

First Reading:
Second Reading:

The 1st day of November, 2016.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LYONS, GEORGIA; TO ESTABLISH STANDARDS FOR INSTALLATION, MAINTENANCE AND TAX COMPLIANCE OF NEW MANUFACTURED HOMES AND 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. § 8-2-170 *et seq.*, a City may establish standards, conditions, and an inspection program for New Manufactured Homes and 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 the City of Lyons are furthered when standards for the condition and reporting of structures, including New Manufactured Homes and Pre-Owned Manufactured Homes, are established and enforced.

NOW, THEREFORE, BE IT RESOLVED by the City of Lyons that all manufactured homes relocated to or within the jurisdiction, shall comply with the provisions of this Ordinance. And, that the City of Lyons Manufactured Home Ordinance is established as follows:

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

(a) *Applicant* means any person seeking to install a new manufactured home or pre-owned manufactured home in the incorporated area of the City of Lyons.

(b) *Building Inspector* means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the city building official or any of his or her assistants.

(c) *Certificate of occupancy* means a document issued by the building inspector certifying that a new manufactured home and 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 new manufactured home and pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the City.

(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 incorporated areas of The City of Lyons, 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 or for any other purpose and has been titled.

(i) *New Manufactured home* means any manufactured home that has been built as a residential dwelling or for any other purpose and has been titled.

Section 2. Conditions. All New Manufactured Homes and Pre-Owned Manufactured Home 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, Moving, Abandoning and Fees. A permit shall be required to locate a New Manufactured Home and Pre-Owned Manufactured Home in the jurisdiction.

(a) Permit. To obtain a permit, Applicants shall provide to the City of Lyons:

(1) An affidavit signed by the applicant that the new manufactured home and pre-owned manufactured home meets health and safety standards required by this Act;

(2) Photographs of the interior and exterior of the new manufactured home and pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 4 of this ordinance;

(3) A \$ 500.00 refundable guarantee of condition bond or \$500.00 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. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.

(c) 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. A copy of the Certificate of Occupancy is to be provided to the Assessor's Office.

(d) Fee. A permit and inspection fee of \$200.00 shall be charged to the applicant to cover the cost to the City to process the permit application and inspect the new manufactured home and pre-owned manufactured home. Such fee shall cover the initial inspection and one follow-up inspection. The applicant shall be charged \$50.00 for each additional follow-up inspection that may be necessary.

(e) Alternative Inspection. At the request of the Applicant, the Zoning officer may, at his or her discretion, inspect a new manufactured home and pre-owned manufactured home prior to its being relocated if the home is then located at another site within the city.

(f) Abandoning. Any manufactured home that ceases to be occupied for more than six (6) months and no active attempt to rent via regular advertisement effort or no longer complies with Section 4, said manufactured home will be considered abandoned. Any abandoned manufactured home that ceases to be occupied by an individual(s) that remains on the property in this condition, unless Section (g) below applies, shall be a violation of this ordinance.

- (g) Converting to a Storage Facility. If a previous occupied manufactured home is converted from occupancy to a storage facility, Section 4 remains applicable to the structure.

Section 4. Minimum Health and Safety Standards. All New Manufactured Homes and Pre-Owned Manufactured Home shall comply with the following before being issued a certificate of occupancy by the building inspector:

- (a) HUD Code. Every new manufactured home and 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 new manufactured home 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 New Manufactured Homes and Pre-Owned Manufactured Home 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 new manufactured home and 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 new manufactured home and pre-owned manufactured home shall contain a water heater in safe and working order. This section shall be certified to the Building Inspector by a licensed and bonded electrician or by a qualified and licensed installer as certified by the State of Georgia. All cost for this certification is the responsibility of the owner of the home being installed. The County assumes no liability for this certification.

