



City Manager 11B

Fostering citizen trust and cultivating a prosperous community

To: The Honorable Mayor and City Commissioners

From: Jon C. Williams, City Manager

Date: August 15, 2016

Subject: Read by title only, and adopt Ordinance No. 16-2091, amending the Longwood City Code regulating the maintenance and operation regulations regarding Mobile Home Parks and Mobile Homes.

Introduction:

This agenda item requests that the City Commission read by title only and adopt Ordinance No. 16-2091, a Longwood City Code amendment that includes changes to Chapter 18 – Buildings and Building Regulations to regulate mobile home parks and mobile homes within the City.

Background/Discussion:

Ordinance No. 16-2091 establishes minimum standards for the licensing, operation and maintenance of mobile home parks and mobile homes in the City.

Generally, the Ordinance provides for the following:

- Existing mobile home parks must apply for a license to operate a mobile home park from the City on or before September 15, 2016. After November 1, 2016, it shall be unlawful for any person to operate a mobile home park within the City without a license.
- As a condition of this license, the Building Official, Fire Marshal, Code Enforcement, and County Health Department are authorized to make periodic inspections of mobile home parks. Additionally, the owner of the mobile home park shall obtain an annual inspection from the Building Division.
- Chapter 18 is amended to establish a procedure by which the Building Official can prohibit the occupancy of unsafe buildings and structures.

The second Public Hearing for Ordinance No. 16-2091 was advertised in the Orlando Sentinel on August 4, 2016. The Land Planning Agency (LPA) held a public hearing on the item on July 13, 2016 and approved the item unanimously 3-0 with two members absent. A number of residents at that meeting spoke in favor of the ordinance (none in opposition) and stated that an existing mobile home park on Wildmere Ave. has long been an eyesore, safety risk, and source of frustration for neighboring residents.

Budget Impact:

There is no budget impact anticipated with this item.



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Recommendation:

The City Manager and the Interim Community Development Services Director recommend the City Commission read by title only and adopt Ordinance No. 16-2091.

Prepared by:

Dan Langley, City Attorney

Chris Kintner, AICP, Interim Community Development Services Director

Reviewed by:

Jon C. Williams, City Manager

Dan Langley, City Attorney

Chris Kintner, AICP, Interim Community Development Services Director

Attachments:

Ordinance No. 16-2091

ORDINANCE 16-2091

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, AMENDING CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS OF THE LONGWOOD CITY CODE TO ADOPT A NEW ARTICLE IX REGULATING MOBILE HOME PARKS AND MOBILE HOMES; ADOPTING REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF MOBILE HOMES; CREATING LICENSING, OPERATION AND MAINTENANCE REQUIREMENTS FOR MOBILE HOME PARKS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; AMENDING ARTICLE IV CONCERNING UNSAFE BUILDINGS TO CREATE A PROCEDURE FOR THE BUILDING OFFICIAL TO PROHIBIT OCCUPANCY OF UNSAFE BUILDINGS AND STRUCTURES;; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Longwood is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and

WHEREAS, the failure of owners and occupants to properly maintain property, buildings, structures and mobile home parks makes the City a less desirable place in which to live and work, and costs the City property owners and citizens by the decline of property values or lower property values than proximate communities; and

WHEREAS, pursuant to Section 320.8285, Florida Statutes, the City is responsible for inspections of mobile home set-ups within the City’s boundaries, and the City desires to create procedures concerning the same; and

WHEREAS, pursuant to Section 320.8285, Florida Statutes, the City has the authority to adopt and enforce land use and zoning requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation inspection requirements, as well as review and regulation of architectural and aesthetic requirements for mobile homes; and

WHEREAS, the City Commission finds this Ordinance to be consistent with the Comprehensive Plan; and

WHEREAS, the City Commission finds that the amendments to the Code adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and constitute legislative findings of the City Commission.

Section 2. Adoption. Chapter 18, Longwood City Code is hereby amended to add a new Article IX to read as follows:

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE IX. MOBILE HOME PARKS/MOBILE HOMES.

Sec. 18-223.- Intent. It is the intent of this article to establish minimum standards for the licensing, operation and maintenance of mobile home parks within the city. Further, it is the intent of this article to establish installation and maintenance requirements for mobile homes within the city. Nothing in this article is intended to permit mobile home parks or mobile homes on properties where such are not allowed by the comprehensive plan, land development regulations and zoning regulations. It is not the intent of this article to conflict with state and federal law, therefore this article shall be interpreted to the greatest extent possible to not be in conflict with state and federal law, and if such is not possible the applicable state or federal law shall control over this article to the extent of the conflict.

