

ORDINANCE NO. 96-4

AN ORDINANCE REGULATING THE PLACEMENT OF MOBILE HOMES, RECREATION VEHICLES AND MODULAR HOMES IN THE TOWN OF GREENWOOD; PROHIBITING PLACING OF MOBILE HOMES, RECREATIONAL VEHICLES, OR MODULAR HOMES WITHOUT FIRST ACQUIRING A PERMIT; PROHIBITING THE OCCUPANCY OF ANY MOBILE HOME, RECREATIONAL VEHICLE OR MODULAR HOME UNLESS THE SAME MEETS CERTAIN CODES AND STANDARDS AS SET FORTH HEREIN; PROHIBITING THE INSTALLATION OF ELECTRICAL SERVICE UNTIL PROPER PERMITS HAVE BEEN ISSUED; DESIGNATING CODE ENFORCEMENT OFFICER OF THE TOWN OF GREENWOOD OR HIS DESIGNEE AS THE ADMINISTRATIVE AND ENFORCEMENT OFFICIAL OF THESE REGULATIONS; PROVIDING FOR FEES FOR PERMITS AND/OR INSPECTION; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING A REPEALER.

WHEREAS, the Town Council of the Town of Greenwood has determined that mobile homes, recreational vehicles and modular homes have been and are being located within the municipality which do not comply with Jackson County's minimum housing code, minimum electrical code safety standards, U.S. Department of Housing and Urban Development mobile home standards, and State of Florida laws and rules for mobile homes, recreational vehicles, modular homes, sanitation, and environmental protection, and other laws, rules and regulations of the State of Florida and of the County; and

WHEREAS, such substandard housing is detrimental to the public health, safety, and welfare and is in violation of the laws of the State of Florida and the Ordinances and Codes of Jackson County, and is not consistent with the Jackson County adopted Comprehensive Plan and the Town of Greenwood adopted Comprehensive Plan; and

WHEREAS, Florida Statutes § 320.8285 (1995) charges municipalities with preparing and adopting a plan providing for an onsite inspection of each mobile home located within the municipality;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENWOOD, FLORIDA:

SECTION 1. INTENT.

It is the intent of the Town Council of the Town of Greenwood, Florida, that in order to prevent unsafe, unhealthy, and unsanitary housing conditions, to protect the public from nuisances caused by blighted dwellings and unsanitary conditions, to protect the public health, safety and welfare, and to preserve the economic value of residential property within the municipality, it shall be unlawful for any mobile home, recreational vehicle, or modular home to be brought into and/or set up for dwelling purposes within the city limits of the Town of Greenwood, Florida, until such mobile home, recreational vehicle or modular home has been inspected by the Town of Greenwood Code Enforcement Official or his or her designee or agent, and a permit has been issued for such mobile home, recreational vehicle, or modular home.

SECTION 2. STANDARDS

A. No mobile home, recreational vehicle, or modular home shall be issued a permit for occupancy as a residence, or a residential development order, unless it has a minimum of six hundred (600) square feet of habitable area (not including garages, carports, porches, balconies, storage areas, cabinets, or accessory buildings).

B. No mobile home, recreational vehicle, or modular home shall be issued a permit for occupancy as a residence, or a residential development order, unless it measures at least ten (10) feet in width, including permanently attached room additions.

C. No mobile home, recreational vehicle, or modular home shall be issued a permit

for setting up or occupation as a residence unless it meets one of the following codes:

- 1) American National Standard Institute (ANSI Code); or
- 2) Federal Mobile Home Construction and Safety Standards dated June 16, 1976; or
- 3) Federal Department of Housing and Urban Development Code, established pursuant to the U.S. Housing and Community Development Act of 1980.

D. No mobile home, recreational vehicle, or modular home shall be issued a permit for occupancy as a residence unless it also meets the standards of Florida Statutes §320.8325, the minimum housing codes of Jackson County and the Town of Greenwood, and meets the following requirements:

- 1) The unit is in clean and sound condition;
- 2) All windows are operable and screened, with no broken panes;
- 3) All plumbing works properly with no leaks;
- 4) All electrical systems are in proper working order, and contain no aluminum wire less than #8;
- 5) A/J heating equipment is in proper working order;
- 6) At least one set of steps is connected to the unit, with handrails if they are required pursuant to the Jackson County Housing Code;
- 7) All ceiling heights are at least seven feet;
- 8) All doors and hardware work properly;
- 9) There is no pest or vermin infestation in the unit; and
- 10) Properly working washing machine and dryer connections are in place.

