes that mobile home/manufactured housing meets the needs of many county residents for affordable housing and is compatible with site-built housing if developed in accordance with comparable standards.

(Ord. of 3-27-2003(2), § 2; Res. No. 05-30, § 1, 2-24-2005)

### Sec. 78-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means any person seeking to install a pre-owned manufactured home in the unincorporated area of Gilmer County.

*Approved mobile home/manufactured home space* means any lot or parcel of land designed and designated for the location of one mobile home/manufactured home, its accessory buildings or structures, and accessory equipment for exclusive use of the home meeting the requirements of this article, as administered by the building inspector.

*Building Inspector* 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.

*Certificate of occupancy* means a document issued by the building inspector 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

*Dwelling* means any mobile home or manufactured home which contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

*Dwelling unit* means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Industrialized building* means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act: Georgia Law 1982 PP 1637-1643 (O.C.G.A., Title 8, and Chapter 2, Art. 2, Part 1).

*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.

*Jurisdiction* means the unincorporated areas of Gilmer County, Georgia.

*Lot* means a portion of a subdivision, or any other parcel of land, intended as a unit of transfer or ownership, or for development, or both, and shall not include any part of the right-of-way of a street or road.

~~*Mobile home/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 and built within eight calendar years of the date of entry into the county.~~

*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. .

*Mobile home/manufactured home park* means a premises where three or more mobile home/manufactured home dwelling units are parked for living or sleeping purposes, regardless of whether or not a charge is made for such accommodation, or where spaces or lots are set aside and offered for rent for use by mobile homes/manufactured homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of mobile homes/manufactured homes on such premises. The term "mobile home/manufactured home park" shall not include mobile homes/manufactured home sales lots.

*Modular home* means a factory fabricated dwelling over 32 feet in length and at least 24 feet wide designed and constructed without carriage of hitch collar as stationary house construction for placement upon permanent foundation, to be permanently connected to utilities, for year-round occupancy. It can consist of two or more components that can be separated when transported but designed to be jointed into one integral unit. Modular homes are not governed by this article, but shall meet the minimum standard codes, as adopted by the board of commissioners.

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

*Planning commission* means the county planning commission.

*Travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

(Ord. of 3-27-2003(2), § 3; Res. No. 05-30, § 2, 2-24-2005; Res. No. 06-41, § 1, 2-23-2006)

**Cross references:** Definitions generally, § 1-3.

**Sec. 78-34. Nonconforming mobile home/manufactured home parks.**

Nonconforming mobile home/manufactured home parks lawfully existing at the time of adoption of the ordinance from which this article is derived may be continued, but if such nonconforming use is discontinued for a period of 90 days, the mobile home/manufactured home park shall be made to conform with the requirements of these regulations prior to its being occupied again. Any expansion or addition to an existing manufactured home park shall be in compliance with this article.

(Ord. of 3-27-2003(2), § 4)

**Sec. 78-35. Location disclosure and decal required.**

Every person holding title to or possessing a mobile home/manufactured home which is placed or located within the limits of the county shall report the location to, and obtain a location decal for such mobile home/manufactured home from the tax commissioner annually, no later than May 1 of each year. Such location decal shall be designed in such manner and affixed to the mobile/manufactured home in such manner as to cause it to be easily visible for inspection.

(Ord. of 3-27-2003(2), § 5; Res. No. 06-41, § 2, 2-23-2006)

**Sec. 78-36. Issuance of mobile home/manufactured home permit.**

Any owner of a mobile home/manufactured home, whether locating or relocating said mobile home/manufactured home, shall obtain a permit from the building inspector, as set forth in section 78-37, indicating compliance with all applicable codes before any person or persons are authorized to occupy any newly installed mobile home/manufactured home.