- (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 new manufactured home and 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.
- (k) Steps and Landings. Steps and landings are required for all new manufactured home and pre-owned manufactured home at all exterior exits/entrances. A minimum landing size of 4'x6' of pressure treated lumber or elevated concrete is required. Landings should be established to insure stability. Landings should be installed at the same elevation, but shall be no more than six (6") inches below the elevation of the entrance/exit. Loose and/or stacked steps are strictly prohibited. If the landing is over thirty (30") inches from the ground study handrails and guardrails are required.
- (l) Skirting. Installation of skirting shall be required. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials include masonry, stone, fiberglass, simulated brick or stone, vinyl, or other materials for the purpose of skirting.
- (m) Towing Devices. All towing devices, wheels, axles, and bolt-on hitches must be removed (unless located in an approved and permitted mobile home park).

Section 5. Registration.

Every person, firm, corporation, or other entity holding title to or possessing a new manufactured home and pre-owned manufactured home which is placed or located within the jurisdiction of Toombs County shall report the location of the new manufactured home and pre-owned manufactured home to and obtain a tax decal for

the new manufactured home and pre-owned manufactured home from the Tax Commissioner of Toombs County annually no later than May 1st of each year.

Section 6. Moving

When moving a previously permitted manufactured home under this ordinance, regardless if the destination is within or outside the City of Lyons, applicant shall obtain a moving permit from the City of Lyons. The fee for the permit is \$10.00 and shall state when and where the manufactured home is to be moved.

Section 7. Authority

- (1) The City Manager is hereby authorized and empowered subject to the specific provisions of this ordinance to prescribe application and site forms. The City Manager is empowered to require that applicant furnish such information in writing as may be reasonably required to effectuate the purpose hereof.
- (2) It shall be the duty of the Zoning Code Enforcement officer to enforce the provisions of this ordinance.

Section 8. Tax Decal Required

- (1) Any owner of a new manufactured home and pre-owned manufactured home who had made application for the location of a new manufactured home and pre-owned manufactured home and whose application meets the requirements of this ordinance shall have or shall obtain a tax decal upon payment of required charge for the same.
- (2) Tax Decal shall be prominently display near the front door so as to provide clear visibility from an observation point of 10 yards from the front entrance to the new manufactured home or pre-owned manufacture home.

Section 9. Local Registration Requirement for Installers

- (1) Anyone who moves, performs the set up, or installs manufactured homes within Toombs County is required to be registered, for records purposes, with the Building Inspector and obtain an Occupational tax certificate.
- (2) Installers will re-register annually at the beginning of each new year. Individuals will be required, when registering, to present their state installer license, which is issued by the State of Georgia. Suspension or revocation of

the license by the State of Georgia will automatically void the installer registration with Toombs County.

- (3) The Code Enforcement officer will maintain the list of registered installers and keep them informed of any changes or interpretations that may affect their proper installation of a home.

Section 10. Severability

The provisions of this Ordinance are separable, and if any phrase or part of this Ordinance should be held invalid, such invalidity shall not affect the validity of the remainder of the Ordinance.

Section 11. Enforcement.

- (a) Permanent connection to utilities shall not be approved until the inspector has issued a certificate of occupancy.
- (b) Owners of New Manufactured Homes and Pre-Owned Manufactured Home 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.
- (c) 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.

Section 12. Penalties

Failure to remove a new manufactured home and pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy or maintain a certificate of occupancy or obtain a moving permit for a previously permitted new or pre-owned manufactured home shall be punishable by a fine of \$ 500.00. Each day any violation under this ordinance continues shall be considered a separate offense.

Section 13. Repealer and Effective Date

All ordinances or parts of ordinances in conflict with this ordinance are repealed. This ordinance shall be effective and in full force from and after the date of its adoption.

and ordained by the Mayor and Council of the City of Lyons, Georgia, this 6th day of December, 2016.

CITY OF LYONS, GEORGIA

BY: _____
Willis D. NeSmith, Jr.,
Mayor

ATTEST: _____
Lynn Rowland
City Clerk

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