

**LUMPKIN COUNTY RESOLUTION NO. 2010 -33**


**A RESOLUTION TO AMEND AND REVISE  
THE  
MANUFACTURED HOME REGULATIONS OF LUMPKIN COUNTY**

**Whereas**, the governing authority of Lumpkin County desires to amend the Manufactured Home Regulations of Lumpkin County, Georgia, dated May 15, 2003, and effective June 1, 2003, to ensure compliance with the requirements provided by the laws of the State of Georgia and the Lumpkin County Land Use regulations and the Lumpkin County Land Development regulations; and,


**Whereas**, the governing authority of Lumpkin County has determined that the said amended regulations shall be revised and republished:

**Now therefore, it is hereby resolved** that the Manufactured Home Regulations of Lumpkin County, Georgia, attached hereto as Exhibit "A," and by such reference fully incorporated herein, shall be adopted as the revised and republished regulations applying to all manufactured homes or equivalent structures that are used as residences, places of business, classrooms or other "non-temporary" activities within the unincorporated areas of Lumpkin County.

**Resolved, adopted and effective** this 17<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
John Raber, Chairman  
Lumpkin County Board of Commissioners

Attest:

  
\_\_\_\_\_  
Ruth A. Bohac  
Clerk, Lumpkin County

MANUFACTURED HOME REGULATIONS  
OF  
LUMPKIN COUNTY, GEORGIA

Approved and Adopted in Regular Session by

The Commissioner of Lumpkin County

May 15, 2003

by

Lumpkin County Resolution # 2003-11

Effective Date

June 1, 2003

Amended by Resolution # 2010-33

Effective Date

June 17, 2010

This document, containing certain Regulations and Standards having been properly adopted according to law, shall be known and may be cited as the "Manufactured Home Regulations for Lumpkin County, Georgia.

Section 100     Jurisdiction

This ordinance applies to all manufactured homes that are used as residences, places of business, classrooms or other activities of a non-temporary nature within the unincorporated areas of Lumpkin County.

Section 200     Definitions

When used in this Resolution, the following words and phrases have the meaning as defined in the Lumpkin County Land Use and Lumpkin County Land Development Regulations. Terms not defined have the same meaning as is found in most dictionaries, where consistent with the content. The terms "will", "must" and "shall" are mandatory in nature, indicating that action shall be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the past. Words used in the present tense include the future. The word "developer" includes a firm, corporation, co-partnership, association, institution, or person. The word "lot" includes the word "plot" or "parcel." The word "building" incised the word 'structure.' The words "used" or "occupied" as applied to any land or building include the words 'intended, arranged, or designed to be used or occupied.' The words "legally sited" means a mobile home for which all of the required permits were obtained prior to the mobile home being placed within the County and for which current required tax decals had been maintained. The term "Ancillary Structure" means accessory buildings and structures used in conjunction with a manufactured home.

The Planning Director is charged with providing the definition of any word not listed and the interpretation of any word not adequately defined.

Section 300     Requirements

From and after the effective date of this Resolution, it shall be unlawful for any person, business or other entity to install, construct, erect, renovate, establish or operate, or to offer to lease, rent, or sell any manufactured home as defined herein within the unincorporated area of Lumpkin County, without a valid permit issued for that purpose by the Lumpkin County Planning Department.

Section 400     Restrictions

The following restrictions are placed on all manufactured homes:

1. All pre-owned manufactured homes must be inspected for compliance with all requirements of the International Property Maintenance Code prior to being issued a permit for relocation in Lumpkin County. Any non-compliance with these codes must be brought into compliance prior to a permit for moving being issued.
2. No manufactured home designed as a single dwelling unit may be connected to a stick built home, another manufactured home or to any industrialized home to create a larger home or multi-family dwelling unless the units were specifically designed and manufactured for that