(Ord. of 3-27-2003(2), § 6; Res. No. 05-30, § 3, 2-24-2005)

**Sec. 78-37. Permit application procedures.**

(a) Mobile home/manufactured home permit to move a mobile home/manufactured home into or within the county shall not be issued by the building inspector until the following conditions have been met in accordance with established administrative procedures:

- (1) A valid location decal must be issued from the tax commissioner's office.
- (2) All mobile home/manufactured homes located in an approved mobile home/manufactured home space, as defined within section 78-33, or in an approved mobile home/manufactured home park subject to the requirements of this article, shall meet the provisions stated in this article.
- (3) A sanitary permit must be obtained from health department for on-site sewage disposal, or in the event that a municipality will provide sewer hookup, a letter must be provided by that municipality verifying that they will allow public sewer hookup.
- (4) Satisfactory pre-move inspection, completed either by a Gilmer County Building Inspector or by a Georgia Licensed Residential Home Inspector. Such pre-move inspection shall demonstrate compliance with section 78-39 of this ordinance.
- (5) An affidavit from the owner of the real property upon which the home is to be placed, stating that the placement of the home is agreeable with them and acknowledgement of responsibility for all aspects of having the home placed on said property.
- (6) An affidavit from the licensed mobile home mover who moves the home and certifies that the home will be placed in accordance with all applicable rules and laws and that such work will be done in accordance with standard level of care and timeliness that is normally expected of such work.

(b) For purposes of this section, the tax commissioner shall issue the location decal, the building inspector shall issue the aforementioned mobile home/manufactured home permit, and the health department shall issue the sanitary permit. Upon the issuance of the above permits, a mobile home/manufactured home may be moved into the county or within the county and installed for occupancy.

(c) Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant must follow inspection procedures as outlined in permit application package

(d) Certificate of Occupancy. A certificate of occupancy shall be issued to the Applicant at such time that the building inspector certifies that the requirements of this ordinance have been met.

(e) Permit and inspection fees as provided by the office of Planning and Zoning shall be charged to cover the cost to process the permit application and inspect the pre-owned manufactured home. Such fees shall cover all inspections. The applicant shall be charged per fee schedule for each additional followup inspection that may be necessary.

(Ord. of 3-27-2003(2), § 7; Res. No. 05-30, § 4, 2-24-2005)

**Sec. 78-38. Exception to issuance of mobile home permit.**

A mobile home permit shall be required to locate a mobile home/manufactured home in the county except under the following exceptions:

(1) Mobile home/manufactured homes may be brought into the county and located on a sales lot of a state approved dealer as listed in the office of the state safety fire commissioner for sale without a building or sanitary permit. However, under no exceptions shall any mobile home/manufactured home, which is located on a sales lot, be occupied unless all permit requirements in these regulations are met. Installation must comply with the rules and regulations for manufactured homes, made and promulgated by the state safety fire commissioner pursuant to authority set forth in O.C.G.A. § 8-2-160 et seq.

(Ord. of 3-27-2003(2), § 8; Res. No. 05-30, § 5, 2-24-2005)

**Sec. 78-39. Mobile home/manufactured home minimum construction standards.**

Each newly installed mobile home/manufactured home in the county shall conform to the minimum construction standards required by the U.S. Department of Housing and Urban Development, as required by the National Mobile Home and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., before that mobile home/manufactured home is entitled to receive any utility service to such mobile home/manufactured home. It is the intent of this section to prohibit moving mobile homes/manufactured homes into the county that do not conform to the applicable Housing and Urban Development Construction Standards, as expressed in 42 U.S.C. Section 5401, et seq., and regulations established pursuant to that act. To that end, no mobile home/manufactured home shall be allowed to locate for permanent or temporary occupancy in the county unless that mobile home/manufactured home complies with the minimum construction standards required by the U.S. Department of Housing and Urban Development, which compliance must be

