

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CANDLER COUNTY TO ADOPT A MORATORIUM ON THE USE OF NON-HUD COMPLIANT STRUCTURES

WHEREAS, the Board of Commissioners of Candler County is the governing authority for Candler County, Georgia; and

WHEREAS, the Georgia Constitution and the general laws of the State of Georgia grant the local governing authority of each county jurisdiction to control all county property and to further adopt such ordinances and regulations as necessary to protect the public health, public safety and general welfare of its citizens; and

WHEREAS, under authority of the Constitution of the State of Georgia and O.C.G.A. § 8-2-170 et seq., a county may establish standards, conditions and inspection programs for all structures used or intended to be used for human habitation; and

WHEREAS, promotion and maintenance of property values within the jurisdiction and health and general welfare of citizens of Candler County are furthered by adoption of standards for the conditions of structures capable of human habitation;

WHEREAS, Candler County deems it necessary and desirable to continue to study the health and safety of non-HUD approved structures used for human habitation as well as to study the impact that such structures would have on existing communities within the County; and

WHEREAS, Candler County deems it necessary and desirable to review its ordinances that address the establishment of structures for human habitation that are non-HUD approved within Candler County, Georgia.

WHEREAS, Candler County deems it necessary and desirable to prohibit any and all structures that are not considered manufactured homes, mobile homes, modular homes, and site built dwellings. The aforementioned structures are defined as follows:

- (a) Manufactured home shall be defined as structures 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 electric 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.

- (b) Mobile homes shall be defined as structures 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 manufactured prior to June 15, 1976.
- (c) Modular homes shall be defined as any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly to, or destruction thereon. Component means any assembly, subassembly, or combination of parts for use as part of a building, which may include structural, electrical, plumbing, mechanical, and fire protection systems and other systems affecting health and safety.
- (d) Site Built Dwelling or stick-built dwellings shall be defined as residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

WHEREAS, Candler County deems it necessary and desirable to review its ordinances that address the permitting of multiple structures on the same lot; and

WHEREAS, the Georgia Supreme Court has held that a moratorium with response to application of any ordinance may be put in place for a reasonable period of time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law; and

WHEREAS, Candler County finds it appropriate that a moratorium barring the acceptance of applications for permits and placement of non-HUD approved structures intended to be used for human occupation in Candler County for 300 days is necessary; and

NOW, THEREFORE BE IT RESOLVED, that Candler County does hereby enact a moratorium barring the acceptance of any applications for permits pursuant to any and all statutes, ordinances, regulations, rules, and requirements, for placement and/or use of non-HUD compliant structures. This resolution shall be effective immediately upon its adoption for the public’s health, safety, and welfare demanding it.

IT IS FURTHER RESOLVED, under the Supreme Court case of Cannon v. City of Hampton, 255 Ga. 63, 335 S.E.2d 294 (1985), the Supreme Court stated, “Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit.” Pursuant to this case, Candler County recognizes that, unknown to Candler County, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

- (a) A written application, including verified supporting data, documents and facts, may be made requesting a review by the County Administrator of Candler County at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SO RESOLVED AND ADOPTED this 17 day of January, 2023.



CANDLER COUNTY, GEORGIA

Glyn Thrift, Chairman

ATTEST: Mawanda H. Jank
Kelli Lank, County Clerk