- purpose. Stick built or Ancillary Structures should be self supporting without adding any live or dead loads to the manufactured home, except when: (1) the loads have been contemplated by the home manufacturer and the attachment to the manufactured home is specifically included in the home manufacturer's installation instructions; or (2) the connection and transfer of loads is designed by a registered professional engineer or architect
3. Manufactured homes designed as single family dwellings may not be converted or modified for use as a multi-family dwelling, storage building, or for a commercial use, unless the unit was specifically designed and manufactured for that purpose such as classroom trailers, construction storage trailers and office trailers.
  4. Any vehicle that can be or has been licensed by the State for use on the highways such as a bus, camper or motor home cannot be used as a residence in Lumpkin County and shall not be provided an address. These units may not be approved for a separate electric meter or permanent connection to a sewage disposal system. Occupancy is considered temporary and limited to 90 days maximum without approval of a variance from the Planning Commission.

#### Section 500 Exceptions

The following exceptions to the restrictions placed on manufactured homes:

1. Any legally sited, manufactured home not meeting the requirements of this resolution that is destroyed by tornado, fire or other Acts of God may be replaced with another home that does not meet the requirements of this resolution with regard to design. Providing, *however*, that the replacement must be no smaller (square feet) than the home being replaced. All permits and installation requirements of this resolution apply. Adequate evidence of the destruction (fire report, etc) must be provided to the Planning Director whose decision, after consideration all available evidence, shall be final.
2. Any existing lot rental, mobile home park with a valid business license as a mobile home park may continue to rent lots. The number of lots may not be increased and new mobile home parks may not be created after the adoption of these Regulations.

#### Section 600 Development Standards

All manufactured home lots shall meet or exceed the following minimum standards:

1. Tract Size: For any manufactured home the minimum tract or lot size shall be one (1) acre.
2. If served by an easement the easement must be no less than twenty (20) feet in width.
3. A maximum of two dwelling units may be served by an easement meeting the minimum requirements of item 2 above.
4. A maximum of two residences per tract without approval of a variance from the Planning Commission.
5. Lots within approved subdivision must meet the minimum lot size requirements for the subdivision as approved by the Planning Commission but in no case less than one acre per manufactured or moved-in home.

#### Section 700 Permits

All applications for building / installation / location or moving permits for manufactured homes shall be made to the Planning Department and the applicant / owner shall provide the following information:

1. Name, address and phone number of the applicant.
2. Name address and phone number of the owner if different from the applicant.
3. Recorded plat of the property on which the manufactured home will be located. If the property is accessed by an easement the easement must be shown and the number of residences served by the easement.
4. Method of water supply and sewage disposal systems to be used.
5. An approved on-site sewage (septic) permit.
6. A plat or sketch drawing indicating the location of the manufactured home and all setbacks, including setbacks from any watercourse. Any other structures on the site must be shown as well as all easements and driveways.
7. On a new manufactured home: the serial number and the name of the manufacturer. On all others: the name of the manufacturer and proof that all taxes have been paid.
8. Dimensions, size, number of rooms, bedrooms and bathrooms.
9. The name and State license number of the hauler and the installer.

#### Section 800 Installation Requirements

The minimum requirement's for the installation of manufactured homes is as set forth in the manufacturer's instructions or as established by the State of Georgia Safety Fire Commissioner. The State Safety Fire Commissioner regulations also set down the licensing requirements for all persons or businesses involved in transporting and installing manufactured homes. The regulations also establish minimum standards for the installation of older manufactured homes where the manufacturer's instructions are not available. Only State licensed haulers and installers are allowed to operate within Lumpkin County.

#### Section 900 Setbacks:

All manufactured homes located in approved subdivisions must meet the setback requirements as approved by the Planning Commission for the subdivision. Manufactured homes on individual lots or tracts not within subdivisions must meet the following requirements;

1. From all right of ways, access easement and/or front property line = fifty (50) feet.
2. From the side property line = twenty (20) feet
3. From the rear property line = twenty (20) feet

It is the absolute responsibility of the owner to insure that setbacks are met.

