

**ORDINANCE NO. 01-2020**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING CHAPTER 153. LAND DEVELOPMENT CODE. OF THE CODE OF ORDINANCES OF THE TOWN OF BRINY BREEZES AT SECTIONS 153.020 THROUGH 153.126 IN ORDER TO CLARIFY THE STATUTORY REQUIREMENTS FOR MOBILE HOME INSPECTORS AND THE APPLICABLE CODES FOR MAKING MOBILE HOME IMPROVEMENTS; ALSO ADDING AN ENTIRELY NEW SECTION 153.127 TO PROVIDE PERMISSIBLE HOURS OF WORK PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 153. LAND DEVELOPMENT CODE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICT CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the Town Council of the Town of Briny Breezes has determined that the Town's Code regarding the Building Official's duties needs revision and clarification, in order to provide for mobile home inspectors and applicable codes relative to interior mobile home work; and

WHEREAS, the Town Council desires to revise sections 153.020 through 153.126 of the Town's Land Development Code to provide such clarification and direction; and

WHEREAS, the Town Council of the Town of Briny Breezes has determined that such amendments to the code are in the best interest of the citizens of the Town of Briny Breezes.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:**

**Section 1:** Chapter 153. Land Development Code. of the Code of Ordinances of the Town of Briny Breezes, Florida, is hereby amended in order to clarify statutory requirements for mobile home inspectors and the applicable codes for making mobile home improvements, and by creating an entirely new Section 153.127 to provide permissible hour of work, providing that Sections 153.020 through 153.127 shall hereafter read as follows:

**153.020** [Shall remain the same as previously enacted.]

**153.021 DEFINITIONS (ZONING)**

**ABANDON-ALLEY** [Shall remain the same as previously enacted.]

**ALTERATIONS.** As applied to a building, mobile home or structure, means a change or re-arrangement in the structural parts or in the existing facilities or an enlargement thereof, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**AREA, LOT-AWNING** [Shall remain the same as previously enacted.]

**BUILDING.** A structure, including a ~~mobile home, trailer,~~ manufactured housing unit or a qualified modular home, with or without a roof, intended for shelter, occupancy or enclosure, other than a boundary wall or fence. All Building construction, renovation, and demolition in the town, and all exterior work associated with a mobile home in the town shall be subject to the requirements of the then current edition of the Florida Building Code.

**BUILDING ACCESSORY-MANUFACTURED HOUSING COMMUNITY** [Shall remain the same as previously enacted.]

**MANUFACTURED HOME or HOUSING UNIT.** A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act. All manufactured home construction, renovation, and demolition in the town shall be subject to the requirements of the then current edition of the Florida Building Code, as well as Chapter 553 Part 1, Florida Statutes.

**~~MOBILE HOME~~ —~~MANUFACTURED HOME~~.** A structure which is transportable in one or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis, and designed to be used as a single family, one-story dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained herein. The initials *M.H.* shall be used as the abbreviation of this term. With the exception of exterior work associated with a mobile home that is subject to the Florida Building Code, all mobile homes in the town, and all interior renovation of mobile homes in the town shall be subject to the requirements of the then current edition of the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, and the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. Sec. 15-C-2.0081) pursuant to the Manufactured Housing Improvement Act.

**MOBILE HOME PARK-TERRACE** [Shall remain the same as previously enacted.]

**TRAILER.** Same as MOBILE HOME, ~~manufactured housing unit or qualified modular home.~~

**TRAILER PARK-TRAILER SITE** [Shall remain the same as previously enacted.]

**TRAVEL TRAILER.** Same as **TRAILER** or ~~**MOBILE HOME OR MANUFACTURED HOUSING UNIT.**~~

**TRUSTEE-ZONING OFFICIAL** [Shall remain the same as previously enacted.]

**153.022-153.027** [Shall remain the same as previously enacted.]

**153.028 ORIGIN AND STATUS OF RESIDENTIAL DISTRICTS.**

(A)-(E) [Shall remain the same as previously enacted.]

(F) *Site development standards for RMH I-IV Districts.* In Residential Mobile Home Districts I through IV, inclusive, the location and renovation of mobile homes, the addition of patios and cabanas thereto as combined units, the requirements for air conditioning equipment, and the placement of utility cabinets, are subject to the following site development standards.

(1) *General requirements.*

(a) Installation of mobile home, patio, cabana, or add-a-room shall be subject to the dimensions and setbacks specified in the table and notes provided for each district.

(b) Blocking, anchoring and tie-down shall conform to the Florida Motor Vehicle Code or Florida Building Code, whichever is the appropriate governing organization for the home type.

(c) All plumbing work and renovations shall conform to the Florida Building Code including the Florida Plumbing Code, or to the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. Sec. 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines; as appropriate.

(d) All electrical work and renovations shall conform to the Florida Building Code including the National Electrical Code, or to the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. Sec. 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines; as appropriate.

(e) All structural repairs, alterations, ~~or~~ installations or renovations shall conform to the Florida Building Code or to the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. Sec. 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines; as appropriate.