E. All mobile homes, recreational vehicles, and modular homes used as a residence must be skirted with factory manufactured skirting material that is designed to reduce the effects of wind uplift on the structure, and that will prevent the entry of rodents and wild animals to the area beneath the unit, or have a completely enclosed foundation in place within sixty (60) days after a permit has been issued hereunder. Tongues, wheels and axles must be removed from mobile units, and they must be placed on a permanent foundation that meets the standards of the adopted building code.

F. The minimum lot size for siting a manufactured home shall be one quarter acre (¼ acre). The placement of the unit shall have a minimum distance of ten (10) feet from the property line on each side, a rear distance of twenty (20) feet and twenty-five (25) feet from edge of road right-of-way and shall be a minimum distance of twenty (20) feet from any other structure unless manufactured home is located in an approved mobile home park. A variance to this section may be temporarily obtained for disabled/handicapped or elderly citizens or for temporary housing during reconstruction of dwellings lost due to disaster or fire.

G. This ordinance is supplemental to, and does not supersede, the requirements of other ordinances, including the adopted building code, land development regulations, and comprehensive plan.

H. Any person or entity bringing a mobile home, recreational vehicle, or modular home into the city limits of the Town of Greenwood, or causing the same to be brought into the city limits of the Town of Greenwood, and any person setting up or causing to be set up in the city limits of the Town of Greenwood any mobile home, recreational vehicle, or modular home shall have a copy of the permit issued pursuant to this ordinance in the window next to the front door of said unit.

SECTION 3. INSPECTION.

A. Prior to the issuance of a permit as required by this ordinance, all used mobile homes must be inspected and approved by the Town of Greenwood Code Enforcement Official or his or her agent, and must meet the standards set forth herein.

B. It shall be unlawful for electrical services to be connected to any mobile home,

recreational vehicle, or modular home until a permit as required herein shall have been issued by the Director or his or her agent, and proper approvals have been obtained for the sewage disposal system and for the potable water system.

SECTION 4. EXEMPTIONS

A. Existing units: Mobile homes, recreational vehicles, and modular homes which are already in place, and legally established as residences in accordance with the applicable codes, prior to the effective date of this ordinance are exempt from the requirements of this ordinance, except that should they be damaged, remodeled or repaired at a cost equal to or greater than fifty percent (50%) of their fair market value, as determined pursuant to the standards in the Jackson County Housing Code; or except that should they become unoccupied or should the residents at the time of passage of this ordinance ceased to reside in the mobile or modular home, then they must be brought into compliance with this ordinance.

B. Bona Fide Temporary Recreational Units: Recreational vehicles, travel trailers, and campers that are located in areas in which they are permitted pursuant to the adopted Comprehensive Plan and Land Development Regulations, as they are then in effect, and which are temporarily located as a shelter in support of a recreational activity, shall be exempt from the requirements of this ordinance. The location of recreational vehicles, travel trailers, and campers in a legally established recreational vehicle park or campground, or in a public park or campground in which such units are permitted, for a period of less than one hundred eighty (180) days shall be *prima facie* evidence that such units are legally, established temporary recreational shelters.

SECTION 5. FEES.

Any person or entity seeking a permit as required hereunder shall first pay to the Code Enforcement Official or his or her agent the fees for inspection and permitting as shall from time to time be set by resolution by the Town Council of the Town of Greenwood.

SECTION 6. VARIANCES.