evidenced by the affixation of a permanently affixed label or tag certifying to the compliance as required by 42 U.S.C. Section 5415. Mobile homes/manufactured homes which do not display the certification required by 42 U.S.C. Section 5415 shall not be eligible for a county mobile home and/or occupancy permit; provided however, any mobile home which legally exists in the county at the time of the passage of the ordinance from which this article is derived shall not require such certification. Said existing mobile home shall be freely transferable and re-locatable in Gilmer County, provided that said mobile home has been inspected and approved by the building inspector for ~~working smoke detector(s), adequate electrical system, and structural integrity, and provided that all installation requirements in sections 78-40 and 78-41 are met to the satisfaction of the building inspector.~~ the following items.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Heating Systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
- (e) 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.
- (f) Hot Water Supply. Each home shall contain a water heater in safe and working condition.
- (g) Egress Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.

(h) Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.

(i) 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.

(Ord. of 3-27-2003(2), § 10; Res. No. 05-30, § 7, 2-24-2005; Res. No. 06-41, §§ 3, 4, 2-23-2006)

**Editor's note:** Res. No. 05-30, § 6, adopted Feb. 24, 2005, deleted the former § 78-39, which pertained to provision for temporary power after the issuance of mobile home permit and derived from Ord. of Mar. 27, 2003(2), § 9.

**Sec. 78-40. ~~Mobile home/manufactured home installation requirements~~Penalties & Fines.**

Each newly installed manufactured home or mobile home shall be installed according to installation standards adopted by the state and administered by the state fire commissioner's office, Installation of Manufactured Homes and Mobile Homes, O.C.G.A. §§ 8-2-160--8-2-168.

~~(1) No mobile home/manufactured home shall be brought into the county for use as a dwelling or other structure unless it was manufactured within eight years of the current calendar year in which the application for a mobile home/manufactured home permit is applied for as set forth in section 78-36 of this article. No permit shall be issued for any mobile home/manufactured home until the year of manufacture has been adequately shown to be in compliance with this section. The year model as shown on the title or previous tax bill shall be sufficient to create a presumption of the year of manufacture.~~

~~(2) No mobile home/manufactured home installer, including an owner installing an owned home, shall install an older non-complying mobile home/manufactured home in the county for use as a dwelling or other structure. Any installer installing a non-complying mobile home/manufactured home as prohibited by this article shall be guilty of a violation of this section and shall be subject to a fine not to exceed \$500.00 per occurrence, and a sentence not to exceed five days in jail.~~

~~(13)~~ It is the intent of this section that the moving and installation of a non-complying mobile home/manufactured home within the county shall, for the purpose of determining any violation of the terms of this section, be considered separate acts, each punishable as provided in this article.

~~(24)~~ Upon the determination that any mobile home/manufactured home in the county is in violation of this section, each day shall be a separate violation of this section, and any owner, broker, lessee, renter or other person in possession of such a non-complying mobile home/manufactured home shall be subject to a fine not to exceed \$500.00 per day.

~~(35)~~ If any owner, broker, lessee, renter or other person in possession of a mobile home/manufactured home willfully violates this section, such person or entity shall be subject to a fine not to exceed \$500.00, and a sentence not to exceed one day in jail for each day of such violation.

~~(6) Any mobile home/manufactured home whose year of manufacture is earlier than the year as provided above, but which mobile home/manufactured home was properly~~

~~installed in the county at the time this ordinance became effective, was occupied as a dwelling or other structure and was properly returned for taxed as required by law, then such usage shall be grand-fathered and may be continued.~~

~~a. Any mobile home/manufactured home not complying with the provisions of this subsection (6) may have the title of such mobile home/manufactured home transferred to a new owner.~~

~~b. Any person violating, attempting to violate or conspiring to violate the provisions of this subsection (6) shall be subject to a fine not to exceed \$500.00, and a sentence not to exceed 30 days in jail.~~

(4) Any mobile/manufactured home that is not issued a certificate of occupancy after a reasonable and diligent effort to address deficiencies shall be considered and addressed as an abandoned mobile/manufacture home according to Section 46-32 of Gilmer County code.

