

**STATE OF GEORGIA  
COUNTY OF CHEROKEE**

**ORDINANCE NO. 2022-O-002**

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**AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO ADD ARTICLE II DIVISION 4 SECTION 125 OF CHAPTER 14 OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, GEORGIA TO ENACT PROVISIONS PERTAINING TO A PERSON RESIDING IN A RECREATIONAL VEHICLE WITHIN CHEROKEE COUNTY, GEORGIA; TO PROVIDE GUIDELINES FOR ENFORCEMENT AND PENALTIES FOR SUCH ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, the Board of Commissioners desires to update and add a new Section 14-124 of the Cherokee County of Ordinances to enact provisions pertaining to persons residing in recreational vehicles within Cherokee County, Georgia; and

**WHEREAS**, the Board of Commissioners desire to limit the time that such person can occupy a recreational vehicle as a residency prior to being in violation of County Code; and

**WHEREAS**, the update ordinance change will require that a person not use a recreational vehicle as a residency for a period of more than thirty (30) consecutive days or thirty (30) non-consecutive days within a time period of ninety (90) days; and

**WHEREAS**, in addition, the recreational vehicle shall also not be allowed to connected to metered water or metered electrical power; and

**WHEREAS**, this Ordinance change will benefit the safety and welfare of the citizens of Cherokee County; and

**WHEREAS**, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

### **Section 1**

Article II Section 125 of Chapter 14 of the Code of Ordinances of Cherokee County, Georgia shall be amended to enact provisions pertaining to residency within a recreational vehicle within Cherokee County, Georgia. Said Ordinance shall read as follows:

#### **CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS.**

#### **ARTICLE II – PROPERTY MAINTENANCE.**

#### **DIVISION 4 – UNFIT DWELLINGS OR BUILDINGS.**

#### **SEC. 125 – RESIDENCY IN A RECREATIONAL VEHICLE.**

- (a) No recreational vehicle shall be permanently occupied. For the purposes of this section, any recreational vehicle shall be deemed permanently occupied if:
  - (1) The recreational vehicle is occupied for 30 or more consecutive days;
  - (2) The recreational vehicle is occupied for 30 or more non-consecutive days during a 90 day period; or
  - (3) The recreational vehicle is connected to metered water or electrical power at a unique mailing address.

### **Section 2.**

It is hereby ordained that the provisions of this Ordinance shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

### **Section 3.**

- (a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.
- (b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or

phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

#### **Section 4.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

#### **Section 5.**

This Ordinance shall become effective immediately upon its adoption.

**SO ORDAINED, APPROVED, AND ADOPTED** this 1st day of February, 2022.



(SEAL)

By:

  
HARRY B. JOHNSTON, Chairman

Attest:

  
CHRISTY BLACK, County Clerk