Sec. 18-224.- Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile home shall have the same meaning as defined in section 513.01(3), Florida Statutes (2015). Further the term “mobile home” shall include a detached single family dwelling unit with all the following characteristics: (a) designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (b) designed for transportation after fabrication on streets or highways on its own wheels; and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like.

Mobile home park means a parcel of land where two or more mobile homes are parked for nontransient living or sleeping purposes and where spaces or plots are set aside or offered for lease or rent for use of mobile homes for living or sleeping purposes, including any land, building structure or facility used by occupants of mobile homes on such premises.

Mobile home space means a plot or parcel of land within a mobile home park designated for the accommodation of not more than one mobile home.

Recreational vehicle shall have the same meaning as defined in section 513.01(10), Florida Statutes (2015).

Service building means a building housing facilities such as recreational, maintenance, laundry and office structures necessary to the successful operation and management of a mobile home park.

Sec. 18-225. - Licenses.

- (a) *Required.* As of November 1, 2016, it shall be unlawful for any person to maintain or operate a mobile home park within the city unless such person shall first obtain a license from the city to do so. Existing mobile home parks shall apply for a license to operate a mobile home park from the city on or before September 15, 2016. The license holder of a mobile home park license is sometimes referred to in this article as the licensee.
- (b) *Application for original license.* Application for a mobile home park license shall be in writing, signed by the applicant and contain the following information:
 - (1) The name and address of the applicant.
 - (2) The location, number of mobile home spaces, and legal description of the mobile home park.
 - (3) If it is an existing mobile home park, provide the register and information set forth in sec. 118-226.
 - (4) The name of the person who is primarily responsible for the daily operations of the mobile home park and will serve as the contact person for compliance with this article.
 - (5) A site plan depicting the dimensions and locations of mobile home spaces, service buildings, internal roads, dumpsters, and all rights-of-way adjacent to the mobile home park. If it is an existing mobile home park, the site plan shall also show the locations of all mobile homes and measurement of distances between mobile homes, service buildings, structures and property lines. Each mobile home space must be identified on the plan by a number.
- (c) *Fee.* The city may charge a fee of \$200.00 or such other amount as determined by resolution of the city commission for applying for and issuing a mobile home park license.
- (d) *Pre-license inspection.* Before a mobile home park license can be issued, the mobile home park owner shall call for and obtain an inspection from the city as set forth in sec. 118-227. If the city inspection finds violations of this article, the mobile home park owner shall bring the mobile home park and mobile homes therein in compliance with this article before a license will be issued. However, the city shall have the right, but not the obligation, to issue a provisional license for the operation of a mobile home park subject to the mobile home park agreeing to bring and actually bringing the park into compliance with certain requirements to establish compliance by a date certain. The failure to meet the requirements of a provisional license shall be a violation of this code and grounds for revocation.
- (e) *License to be posted.* The mobile home park license shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

- (f) *Zoning.* A license will not be granted for a mobile home park if the proposed property is not permitted for such use by the comprehensive plan, land development code or zoning regulations or is not considered a legally non-conforming use.
- (g) *Consent.* Seeking or obtaining a license to maintain and operate a mobile home park under this article shall be considered consent to the inspections set forth in this article.

Sec. 18-226.- Register. It shall be the duty of each mobile home park owner or licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of each mobile home occupant.
- (2) The name and address of the owner of each mobile home.
- (3) The make, model, year and vehicle registration number of each mobile home and motor vehicle of mobile home occupants.
- (4) Photographs showing the entire front, back and sides of each mobile home.
- (5) The state, territory or county in which vehicles are registered.
- (6) The date of arrival and of departure of each mobile home.
- (7) The mobile home space number for which each mobile home is located.

The mobile home park shall keep the required information current in the register. The mobile home park shall keep the register available to inspection at all times by city officials and employees and other public officials and employees whose duties necessitate acquisition of the information contained in the register. The register record of each registrant shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the mobile home park.

