

TAB 2

POINT PAPER

ORDINANCE GOVERNING THE USE OF CONSTRUCTION TRAILERS JANUARY 7, 2008

PROBLEM: The current ordinance regulating the temporary use of mobile homes and manufactured buildings on construction sites is inconsistent with applicable provisions of the Florida Building Code.

BACKGROUND: The proposed ordinance limits the amount of time for the use of a construction trailer to 180 days, instead of one year, as was previously allowed, with the ability of the Building Official to grant extensions with a demonstrated cause. See attached.

ALTERNATIVES:

- 1 - Advance this item forward to the 7:00 PM Meeting agenda, to authorize first reading and advertising for Ordinance # 08-957.
- 2 -- Take no further action.

RECOMMENDATION:

Alternative # 1 - Advance this item forward to the 7:00 PM Meeting agenda, to authorize first reading and advertising for Ordinance # 08-957.

BUDGET IMPACT: None

**CITY OF PALMETTO
ORDINANCE NO. 08 - _____**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 21, SECTION 21-8 OF THE CITY CODE OF ORDINANCES PERTAINING TO THE TEMPORARY USE OF MOBILE HOMES AND MANUFACTURED BUILDINGS AS SALES OFFICES OR ON ACTIVE CONSTRUCTION SITES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, a proper municipal function and purpose is the regulation of temporary structures and temporary uses within the City; and

WHEREAS, the City Commission has been advised that the current ordinance regulating the temporary use of mobile homes and manufactured buildings on construction sites is inconsistent with applicable provisions of the Florida building Code; and

WHEREAS, the City Commission finds that it is necessary and appropriate to revise said ordinance to eliminate conflict with the Florida building Code, and

WHEREAS, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PALMETTO, FLORIDA:

Section 1. Findings of Fact. The above-referenced "whereas" clauses are adopted herein as findings of fact.

Section 2. Revision language. Chapter 21, Section 21-8 of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 21-8. Temporary uses.

(a) One (1) mobile home or trailer may be used in any zoning district as a temporary office or sales office incidental to construction of the premises upon which the mobile home is located where the valuation on the face of the building permit which applies to the premises exceeds five hundred thousand dollars (\$500,000.00). One (1) mobile home or trailer may also be used as a temporary residence for a watchman guarding such a construction site during construction, but no such residential use shall be allowed until a water and sewer hookup has been obtained for the mobile home or trailer. Any such use allowed by this section shall be strictly limited to the time active construction is underway.

(b) The building contractor of the project shall apply to the city's building department for a mobile home or trailer permit for mobile homes or manufactured buildings regulated by this section.

(c) In no event shall the use continue for more than 180 days without the approval of the Building Official, who may grant extensions for demonstrated cause.

(d) This section shall also allow for contractor's construction manufactured buildings to be used when such a contractor is actively working on the construction site and who is operating under the terms of a valid building permit. A valid building permit shall serve as the contractor's permit for the construction manufactured buildings.

Deleted: community development

Deleted: one (1) year

Deleted:

Deleted: city council

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Deleted: shall give such approval

Deleted: on a month-to-month basis only upon finding that the actual construction is continuing.

(e) Any and all mobile homes or manufactured buildings regulated by this section must be maintained in good condition and must comply with all other codes, ordinances and statutes applicable thereto.

(f) Any and all mobile homes or manufactured buildings regulated by this section shall be removed from the construction site no later than fifteen (15) days after completion of the project or the expiration of a valid building permit, whichever occurs first.

Section 3. Repeal of Ordinances. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 4. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

APPROVED AND ADOPTED, in open session with a quorum present and voting, this _____ day of _____, 2007.

First Reading: _____, 2007
Publication: _____, 2007

Second Reading and
Public Hearing:

_____, 2008

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: _____
LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk