

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2017-44

AN ORDINANCE TO AMEND THE *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, *CHAPTER 58*, TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by deleting Chapter 58 in its entirety, and replacing it with the following:

Chapter 58 – FACTORY-BUILT HOUSING

DIVISION 1: MANUFACTURED HOMES AND HOME PARKS

Article I. Generally

Sec. 58-1: Purpose

It is the intent of this ordinance to promote land use compatibility, protect property values and ensure an adequate minimum living space standard. The construction, placement, installation, and relocation of manufactured homes after the effective date of this ordinance shall be subject to the requirements and procedures set forth herein. The requirements and procedures of this ordinance shall be in addition to the rules and regulations of each underlying zoning district, including but not limited to, minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and required foundations. It is not the intent of this ordinance to address, interfere, or intrude upon the safety and construction standards for manufactured homes that are reserved exclusively for federal regulation.

Article II. - Manufactured Homes

Sec. 58-2: Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Manufactured Home means a structure, used or intended to be used as a dwelling unit, transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length, or, when erected on site, encloses 320 or more square feet of floor area; 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, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department 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. §5401, et seq. For purposes of this ordinance, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes."

Mobile Home means a structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 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 manufactured prior to June 15, 1976.

Sec. 58-3: Mobile Homes Prohibited

No mobile home shall be permitted within the county. Any mobile home located in the county legally, prior to the enactment of this subchapter and used and occupied as a residential dwelling shall be allowed to remain, but shall not be replaced with another mobile home as defined in Sec. 2.1.

Sec. 58-4: Unlawful Parking, Use or Location of Manufactured Homes

It shall be unlawful for any person, firm or corporation to park, locate or permit the parking or location of any manufactured home upon any lot, street or tract of land within the county, unless the parking or location of said manufactured home meets the requirements of Sec. 2.4.

Sec. 58-5: Permissible Parking or Location

- A. A manufactured home may be placed, located or permitted to remain within the county, if and only if, it is situated:
 - 1. In a manufactured home park which is licensed pursuant to the terms of this Code of Ordinances; or
 - 2. Upon a site that such home has continuously occupied prior to and since the effective date hereof, provided that such occupation was lawful on that date, and further provided that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the manufactured homes or others.

- B. The exemption for existing manufactured homes shall apply to the manufactured home being occupied prior to and at the time of the adoption of this section as defined in division a.2 above, and shall include any replacement manufactured homes for such site provided that such replacement is made within three months of the date the existing manufactured home being replaced has been damaged or destroyed, if the replacement manufactured home meeting the manufactured home standards can meet the setback, distance, and all other requirements found in this Code.
- C. It shall be unlawful for any person to park, place or locate a manufactured home at any location not authorized by this chapter, or to permit or allow any manufactured home to remain within the county in any location not authorized pursuant to this chapter.
- D. Any manufactured home lawfully placed, parked or located within the county, shall conform to all the requirements of this chapter, concerning specific use permits, setbacks, anchoring and skirting, and any other requirement imposed by this chapter.
- E. A recreational vehicle may not be placed or parked on any property except as specifically permitted by this chapter.
- F. Any person, firm or corporation who desires to park or locate a manufactured home as permitted in this chapter, shall make application for a use and occupancy permit with the Department of Community Development. The fee for the use and occupancy permit shall be \$0.15 per square foot on enclosure. Before granting such permit, the Department of Community Development shall insure that the following requirements are met in Sec. 2.5 below:

Sec. 58-6: General Provisions Relating to Manufactured Homes

Each manufactured home being constructed, installed, located, or relocated within Clayton County shall comply with the following design standards:

- A. The pitch of the roof shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run within tolerances and the roof shall be finished with composition, fiberglass, slate, concrete, asphalt, or wood shingles, or non-reflective, crimped metal sheets.
- B. The exterior siding shall consist of wood, hardboard, brick, masonry, or aluminum and be comparable in composition, appearance, and durability to the exterior siding commonly used in conventional homes.
- C. The tongue, axles, transporting lights, and towing apparatus from each manufactured home shall be removed after placement or relocation on a lot or parcel and before occupancy.
- D. Landings and steps leading away from all exterior doors shall be designed and constructed in accordance with state law and Clayton County Ordinances, said

state law provisions being expressly incorporated by reference as part of this requirement.

- E. A foundation or curtain wall, unpierced except for required ventilation and access, and constructed of masonry or acceptable alternative materials shall be constructed and installed in compliance with County ordinances.

Sec. 58-7: Granting of Use and Occupancy Permit.

The Department of Community Development of the county shall make a prompt investigation of any application for a use and occupancy permit, as specified in this subchapter, and shall grant the application for permit if the manufactured home meets the requirements specified herein. Failure of the applicant for a permit to meet all the requirements of this subchapter shall be grounds for refusal to allow the applicant to connect to the water, sewer and/or gas service of the county and shall further be grounds for denial of the permit. Any application shall be deemed approved and granted unless the Department of Community Development denies the application in writing within 45 days from receipt of the application setting forth the reason for the denial.

