

STATE OF GEORGIA

HENRY COUNTY

ORDINANCE NO. 11-02

AN ORDINANCE TO AMEND SECTION 2.03.05 *MOVE-IN STRUCTURE USES IN BASE ZONING DISTRICTS* OF THE HENRY COUNTY UNIFIED LAND DEVELOPMENT CODE, IN ACCORDANCE WITH SECTIONS 12.02.11 AND 12.03.00, AS IT PERTAINS TO REQUIRED PERMITS, REQUIRED BONDS, MAXIMUM AGE OF THE MOVE-IN STRUCTURE AND MAXIMUM WIDTH OF THE MOVE-IN STRUCTURE.

WHEREAS, Section 2.03.05 of the *Unified Land Development Code* was adopted and made a part of the Henry County Code of Ordinances by the Henry County Board of Commissioners on September 15, 2009; and

WHEREAS, the Henry County Board of Commissioners may amend Section 2.03.05 of the *Unified Land Development Code* on its own motion; and

NOW, THEREFORE, BE IT ORDAINED by the Henry County Board of Commissioners that Section 2.03.05 shall be amended as follows:

I.

2.03.05 Move-In Structure Uses in Base Zoning Districts

- A. Except as provided in this section, no application for a move-in structure permit shall be approved, nor any structure moved or occupied, in Henry County, Georgia prior to completion of all the requirements of this section.
- B. A move-in structure is defined as a preexisting structure relocated to another property or on the same property. Factory-built modular and manufactured homes as defined in the ULDC [Appendix A] are exempt from this section.
- C. Move-in houses shall be a permitted use only in the RA (Residential-Agricultural) Zoning District as defined in the ULDC section 2.01.02 and are subject to all lot size and setback requirements of the RA District, and shall be subject to all regulations of the Henry County Health Department concerning on-site sewage disposal facilities and private wells.

D. Inspections:

1. **Preliminary inspections.** No building permit application for a move-in structure shall be approved until a complete inspection of the structure is made by the Henry County Building Department. An application for a move-in structure inspection shall be completed on forms provided by the building department prior to the inspection being made. The building department inspection shall determine the compliance or the feasibility of compliance to all existing building codes, development codes and ordinances adopted by the Henry County Board of Commissioners. Depending upon the size, age, condition, or design of the structure, the Building Official or his authorized representative may require an inspection and report from a structural engineer to evaluate the suitability of the structure for moving. The engineering inspection and report fee shall be paid by the applicant for the move-in structure. If the Building Official or his authorized representative determines that compliance with existing codes is not feasible, the application for the building permits shall be denied. All such denials shall be in writing specifying the reasons therefor and signed by the Building Official.
2. **Follow-up inspection.** Following relocation of the structure and prior to and for the purpose of re-inspecting, the owner of the move-in structure shall, at the owner's choice, remove either the interior wall covering on all exterior walls or the exterior wall covering on all exterior walls. If necessary and at the direction of the Building Official or his authorized representative regarding the interior load bearing walls, the owner shall remove one side of these interior walls and the Building Department shall then re-inspect the structure to insure that its structural integrity has not been compromised and that any required improvements are still feasible.
3. **Inspection fee.** The inspection fee shall be as set forth in the Henry County Building Department Fee Schedule which shall be paid to the building department prior to the inspection being made.

E. Performance Letter of Credit or Escrow Letter of Surety required of owner of the structure. To ensure that the structure will meet all of Henry County's current building construction codes and that the renovation of the move-in structure is completed and ready for occupancy within six (6) months from the date the building permit is issued, the owner of the move-in structure

shall provide an Irrevocable Letter of Credit or Irrevocable Bank Escrow Letter of Surety, in the amount of ten-thousand dollars (\$10,000), meeting the requirements of section 12.02.13. Such Irrevocable Letters of Credit or Irrevocable Bank Escrow Letters of Surety shall be issued from a federally insured banking institution.

F. **Building permit.** A building permit shall be obtained from the building department for a move-in structure before it can be located on a lot in Henry County. The fee for the permit shall be as set forth in the Henry County Building Department Fee Schedule.

G. **Owner certification.** All applications for permit shall be accompanied by a sworn affidavit that said applicant is the owner of the move-in structure and the owner of real property where the structure is to be relocated if the structure is to be located in Henry County. Prior to habitation, said owner shall be required to obtain a certificate of occupancy to verify completion of all work and that the structure is ready for habitation.

