

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE

NO. 2021 - 19

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY; TO IDENTIFY A LOCAL GOVERNMENT AGENT FOR THE PURPOSE OF CLASSIFYING CERTAIN MOBILE HOMES AND MANUFACTURED HOMES AS ABANDONED; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY BE AMENDED BY ADDING A NEW ARTICLE TO CHAPTER 102 BUILDINGS AND BUILDING REGULATIONS PERTAINING TO THE CLASSIFICATION OF ABANDONED MOBILE HOMES AND MANUFACTURED HOMES AS FOLLOWS:

Section 1. By adding a new article with appropriate sections to Chapter 102 Buildings and Building Regulations to be numbered and to be entitled as follows:

ARTICLE XV. ABANDONED MOBILE HOMES AND MANUFACTURED HOMES

Section 2. By adding a new section to Chapter 102 Buildings and Building Regulations providing for the purpose and intent to be numbered and to read as follows:

Sec. 102-2450. Purpose and intent.

The board of commissioners finds that abandoned mobile homes are a nuisance that cause blight and depress property values. This article is intended to provide the authority to appoint an agent to determine the condition of mobile homes in order for landowners to remove or restore abandoned mobile homes left on their property. It is the further purpose of this article to provide landowners with the guidance necessary to efficiently and properly identify and dispose of abandoned mobile homes in this County while protecting the rights of any owner, lienholder, or other interested parties by performing a due diligence search, notification, and hearing process.

Section 3. By adding a new section to Chapter 102 Buildings and Building Regulations providing for definitions to be numbered and to read as follows:

Sec. 102-2451. Definitions.

As used in this article, the term:

(1) “Abandoned mobile home” means a mobile home that has been left vacant by all tenants for at least 90 days without notice to the landowner and when there is evidence of one or more of the following:

(A) A tenant’s failure to pay rent or fees for 90 days;

- (B) Removal of most or all personal belongings from such mobile home;
- (C) Cancellation of insurance for such mobile home;
- (D) Termination of utility services to such mobile home; or
- (E) A risk to public health, safety, welfare, or the environment due to such mobile home.

(2) “Derelict” means an abandoned mobile home which is in need of extensive repair and is uninhabitable and unsafe due to the presence of one or more of the following conditions:

- (A) Inadequate provisions for ventilation, light, air, or sanitation; or
- (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe.

(3) “Dispose” means to destroy, recycle, or repurpose for use not as living quarters.

(4) “Intact” means an abandoned mobile home which is in livable condition under applicable state law and the building and health codes of the county.

(5) “Landowner” means the owner of real property upon which a mobile home is located.

(6) “Local government agent” means a person appointed by the governing authority who is qualified to inspect an abandoned mobile home by demonstrating that he or she is qualified to determine if the abandoned mobile home is derelict or intact.

(7) “Manufactured home” means a new or used 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.

(8) “Mobile home” means a new or used 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 prior to June 15, 1976.

(9) “Responsible party” means any person with an ownership interest in an abandoned mobile home as evidenced by the last payor of record as identified by a search of deeds or instruments of title, and shall include any holder of a

recorded lien or the holder of any type of secured interest in such abandoned mobile home or a local government with a claim for unpaid taxes.

Section 4. By adding a new section to Chapter 102 Buildings and Building Regulations providing for the designation of a local government agent to be numbered and to read as follows:

Section 102-2452. Designation of local agent.

The board of commissioners designates the director of the Department of Building Safety as the local government agent, with said local government agent being hereby clothed with the authority found in this article to inspect abandoned mobile homes and manufactured homes for the purposes provided for within this article.

Section 5. By adding a new section to Chapter 102 Buildings and Building Regulations providing for the procedure for the inspection of abandoned mobile homes and abandoned manufactured homes to be numbered and to read as follows:

Section 102-2453. Procedure to follow state law.

The process for inspecting abandoned mobile homes and abandoned manufactured homes is the process set out in state law at O.C.G.A. § 44-7-110 et seq. (the “Abandoned Mobile Home Act”). It is the intention of the board of commissioners that this article has been adopted to identify a local government agent as contemplated

by the Abandoned Mobile Home Act. The local government agent so identified shall follow the process as provided in the Abandoned Mobile Home Act.

Section 6. This Ordinance shall become effective immediately upon its adoption.

Section 7. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The board of commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 8. All other ordinances and parts of ordinances in conflict with this Ordinance shall be deemed repealed.

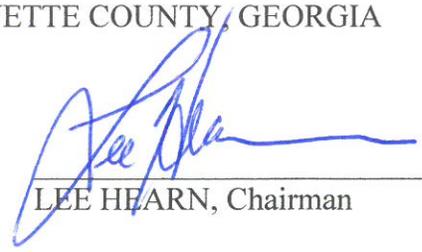
SO ORDAINED this 14th day of October, 2021.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)



By:


LEE HEARN, Chairman

ATTEST:


Tameca P. Smith, County Clerk

APPROVED AS TO FORM:


County Attorney