Variance from the requirements for skirting and removal of tongues, wheels and axles, and from the minimum unit size required pursuant to this ordinance may be granted by the Planning Commission for mobile homes, recreational vehicles, or modular homes used for temporary, short-term or occasional dwelling purposes, on a case-by-case basis, provided that the variance does not include a variance from the adopted minimum housing code, or from other applicable codes and ordinances, and that the intent of this ordinance is not circumvented thereby; and provided further that such variance is granted prior to such unit coming into and/or being set up in the Town of Greenwood as a temporary or occasional residence. All such variances shall be considered by the Planning Commission at a public hearing. All such variances as may be granted shall contain an expiration date. Prior to the expiration date, the Code Enforcement Official shall review the established unit and provide a recommendation to the Planning Commission as to whether or not the variance should be continued. The Planning Commission, upon receiving the report of the Director, shall consider the continuation of the variance at a public meeting. The variance shall be continued if the use of the unit is being temporarily or occasionally used in accordance with the original variance application, no nuisances have been or are being caused by its presence, its condition, or its use, and the surrounding land uses have not changed so as to make the unit an incompatible use or structure.

SECTION 7. PENALTIES.

A. Criminal Penalty: Any person or entity deemed to be in violation of this ordinance shall be given written notice of violation. If the violation is not corrected within thirty (30) days from said notice it shall constitute a misdemeanor in the second degree, and any person committing such violation, if convicted, shall be punished by a fine not to exceed \$500.00 or imprisonment for a term not to exceed sixty (60) days, or by both such fine and

imprisonment.

B. Civil Liability: In addition to the penalties in paragraphs 8.A. above, the Town Council of the Town of Greenwood shall have the right to seek an emergency civil injunction from the Circuit Court in and for Jackson County, against the violation of any provision of this ordinance, and if such injunction is granted, the violator shall pay all reasonable costs and attorney fees incurred by the Town Council in obtaining and enforcing such injunction.

SECTION 9. ADMINISTRATION

The Town of Greenwood Code Enforcement Official, or his or her designee, is hereby designated as the administrative and enforcement official to administer and enforce the provisions of this ordinance, and is hereby granted the authority necessary to administer and enforce the provisions hereof.

SECTION 10. INTERPRETATION

This ordinance is supplemental to, and not a replacement for, other applicable codes and ordinances that have been, or will be, enacted by the Town Council of the Town of Greenwood. In cases in which the provisions of this ordinance conflict with the provisions of any other ordinance, the more restrictive provisions shall apply.

SECTION 11. SEVERABILITY.

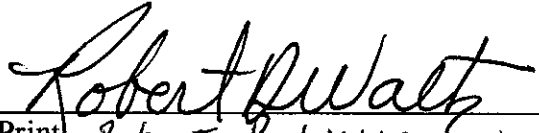
If any word, sentence, phrase, clause, section, or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 12. EFFECTIVE DATE.


This ordinance shall become effective immediately upon its final passage and adoption. Proposed ordinance presented to the Town Council of the Town of Greenwood, Florida, and read in full, and discussed with an opportunity for interested persons to be heard at the August 13, 1996, regular meeting.

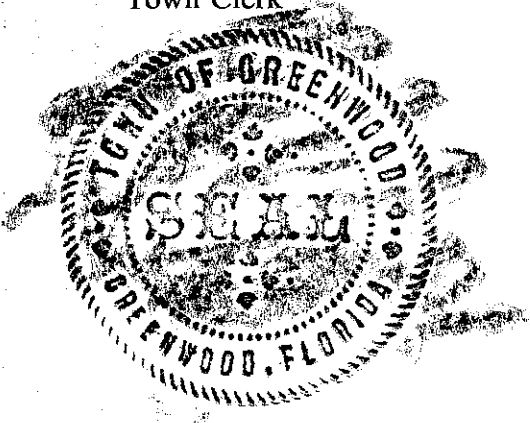
Proposed ordinance noticed once in a newspaper of general circulation in the Town of Greenwood, Florida, at least ten (10) days prior to its adoption.

Proposed ordinance read by title before the Town Council of the Town of Greenwood, Florida, at the September 10 1996 regular meeting, interested parties who appeared before the Town Council being heard, and proposed ordinance passed by at least two affirmative votes of members of the Town Council of the Town of Greenwood, Florida at said meeting.


Print Robert R. Waltz
Chairman of the Town Council

ATTEST:


CORNELIA DAVIS
Town Clerk



Approved by me on September 10, _____, 1996.

Gerald Parr

GERALD PARR

Mayor

Copies of the foregoing ordinance have been posted in three public places including the office of the Town Clerk in the Town of Greenwood, Florida, for one week after its passage.

Cornelia Davis CMC

CORNELIA DAVIS

Town Clerk