(Ord. of 3-27-2003(2), § 11; Res. No. 05-30, § 8, 2-24-2005)

#### **Sec. 78-41. Process of inspection for mobile/manufactured homes.**

The following requirements shall pertain to the installation of mobile homes/manufactured homes on individual lots or in parks.

(1) *Foundation.* The building inspector shall require the foundation to be inspected to ensure compliance with the Rules and Regulations for Manufactured Homes, as may be subsequently revised, and which are incorporated as a part of this article by reference.

The location of the dwelling shall comply with all aspects of the Gilmer County Land Use Ordinance, Chapter 62, Article II.

(2) *Plumbing.* The building inspector shall require the external plumbing system to be inspected, including water and sewage hookups, to ensure compliance with the Rules and Regulations for Manufactured Homes and the Standard Plumbing Code as adopted by the board of commissioners, and as may be subsequently revised.

(3) *On-site sewage.* Where individual on-site sewage systems are installed in conjunction with public or community water systems, the minimal lot size shall conform to standards established in Table 1. All on-site sewage systems shall be subject to the approval of the health department. Where individual on-site sewage systems are installed in conjunction with private water systems, the minimal lot size shall conform to standards established in Table 2. Mobile home/manufactured home lots located in subdivisions shall meet the size requirements in chapter 82. Any building site so determined by the health department to fall within a designated groundwater recharge area shall be subject to additional restrictions pursuant to Chapter 391-3-16.02, Section 3(m), Criteria for Protection of Groundwater Recharge Areas, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources, as amended.

(4) *Electrical.* The building inspector shall require inspection of the electrical system to ensure compliance with the Rules and Regulations for Manufactured Homes and the National Electrical Code, as adopted by the board of commissioners, and as may be

subsequently revised. All electrical work shall be conducted by a licensed electrician and certified with a signed affidavit provided to the inspection department.

(5) *Gas.* The building inspector shall require inspection of the gas system to ensure compliance with the Standard Gas Code, as adopted by the board of commissioners, and as may be subsequently revised. Until the preceding inspections have been made and the mobile home/manufactured home is found to be in compliance with all applicable codes, no permanent power may be installed, and no occupancy shall be permitted. Evidence of compliance will be shown by a certificate of completion, which includes written documentation provided to the applicant and a sticker attached to the electrical meter base. Occupancy is permitted upon issuance of the certificate of occupancy.

(6) *Underpinning/skirting; stairs and landings.* The following must be completed within 30 days after the first inspection and/or after final connection of electrical service to the home:

a. *Underpinning/skirting.* Each newly installed manufactured home or mobile home shall have the area beneath each such structure enclosed with materials manufactured for such purposes, including but not limited to brick, concrete, rock or other materials which have been approved by the county building inspector. The enclosure of this area is generally referred to as underpinning or skirting.

b. *Stairs and landings.* Each newly installed manufactured home or mobile home shall have the area beneath and descending from the main egress door of the home a landing that is a minimum of 36 inches by 48 inches. Such landing with steps shall descend to the ground or grade level. The landing, steps and rails must be constructed of all-weather materials or manufactured kits. All construction and/or manufactured kits shall comply with the requirements of the Georgia State Minimum Standard Codes, including all amendments thereto, as adopted by the board of commissioners, and as may be subsequently revised.

(Ord. of 3-27-2003(2), § 12; Res. No. 05-30, § 9, 2-24-2005; Res. No. 06-41, § 4, 2-23-2006)

**Editor's note:** It should be noted that the Table 1 And Table 2 referenced in this section are not set out at length herein, but are on file and available for inspection in the board of commissioners' office and the office of planning and community development.

Secs. 78-42, 78-43. Reserved.