H. **Route approval:**

1. Structures to be located within Henry County. Prior to the issuance of a permit for a move-in structure, the applicant must first submit and receive approval from the Henry County Police Department, Henry County Department of Transportation, and Henry County Code Enforcement Division regarding the proposed route. The applicants shall provide information concerning the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure, map of the proposed route and insurance company. Said approval and information must be on forms furnished by the Henry County Building Department. Routes must comply with the Henry County Truck Route Ordinance.

2. Structures to be located outside of Henry County. Prior to moving a preexisting structure through Henry County, routes must be established by the Henry County Police Department, Henry County Department of Transportation, and Henry County Code Enforcement Division on forms provided by the Henry County Building Department. The applicants shall provide information concerning the name and address of the moving company, owner of structure to be moved, destination of structure, type and size of structure,

map of the proposed route and insurance company. Required police escort must be prearranged with the Henry County Police Department three (3) days prior to moving structure from Henry County. Move-through structures will be allowed only on routes established in the Henry County Truck Route Ordinance.

- I. **Requirements for Moving Companies.** Any firm or individual moving structures into or through Henry County shall provide a valid copy of the Georgia Department of Transportation Oversize/Overweight Permit for the structures and a Certificate of Liability, naming Henry County as the Certificate Holder, that meets or exceeds the minimum insurance standards required by the Georgia Department of Transportation.
- J. **Guarantee of completion.** No application for a building permit shall be approved until a Performance Bond, Irrevocable Letter of Credit, or Irrevocable Bank Escrow Letter of Surety shall first be provided as referred to in subsection (E) above.
- K. **Time of completion.** All permits for move-in structures must be completed in compliance with all codes and ordinances of Henry County within six (6) months from the date of granting of the building permit, unless extended as provided herein. In the event said structure is not in compliance and/or is not completed within the specified time limit, the Building Official or his authorized representative shall notify, in writing, the owner giving specific causes of noncompliance or completion. Upon notification, the owner has thirty (30) days to correct said causes of noncompliance or non-completion. In the event of failure of the owner to correct causes of noncompliance or non-completion, and the owner has not received an extension of completion time, a notice to move or demolish said structure shall be issued to the owner immediately. Failure to move or demolish said structure within ten (10) days of this notice shall be deemed a violation of this section and shall be punishable in the Magistrate Court of Henry County and the Henry County Building Official or his authorized representative shall authorize the surety or bank issuing the Irrevocable Letter of Credit or Escrow Letter of Surety to release to the County all funds.
- L. **Extension of completion time.** The Henry County Building Official or his authorized representative, upon written request by the owner which states the reason for the request and payment of applicable fees, may issue a ninety (90) day extension of completion time for cause beyond the original six (6)

month compliance/completion period. A second ninety (90) day extension of completion time, upon written request by the owner which states the reason for the second request, may be issued after the first ninety (90) day extension of completion time has elapsed. Approved or denied extension of compliance/completion time requests shall be in writing and signed by the Building Official or his authorized representative. Permission for a greater extension of time may be granted only by the Henry County Board of Commissioners in regular public session. Application to appear before the Board of Commissioners shall be on forms provided by the Henry County Building Department. For any extension of completion time request the performance Irrevocable Letter of Credit, or Irrevocable Bank Escrow Letter of Surety may be required to be extended if the Performance Letter of Credit or Irrevocable Bank Escrow Letter of Surety does not have sufficient time remaining to ensure that the structure will meet all of Henry County's current building construction codes and that the renovation of the move-in structure is completed and ready for occupancy within the requested time. The fees for each extension of completion time request shall be as set forth in the Henry County Building Department Fee Schedule.

- M. **Certification of occupancy.** A certificate of occupancy shall be issued upon the passing of a final inspection of a structure and shall verify the completion requirements hereinabove set forth, including compliance with all existing building and life safety codes.

II.

It is the intention of the BOC, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Henry County, Georgia, and the sections and articles of the Code may be renumbered to accomplish such intention.

III.

All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

IV.


Should any section, part or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof not specifically declared to be invalid or unconstitutional.

V.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

BE IT SO ORDAINED, THIS 4th DAY OF APRIL 2011.

BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA


Elizabeth 'BJ' Mathis, Chairman

ATTEST:


Shay Mathis, County Clerk