Sec. 18-227.- Inspections. As a condition of maintaining a license to operate a mobile home park, the building official, fire department, fire marshal, code enforcement, and county health department are hereby authorized to make periodic inspections of mobile home parks. Further, on or before October 1st of each year, the owner of a mobile home park shall call the city building division to schedule and obtain an annual inspection of the mobile home park and allow the city to inspect the mobile home park, service buildings, and all mobile homes and other improvements and structures located within the mobile home park. The purpose of these inspections is to determine the condition of mobile home parks, service buildings and mobile homes within mobile home parks in order to protect the health, safety and welfare of the inhabitants of the city and the mobile home parks and to ensure compliance with this article and other applicable ordinances.

Sec. 18-228.- Building permit required. It shall be unlawful for any person to extend or alter any mobile home park or to setup any mobile home for occupancy within the corporate limits of the city without first obtaining a building permit from the city. The building official shall have the right to withhold issuance of a building permit and inspection approvals if the owner of a

mobile home park or mobile home is in violation of this article. No mobile home shall be occupied unless and until the building official has inspected the mobile home set up and approved the mobile home for occupancy after a showing that the mobile home meets the applicable installation standards.

Sec. 18-229.- Temporary accessory structures. It shall be unlawful for any person to construct or modify any structure to be affixed to a mobile home or located upon a mobile home space without first obtaining a building permit from the city. Any structures affixed to a mobile home or located on a mobile home space within a mobile home park shall be considered a temporary accessory structure and shall be removed from the mobile home park when the mobile home for which it is affixed is removed or relocated from the mobile home space or mobile home park. Without limitation, the following are considered temporary accessory structures to a mobile home: stairs, shed, screen rooms, porches, patio, canopies, and roof-overs. Structures of a permanent nature are not permitted to be constructed upon any mobile home space.

Sec. 18-230.- Notice and inspection of setup.

- (a) It shall be the duty of the mobile home park owners or managers to notify the building division within seventy-two (72) hours after placement of each mobile home on its site.
- (b) Inspections of mobile home placement, electric, sewer and plumbing connections will be made by the building official.
- (c) An inspection fee of twenty-five dollars (\$25.00) or as otherwise established by resolution of the city commission shall be paid by the mobile home park owner or manager at the time of inspection request.
- (d) Records shall be kept by the building division showing approval of utilities connection, awning and utilities buildings on the site at time of inspection.
- (e) No additions shall be added to the mobile home or mobile home space after the placement inspection without necessary permits and inspections.

Sec. 18-231.- Installation Standards. It shall be required that all mobile homes be equipped and maintained with tie downs, piers, bases, anchors and specified associated equipment and devices, and installed in accordance with the provisions of the rules adopted by the Florida Department of Highway Safety and Motor Vehicles set forth in Chapter 15C-1 of the Florida Administrative Code.

Sec. 18-232.- Location of Setups. The following minimum standards shall apply to all new setups of mobile homes within new or existing mobile home parks:

- (1) All mobile homes shall be a minimum of five (5) feet from the perimeter property line.

(2) All mobile homes shall have a minimum of five (5) feet from the pavement edge or defined stabilized surface for a roadway or street. This shall apply to the tongue of the undergirding or the trailer frame, whichever is applicable. Window awnings may be treated as a part of the structural overhang, being a maximum of four (4) feet from the trailer frame.

(3) Mobile homes shall maintain a ten (10) foot minimum spacing from other mobile home. Any temporary structure affixed to a mobile home (i.e., stairs, canopy, screen room, carport, etc.) shall also comply with these minimum spacing requirements.

(4) Utility sheds shall have a minimum spacing of three (3) feet from a mobile home.

(5) No mobile home shall be positioned directly under an overhead utility line.

This requirement applies to mobile homes entering the mobile home park for the first time and to any existing mobile home being relocated within a mobile home park. The mobile home park may be required to remove or relocate other mobile homes in order to satisfy the requirements of this subsection.

Sec. 18-233.- Insect and rodent control. Insect, rodent and wild animal control measures to safeguard public health as defined by the sanitary code of the state and recommended by the health officer shall be applied in all mobile home parks. Skirting shall be placed around mobile homes and shall be of either masonry or metal construction, approved by the building official. Storage under the mobile home shall be limited to materials which will not deteriorate or provide nesting or breeding places for insects or rodents, or create a fire hazard. All dumpsters shall be secured and screened by a city approved enclosure, and areas surrounding dumpsters shall be clear of debris and refuse.

Sec. 18-234.- Fire extinguishers required. One (1) or more approved extinguishers of a type suitable for flammable liquid or electrical fires (class B and class C) in accordance with NFPA Standard No. 10, Portable Fire Extinguishers (carbon dioxide or dry chemical), shall be so located that it will not be necessary to travel more than one hundred and fifty (150) feet from any mobile home to reach the nearest extinguisher.