If, because of the shape of the lot or placement of the home there are questions as to whether the setbacks have been met, the permit holder may be required to provide a location survey by a Registered Surveyor prior to issuance of a Certificate of Occupancy.

Section 1000. Additional Requirements: In an effort to provide for the safety and welfare of the citizens of Lumpkin County; to insure an appearance that more closely resembles that of conventionally constructed homes within the County; to avoid aesthetic problems that have existed in the past without these requirements and to aid in maintaining property values for it's citizens, Lumpkin County establishes the following requirements:

1. All homes must have a patio, deck or porch at all entrances to the home constructed to a minimum size of 4 feet by 4 feet but in no case less than the width of the door opening and extending 4 feet out from the door.
2. All porches, decks, steps, handrails or other construction must be according to the requirements of the current State of Georgia and Lumpkin County Building Code standards.
3. Underpinning (curtain walls) must be cast in place concrete, masonry, brick or textured block no less than 4 inches thick and extending from a properly constructed footing to the bottom of the home along the entire perimeter. Cinder Block may be used if finished with stucco or other treatment. A minimum of one opening door of no less than 30" x 30" is required for access to the crawl area; a maximum of one access door per side may be installed at the owners discretion. The underfloor area must be provided with adequate ventilation per the manufacturers instructions or no less than 1 square foot of ventilation per 150 square feet of enclosed area.
4. All vegetation must be removed and a polyethylene vapor barrier must be installed on the ground surface under the home.
5. All towing related apparatus, including lights, wheels, axles, and hitches must be removed.
6. All homes must have a roof pitch of no less than 3 (vertical) in 12 (horizontal) and be finished with a type of roof covering commonly used in conventional residential construction.
7. All homes must have a minimum roof overhang, exclusive of gutters, of six 6 inches.
8. All homes must have a minimum length and/or width in excess of 16 feet.

Existing homes already located within the unincorporated areas of Lumpkin County that are properly permitted for relocation within the County are exempted from the requirements of items 6, 7 & 8 above but must meet all other requirements prior to receiving a Certificate of Occupancy and connection of permanent power.

#### Section 1100. Inspections

All Manufactured homes must pass a minimum of two inspections before a Certificate of Occupancy is issued and connection of permanent power is approved.

1. The first inspection is for erosion control, footings, foundation, anchors and tie downs. These items must be installed according to manufacturer's instructions or the Rules and Regulations for Manufactured Homes published by the State Safety Fire Commissioner on new manufactured homes. On other than new homes the installation must be according to the Rules and Regulations for Manufactured Homes published by the State Safety Fire Commissioner. If the manufacturer's instructions are used, a copy must be on site at the time of the inspection as a guideline for the inspector.
2. The next inspection will be scheduled when the home is ready for occupancy. The electrical service must be in accordance with the requirements of the National Electric Code. The sewage system must be complete with all connections made and all piping properly covered. All required porches, handrails, steps, vapor barrier and underpinning (curtain walls) installed.  
At this final inspection the site will be inspected to insure landscaping and / or stabilization is complete to prevent erosion problems. All driveways must be constructed and stabilized to prevent soil erosion or the washing of soil or stone in to the county right-of-way.
3. If an inspection fails for any reason including improper work or failure to follow guidelines or regulations, or because of lack of access for the inspector or because of the lack of or improperly installed erosion control, a reinspection fee of \$50.00 will

be assessed and must be paid prior to issuance of a CO and connection of permanent power.

4. A copy of the septic permit indicating the system as installed is approved by the Health Department must be provided prior to issuance of a C.O.

#### Section 1200. Variances

The purpose of a variance is to provide relief when a strict application of these regulations would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardship may result from the size, shape, location or dimensions of a site or structure.

A variance will not be granted for a self-imposed hardship.

1. Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of these regulations. Guarantees and evidence may be required that such conditions will be and are being compiled with.
  - a. The Planning Commission is responsible for considering and making decisions on requests for variances.
  - b. The variance must specify which requirements are to be varied from. It must specify alternative standards and requirements to be met.
2. Variances may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four expressly written findings below are made;
  - a. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship; and
  - b. That these are exceptional or extraordinary circumstances or conditions applicable to the property involved or to be intended use of the property which do not apply generally; and
  - c. That the granting of the variance will not be detrimental to the public health, safety, or welfare; or
  - d. That the granting of the variance would support general objectives contained within the Resolution. Variances in accordance with this Article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.
3. The following procedures apply:
  - a. Application for variance shall be filed with the Planning Commission on the form prescribed by the County, with all required information by any person with a legal interest in the property.
  - b. The Planning Commission will review the completed application and any investigation reports at a public hearing. The Planning Commission shall determine whether the evidence supports a finding that the criteria have been met and will either approve, approve with conditions, or deny the application accordingly.
4. Compliance with conditions imposed in the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitute a violation of this Resolution.

5. A valid variance supersedes conflicting provisions of or amendments to this Resolution unless specifically provided otherwise by the provisions of this Article or the conditions of approval to the variance.
6. Variances shall be automatically revoked if not exercised within one year of the date of approval. All grants of variance shall be recorded in the real property records of the Lumpkin County Clerk of Court and indexed in the name of the property owner.
7. Applications for which a substantially similar application has been denied cannot be resubmitted for a period of six (6) months from the date of the denial by the Planning Commission.

#### Section 1300. Fees:

The fees associated with the moving, set-up, Inspection and installation of manufactured homes are as follows:

1. Moving Permit = \$50.00, this permit is required any time a manufactured home is being moved into or out of Lumpkin County.
  - Proof of taxes paid must be provided before a permit to move a home out of the County may be issued.
2. Set-Up or Installation Permit = \$150.00, this permit is required any time a manufactured home is being located in the County
  - Proof of taxes paid must be provided before a permit to install a used home may be issued.
2. Land Disturbance Permit = \$100.00, this permit may be required according to the Soil Erosion and Sedimentation Regulations.
3. Pre-owned inspection fee= \$150.00, this inspection is required any time application is made to relocate a pre-owned manufactured home within the unincorporated area of Lumpkin County, whether originally located inside or outside the boundaries of Lumpkin County.

#### Section 1400. Enforcement

1. A stop work may be issued by any member of the Planning Department for failure to comply with any portion of this resolution or the construction codes or soil and sedimentation regulations.  
A stop work may be issued alone or in conjunction with a citation, depending on the nature or severity of the violation.
2. Any person, firm, business or corporation or other entity who shall violate any provision of this Resolution as the same exists or is hereafter amended, or who shall fail to do anything required by this Resolution as it exists or is hereafter amended, shall be guilty of misdemeanor, amenable to the process of the Magistrate Court of Lumpkin County and upon conviction, shall be punished by a fine not to exceed Five Hundred (\$500) Dollars, or by confinement in the County jail not to exceed sixty (60) days, or both, in the discretion of the Court. Each and every day that such a violation exists shall constitute a separate offense.

#### Section 1500

#### Legal Status Provision

1. Validity.  
Should any section, clause, or provision these Regulations be declared by a court of competent jurisdiction to be invalid, such adjudication shall not affect the validity of these

Regulations as a whole or any pan thereof other than the part so declared to be invalid, each section, clause, and provision thereof being declared severable.

2. Repeal of Previous Resolutions.

All resolutions or parts of resolutions in conflict with the terms of the Resolution are hereby repealed, but it is hereby provided that any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be literally construed to be in favor of Lumpkin County is hereby adopted as a part hereof.

3. Conflict with Other Laws.

Whenever the provision of the resolution imposes more restrictive standards than are required under any other statute, the requirements of this resolution shall govern.

4. Effective Date.

These Regulations shall take effect and be in force from and after the adoption and enactment of these Regulations, the public and welfare demanding it