**Editor's note:** Res. No. 06-41, § 6, adopted Feb. 23, 2006, deleted in their entirety §§ 78-42, 78-43, which pertained to procedures for development of mobile home/manufactured home parks; mobile home/manufactured home park regulations, respectively and derived from Ord. of 3-27-2003(2), §§ 13, 14; Res. No. 05-30, §§ 10, 14, adopted Feb. 24, 2005.

**Sec. 78-44. Enforcement.**

(a) *Generally.* The board of commissioners is hereby authorized to adopt, after a public hearing, such written regulations as may be necessary for the proper enforcement of the provisions of this article. Such regulations shall have the same force effect as the provision of this article and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of the provisions of this article, as provided in this section.

(b) *Violations; notice.* In cases where a violation of this article has been found by the building inspector, he shall notify the owner of the property on which such violation is found by certified mail sent to the address of the owner of the mobile home/manufactured home is different from the property owner, the violation notice shall also be sent by certified mail to the owner of the mobile home/manufactured home. In the case no valid mailing address can be obtained, or if the certified mail is returned to the building inspector, the notice of violation may be hand delivered to the person deemed responsible for said violation. The notice of violation shall clearly state the nature of the violation, including specific provisions of this article which have not been complied with, and the date upon which said violation(s) will be remedied. Such date will be determined by the building inspector based on the nature and extent of the violation, but in no case shall exceed 30 days from the date the certified mail was received. In cases where the notice of violation is hand delivered, the date upon which said violations will be remedied shall not exceed 30 days from the date of delivery.

(c) *Issuance of stop work orders.* The building inspector is authorized to issue stop work orders in any instance where a violation of this article is found. The procedure for issuance of stop work orders shall be the same as the notification procedure for violations as specified in subsection (b) of this section.

(1) *Procedure for noncompliance.* In cases where a violation of this article has occurred, and the violator has not remedied the violation within the specified time period, or in cases where stop work orders have not been fully complied with, the sheriff's department, upon written notification from the building inspector of such violation or noncompliance, shall issue a citation requiring appearance in the county magistrate court and, upon conviction, shall be subject to the punishment provided in section 1-9. This section is adopted pursuant to the provision of O.C.G.A. § 36-1-20(a), (b), (c) and (d). Such citation shall include any and all violations found by the building inspector. (Ord. of 3-27-2003(2), § 15; Res. No. 05-30, § 11, 2-24-2005)

**Sec. 78-45. Appeals and variances.**

(a) *Decision of the building inspector.* The owner of a mobile home/manufactured home, or his duly authorized agent, may, appeal a decision of the building inspector to construction board of adjustment and appeals as established in section 66-38 and in accordance with the provisions and procedures established in such section.

(b) *Decision of the planning commission.* Any party aggrieved by any decision of the planning commission is entitled to a hearing before the board of commissioners within 30 days after receipt by the planning commission of a written notice of appeal.

(c) *Judicial appeals.* Any party aggrieved by any decision or order of the building inspector and/or planning commission, after exhausting his administrative remedies, shall have the right to appeal de novo to the superior court of the county.

(Ord. of 3-27-2003(2), § 16; Res. No. 05-30, § 14, 2-24-2005)

**Sec. 78-46. Conflict with other ordinances.**

In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the county existing on the effective date of the ordinance from which this article is derived, the provision which in the judgment of the board of commissioners establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinances which establishes a lower standard for the promotion and protection of the health and safety of the people are hereby declared to be repealed to the extent that they may be found in conflict with this article.

(Ord. of 3-27-2003(2), § 17; Res. No. 05-30, § 14, 2-24-2005)

**Sec. 78-47. Effective date.**

This article shall become effective on the next business day following its approval by the Board of Commissioners of Gilmer County, Georgia.

(Res. No. 05-30, § 13, 2-24-2005)

Secs. 78-48--78-80. Reserved.

**Editor's note:** Res. No. 05-30, § 12, adopted Feb. 24, 2005, deleted § 78-48, which pertained to amendments and derived from Ord. of Mar. 27, 2003(2), § 18.