

TAB 4

POINT PAPER

ORDINANCE GOVERNING THE USE OF CONSTRUCTION TRAILERS FEBRUARY 4, 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 - Authorize scheduling of first reading and advertising for Ordinance # 08-959
- 2 - Take no further action

RECOMMENDATION:

Alternative # 1 - Authorize staff to schedule the first reading and advertising for Ordinance # 08-959

BUDGET IMPACT: None

**CITY OF PALMETTO
ORDINANCE NO. 08 - 959**

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 ENFORCEMENT; 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 manufactured building 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 manufactured building 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 manufactured building. A mobile home may be utilized for the purposes set forth herein in those zoning districts that permit mobile homes. Any manufactured building or mobile home use allowed by this section shall be limited to the time period during which an active building permit is in place.

(b) The building contractor of the project shall apply to the city's building department for a 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 upon finding that the requirements of this ordinance are met.

(d) This section shall also allow for contractor's construction of a manufactured building where such building is to be utilized for the purposes set forth in this ordinance. A valid building permit shall serve as the contractor's permit for the construction of such manufactured building.

(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.

(g) This Ordinance shall be enforced as provided for by Florida law, including but not limited to enforcement mechanisms provided for in the Florida Building Code, referral or citation to the Code Enforcement Board, issuance of a Notice of Nuisance as may be provided for by City ordinance, or the filing of an action in a court of competent jurisdiction to obtain civil remedies. Any enumeration of enforcement mechanisms set forth herein is supplemental and not exclusive. The City shall be entitled to collect reasonable attorney's fees, costs of enforcement and other costs or fees reasonably related to obtaining compliance with this Code.

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 18th day of February, 2008.

First Reading:	February 4, 2008
Publication:	February 8, 2008
Second Reading and Public Hearing:	February 18, 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