Sec. 58-8: Parking of More than One Home Per Lot

It shall be unlawful for any person, firm or corporation, to park, keep or permit the parking of more than one manufactured home upon any lot or tract of land within the county, regardless of the size of the lot or tract, unless the manufactured home is located within a duly licensed manufactured home park.

Sec. 58-9: Existing Manufactured Homes

- A. This subchapter does not make unlawful any mobile home or manufactured home already in place and complying with all laws when this subchapter becomes effective.
- B. However, after the effective date of this subchapter, if any nonconforming mobile home or manufactured home is removed from its location, the following shall apply:
- C. If it is a mobile home, it shall not be allowed to relocate within the county; and
- D. If it is manufactured home, all provisions of this subchapter shall apply.

Sec. 58-10: Inspection

Officials of the County may enter the premises of any proposed or existing place where any manufactured home is located in order to inspect for compliance with this subchapter.

Sec. 58-11: Non-Liability

The county and its officers, agents and employees shall have no liability of any nature for any actions, omissions or other matters in any way concerning the subject matter of this subchapter.

Sec. 58-12: Conflict

All other ordinances of the county and all other laws shall apply according to their terms to the subject matter of this subchapter, except as this subchapter expressly and specifically contradicts the ordinances or laws. The fact that this subchapter specifically invokes some other laws and ordinances shall not mean that still other laws and ordinances not specifically invoked do not apply.

Article III. Manufactured Home Parks

Sec. 58-13: Definitions.

The terms utilized herein shall have the same meaning or definition as given the terms in Sec. 2.1 of this code of ordinances, as amended.

Manufactured Home Park means any area, lot, parcel or tract held in common ownership, or for common operation and on which individual portions of said area, lot, parcel or tract is leased for the placement of manufactured homes as a primary residence. Manufactured home park shall be synonymous with a mobile home park, trailer park, and other like living communities.

Sec. 58-14: Existing Manufactured Home Parks.

- A. This subchapter does not make unlawful any manufactured home park which is already in place and conforming with all laws at the date this subchapter becomes effective, provided the manufactured home park shall make annual application for license to the county, as required herein. It is further provided that, if after the effective date hereof, a manufactured home park or mobile home park in existence at the time of the passage of this subchapter does not conform to the requirements of Section 3.2(a) of Article III, no manufactured home may be placed or located within the park unless and until the park conforms to the requirements of this article.
- B. It is the intent of this subchapter to cause existing manufactured home parks or to be brought up to the minimum standards of Article III.
- C. Each Manufactured Home Park that is not in conformity with the provisions contained in this article, other than the licensure requirement addressed below, shall come into compliance with all provisions within two years.
- D. Any lot containing more than one manufactured home, must become licensed as a Manufactured Home Park within 60 days of the adoption of this ordinance.

Sec. 58-15: Licenses for Manufactured Home Parks

- A. It shall be unlawful for any person, firm or corporation, their agents servants or employees to operate or provide parking space for two or more manufactured homes upon any lot or tract of land within the county unless the owner, operator or their agents, servants or employees have first made application for and secured

a valid license to operate a manufactured home park issued by the county only upon compliance with this subchapter and Sec. 58-16 below.

- B. Any person, firm or corporation desiring to operate a licensed manufactured home park shall file an application for a license which shall contain the following:
1. The name and address of the applicant;
 2. A description of the property upon which the manufactured home park is to be constructed;
 3. Plans and specifications for the manufactured home park which must conform to the requirements of this Chapter;
 4. Telephone numbers where the applicant may be contacted;
 5. An affirmative statement that applicant fully understands that no permit shall be issued until all the construction work has been completed in accordance with the requirements of this Chapter, the Plumbing Code and all other ordinances of the county applicable thereto.
 6. Any license issued hereunder shall be valid for one year and the owner or operator of the manufactured home park shall be required to apply annually for a renewal of the license from the county. The Department of Community Development of the county is hereby designated has the power to administer the licensing program described herein and to grant and deny all licenses all applications.

Sec. 58-16: Minimum Requirements

- A. Manufactured Home Parks are permitted only in the RMH zoning district.
- B. The minimum area of a manufactured home park shall be 20 acres.
- C. The minimum lot or space site shall be 7,200 square feet.
- D. The minimum side lot set back shall be ten feet.
- E. The minimum distance between any manufactured home or house trailer and a house trailer or manufactured home on an adjoining lot or space site shall be 20 feet.
- F. The front lot or space line set back shall be 25 feet.
- G. All streets and driveways within the manufactured home park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least 5,000 lumens, and the light poles shall be no more than 250 feet apart.
- H. The maximum overall park density shall not exceed five (5) units per gross acre.

- I. Adequate off-street parking shall be provided.
- J. Each home in a manufactured home park shall be provided with safety tie-downs in conformance with Clayton County building code requirements.
- K. An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and home spaces within the park. Each home stand shall be provided with an approved cold water connection and a tap (hydrant) constructed in accordance with the plumbing standards adopted by Clayton County, Georgia.
- L. The area around and underneath each home unit shall be kept clean and free from collection of refuse, rubbish, glass bottles or other unsightly material.
- M. Refuse control shall be provided by either of the following methods:
 - 1. Centrally located trash collection stations shall be provided for each twenty (20) home spaces, or fraction thereof, conveniently located to serve tenants, not more than two hundred (200) feet from any space served, and shall be conveniently located for collection. Such station shall be constructed with a concrete floor and appropriate enclosure as stated in Article 6.9, Accessory Structures.
 - 2. A centrally located trash compactor.
- N. No manufactured home park shall be served by a privy.
- O. Every manufactured home park shall be equipped at all times with fire equipment in good working order and of such type, size, number and location as to satisfy applicable fire regulations of Clayton County; provided further, that no open fires or burning of leaves or other refuse shall be permitted within the boundaries of any manufactured home park.
- P. A minimum of fifteen (15) percent of the gross acreage of the manufactured home park shall be set aside for the recreational use by residents of the manufactured home park. Said recreational park shall be one contiguous tract or several tracts each no smaller than one-half acre and located within the manufactured home park in such a manner as to be convenient to all its residents. The recreational park shall be located on land suitable for park development and shall contain a sufficient amount of play equipment designed for elementary-school-age children.
- Q. Planted buffers shall be required per Article 6.35, Buffer Yard Standards.
- R. Coin-operated laundries for the use of the residents of the manufactured home park shall be permitted within enclosed buildings inside the park. Building structures containing said laundries may also contain vending machines and recreational rooms and activities.

- S. The regulations governing manufactured home parks prescribed by the health department, as well as other county or state regulations, shall be complied with.
- T. Each manufactured home space shall have the following:
 - 1. A concrete patio at least four inches thick with minimum dimensions of 40 feet by eight feet within each trailer space;
 - 2. A wooden deck built to Clayton County specifications and having a surface area of at least 320 square feet; or
 - 3. A combination of a concrete patio at least four inches thick and a wooden deck built to Clayton County specifications, provided the combined surface area (excluding steps) is at least 320 square feet.

Sec. 58-17: Penalty

Any person, firm or corporation who commits any of the following shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500:

- 1. Any violation of this Article; or
- 2. Providing false information to a county official concerning licensing or permitting under this Article or compliance herewith. Each day or portion of a day during which any violation occurs or continues shall be a separate offense.

DIVISION 2. - INDUSTRIALIZED HOUSING AND INDUSTRIALIZED BUILDINGS

Sec. 58-18: - Definitions

The following words and phrases shall have the following meanings in this division unless otherwise clearly indicated in the text. Words not defined shall be interpreted in their usual sense.

Industrialized housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to:

(1) Housing constructed of sectional or panelized systems not utilizing modular components; or

(2) Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Modular component means a structural portion of any dwelling or building that is constructed at a location other than the homesite in such a manner that its construction cannot be adequately inspected for code compliance at a homesite without damage or without removal of a part thereof and reconstruction.

Sec. 58-19: - Application of ordinances of the County to industrialized structures

All provisions of the ordinances of the County shall apply to the construction, placement and the use of any industrialized building or industrialized housing on any property within the County on the same basis as such ordinances are applicable to the construction and the use of any other structure except to the extent such ordinances of the County are inconsistent with state law, or are in conflict with the provisions of this article. For purposes of all ordinances of the County, the placement of an industrialized building or industrialized housing shall be deemed the construction of a structure.

Sec. 58-20: Conformance to uniform codes

Any industrialized building or industrialized housing erected or installed in the County shall be constructed in accordance with the requirements and standards of adopted codes within the County.

Sec. 58-21: Submission of plans and specifications

Prior to the issuance of any permit for the installation of any industrialized building or industrialized housing in the County, the applicant shall submit to the building official a complete set of design plans and specifications bearing the insignia of the Commissioner of the Department of Community Affairs, as set out in Ga. Comp. R. & Regs. 110-2-1-.04.

Sec. 58-22: Decal or insignia required

No industrialized building or industrialized housing shall be installed in the County unless it bears an approved decal or insignia pursuant to the rules of the Georgia Department of Community Affairs reflecting that the structure has been inspected at the manufacturing plant or facility.

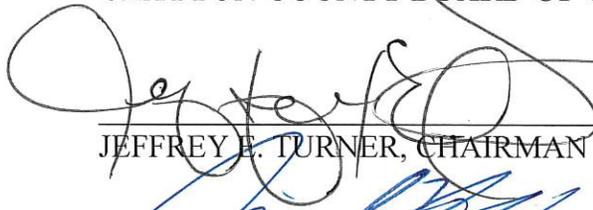
Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

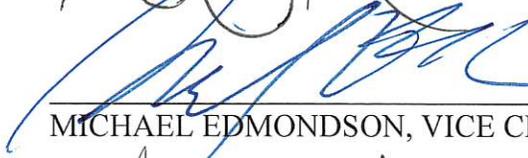
Section 4. This Ordinance shall become effective on immediately upon its approval by the Board of Commissioners.

SO ORDAINED, this the 30th day of May, 2017.

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



MICHAEL EDMONDSON, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA T. DAVIS, CLERK