Sec. 18-235.- Identification of roadways and mobile home spaces. Roadways located within a mobile home park shall be named, labeled or otherwise adequately described so as to be easily found by persons and emergency service personnel entering the mobile home park. Mobile home spaces shall be numbered or otherwise adequately described and the number of other description shall be posted at the proper space so that it can be clearly read from each street on which the space fronts or abuts.

Sec. 18-236.- Utilities. Each mobile home space and occupied mobile home within a mobile home park shall be connected to and serviced by city water and waste water services. No individual water supply or sewage disposal system shall be permitted within any mobile home park.

Sec. 18-237.- Solid waste collection. The mobile home park owner and management shall be strictly responsible for internal trash and garbage collection within a mobile home park. Mobile home park solid waste collection points and dumpsters shall be screened from public view from without and within the mobile home park.

Sec. 18-238.- Recreational vehicles prohibited. Recreational vehicles are not intended for long term occupancy as a dwelling unit, thus recreational vehicles are not authorized within mobile home parks. No mobile home park or mobile home space shall be used or operated for the occupancy, storage, sale or rental of a recreational vehicle.

Sec. 18-239.- Perimeter screening. Each mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a six-foot opaque wall or fence and at least a five foot landscaping buffer “A” between the wall or fence and the property boundaries consistent with the Longwood Development Code which creates a visual barrier from adjacent properties and rights-of-way. Existing mobile home parks shall conform to the requirement of this section on or before April 1, 2017; up to a six month extension of this requirement may be granted by the community development services director for good cause shown by the mobile home park owner. Any requested variances to this section are subject to the variance criteria of section 9.2.2. of the Longwood Development Code, except that such variance request are considered by the city commission and will represent a final decision.

Sec. 18-240.- General maintenance.

- (a) Each mobile home shall be maintained and repaired in a manner to keep it compliant with the installation standards of sec. 18-231.
- (b) Each mobile home shall be maintained and repaired in a manner to keep it in compliance with all health, safety, and habitability standards of applicable state and federal statutes, rules and regulations governing mobile homes, including in regards to plumbing, HVAC, mechanical systems, and electrical systems.
- (c) Each mobile home, temporary accessory structure, building and structure within a mobile home park shall be maintained in a safe, structurally sound, operational and sanitary condition and shall be free of rotten wood, holes, fungus, mold, mildew, and standing water.
- (d) The roofs and exterior siding of all mobile homes shall kept be free of holes, gaps, mildew and mold. All conditions that may result in water intrusion into a mobile home shall be corrected. All screen enclosures shall be maintained in good condition, free of holes
- (e) All doors and windows on mobile homes shall be kept in proper repair and serviceable condition. No missing or boarded up windows and doors are permitted.
- (f) No unsafe, dilapidated or uninhabitable mobile home shall be occupied or stored within a mobile home park.

(g) The grounds of the mobile home park and mobile home spaces shall be kept clean of all rubbish and debris and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance.

(h) All internal roadways within a mobile home park shall be kept in proper repair and serviceable condition with a code-compliant width of asphalt and depth of asphalt and base, including free of pot holes and other dangerous or unsightly conditions.

(i) The mobile home park shall be operated and maintained in a manner consistent with applicable fire safety codes.

Sec. 18-241.- Enforcement.

In the event of a violation under this article, the city shall have the right to one or more of the following remedies or actions:

- (a) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property, or either of them where the violation occurs;
- (b) Institute any appropriate action to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions or obtain a mandatory injunction to bring about compliance, in which case the violating person shall be liable to the city for reimbursement of the city's attorneys' fees and costs concerning such action;
- (c) Institute and pursue procedures under article IV of this chapter. The city shall have the right to condemn, order no occupancy of and order to be demolished and removed, or to be put in a sound state of repair, any and all mobile homes and temporary accessory structures within the city found to be in a dilapidated, unsanitary or unsafe condition;
- (d) For a failure to seek, obtain and keep active a license for the operation of a mobile home park pursuant to this article, prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court;
- (e) For the occupancy of any mobile home posted or placarded by the city as condemned or unsafe habitability, prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court; and
- (f) Upon at least thirty (30) days written notice and an opportunity to correct the violation, revocation of the license to operate a mobile home park. A decision to revoke a license to operate a mobile home park is subject to appeal to the city commission if requested in writing stating the basis of the appeal to the city

manager within ten (10) days of after the effective date of revocation of the license.

Section 3. Adoption. Article IV of Chapter 18, Longwood City Code is hereby amended to add a new section as follows (underlined language are additions, ~~stricken through~~ language are deletions, and sections not included are not being amended):

Sec. 18-96. – Closure of unsafe buildings and structures.

(a) If upon inspection the building official determines that an unsafe or dangerous condition exists within a building or structure, which condition poses a substantial risk to the health or safety of occupants or entrants therein, the building official may, subject to the notice and hearing requirements of this section, eject any occupants and bar entry to the offending building or structure by notice or placard posted in a conspicuous place upon the premises indicating that “This Structure is Unsafe and Entry is Prohibited by Order of the City of Longwood.” The building official may also cause an appropriate physical barrier, boards, caution tape, chains and locks or any combination thereof, to be placed upon doors, windows and other ingress and egress points to discourage entry and occupancy of the building or structure at issue.

(b) It shall be a violation of this code for any person to enter or occupy a building or structure that has been noticed or placarded as unsafe for entry by the building official. Any occupied structure or building placarded as unsafe for entry by the building official shall be vacated as ordered by the building official. Any person who defaces or removes an unsafe for entry placard without the approval of the building official shall be subject to the penalties provided by this section. A failure to comply with such notice or placard shall be punishable as provided in section 1-13. In addition, the city shall have the right to all other remedies afforded by law to enforce this section.

(c) The building official shall remove the placard whenever the defect or defects upon which the unsafe for entry placarding action were based have been eliminated.

(d) If the building or structure is not lawfully occupied, then upon order of closure and non-occupancy under this section notice shall be directed by registered mail to the last known address, as shown by the tax assessment rolls, of the owner of the property involved, describing: i) the nature of the unsafe condition; ii) any actions the city has taken with regard to the building or structure; iii) any actions necessary to bring the building or structure into compliance; and iv) the right of any person owning or otherwise having an interest in the property to request a hearing contesting the building official’s determination by written objection to the city manager within ten (10) days of the date that the above notice is mailed.

(e) If the building or structure is lawfully occupied, then before ordering closure and non-occupancy under this section notice shall be directed by registered mail to the last known address, as shown by the tax assessment rolls, of the owner of the property involved, and to any occupant, describing: i) the nature of the unsafe condition; ii) the city’s intent to eject occupants and to close the building or structure if appropriate action is not taken; iii) any actions necessary

to bring the building or structure into compliance; and iv) the right of any person owning, occupying, or otherwise interested in the property to request a hearing contesting the building official's determination by written objection to the city manager explaining in detail the basis for the objection within ten (10) days of the date that the above notice is mailed. The person or entity requesting a hearing contesting the building official's determination shall explain their interest in the property at issue and make a statement that they are assuming the risks of entry upon and occupancy of the applicable building or structure pending the outcome of the hearing. If a hearing is timely and properly requested, the building official will not order closure and non-occupancy of the building or structure under this section until the expiration of the ten day objection period or if a hearing is requested, until the conclusion of a hearing in accordance with subsection (f). However, nothing herein shall prevent the building official or other city employees and officials from notifying property owners, occupants and others at any time of the dangers of entry upon or occupancy of the building or structure at issue or of the code violations at issue.

(f) If no hearing is timely requested under this section, the right to such hearing shall be deemed waived. If a hearing is timely requested, such hearing shall be held at the first regularly scheduled meeting of the city commission following the request or such other reasonable time as determined by the city. At the hearing, the city commission in its discretion may affirm, revise, modify, or reverse the building official's determination and any action taken or proposed in accordance therewith.

Sec. 18-97 – 18-99.- Reserved.

Section 4. Conflicts. If any Ordinances or parts of thereof are in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 5. Codification. Sections 2 and 3 of this Ordinance shall be codified and made a part of the City Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to correct scriveners' errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

Section 6. Severability. If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its adoption.

LAND PLANNING AGENCY HEARING: July 13, 2016

FIRST READING this 1st day of August, A.D. 2016.

SECOND READING AND ADOPTION this 15th day of August, A.D. 2016.

**CITY COMMISSION
CITY OF LONGWOOD, FLORIDA**

Joseph Durso, Mayor

ATTEST:

Michelle Longo, CMC, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida only.

Daniel W. Langley, City Attorney