(f) New mobile homes are to be all electric.

(g) Second level construction or usage is prohibited.

(h) Certification by an engineer licensed by the state is required certifying that the lowest floor elevation to all manufactured homes, mobile homes, second unit, screen rooms, add-a-rooms and the like is a minimum of seven feet above mean sea level ~~or pursuant to current regulations promulgated by higher above mean sea level. This applies to all mobile homes, second unit, screen rooms, add-a-rooms and the like, as required by the Federal Emergency Management Agency.~~

(i) An accessory building shall be located on the same lot as the principal building. ~~Only in Residential Mobile Home District IV (RMH-IV) may an accessory building be used as a private garage.~~

(2)-(3) [Shall remain the same as previously enacted.]

(G)-(I) [Shall remain the same as previously enacted.]

### **153.120 GENERAL PROVISIONS.**

*(A) Title.* This subchapter shall be known as the Building and Mobile Home Code of the town.

*(B) Purposes.* The purpose of this subchapter is to provide minimum standards, provisions and requirements to ensure safe and suitable design, methods of construction and uses of buildings and/or structures (including mobile home structures) hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished. The provisions of this subchapter shall be deemed to supplement any and all laws of the state relating to building codes or mobile home structure codes.

### **153.121 DEFINITIONS (BUILDINGS AND MOBILE HOMES) FOR BUILDINGS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall be supplemented by the

definitions contained in 153.020 through 153.032, and also by the definitions contained in the ~~Standard Construction Codes~~ building codes and mobile home structure codes adopted hereunder. All of the foregoing definitions shall be applicable to this subchapter.

**ADDED ROOM.** A structure that adds living area to a building or to a mobile home or trailer and which may or may not be constructed on a separate chassis from that of the mobile home or trailer, but which shall be connected to the building, mobile home or trailer.

**AWNING.** An accessory structure to a building or to a mobile home or trailer consisting of a patio roof or covering open on three sides.

**BUILDING OFFICIAL.** A person or designee who is licensed and competent to administer the Florida Building Code in accordance with Chapter 553, Florida Statutes, and who is retained by the town to perform permitting, plan review and inspections pursuant to the Florida Building Code. The Building Official or designee may also serve as the town's Mobile Home Inspector if so qualified. See Section 153.123 below.

**MOBILE HOME INSPECTOR.** A person or designee who is competent in the area of mobile home installation and renovation and who is retained and reports to the Building Official is to perform onsite inspections of mobile homes including but not limited to structural adequacy, and interior plumbing, mechanical, and electrical systems. The Mobile Home Inspector may be the same person as the Building Official or the Building Official's designee. See also Section 153.123 below.

**MOBILE HOME SET-UP.** The placing, blocking and anchoring of a mobile home ~~or trailer~~, as well as the removal of an existing mobile home unit, should there be one on the site.

**PATIO.** A flat concrete or wood floor not over seven and one-half inches above the ground with no railing.

**PORCH.** A concrete or wood floor higher than seven and one-half inches above the ground and generally with a railing around it.

**TEMPORARY HOUSING NEED.** A need for temporary housing within the town created by a hurricane or other disaster-related event that has damaged or destroyed a substantial number of the permanent places of residence within the town causing the displacement of the occupants thereof who need safe, sanitary and adequate housing to continue their residency within the town until their homes can be repaired, rebuilt or replaced.

**TEMPORARY HOUSING NEED DECLARATION.** A declaration by the Town Council that an emergency exists producing a serious threat to the public, health, safety and general welfare due to the damage or destruction of the town from a hurricane or other disaster related event that has displaced a substantial number of residents from their homes and has created an emergency need for temporary housing units to provide them with safe, sanitary and adequate housing for their continued shelter until their homes can be repaired, rebuilt or replaced, and that also authorizes the use of temporary housing units for such purpose. The Town Council shall enact a declaration for the need for temporary housing units whenever required to protect the public against a serious threat to its health, safety and general welfare.

**TEMPORARY HOUSING UNIT.** Including any unit that may be supplied for such purpose by a governmental agency, FEMA or any other bona fide disaster relief agency, is hereby defined as any self-contained trailer, travel trailer or motorized recreational vehicle, except a pop-out or a tent, that is designed and constructed for temporary or continuous use for human habitation, provided that it also meets all temporary housing requirements of the town's Building Code.

**TRAVEL TRAILER.** Same as **TRAILER** or **MOBILE HOME OR MANUFACTURED HOUSING UNIT** as defined at Sec. 153.020.

### **153.122 TEMPORARY HOUSING UNITS.**

[This section shall remain the same as previously enacted.]

### **153.123 BUILDING OFFICIAL; MOBILE HOME INSPECTOR.**

*(A) Appointment of Building Official.* The Town Council shall appoint the Town Building Official by town resolution duly adopted for said purpose, specifying therein, or by contract between the town and the service provider in reference thereto, the name and address of the appointee, the commencement and duration of said appointment, the terms and provisions governing the rendition of services to the town, and the rates, fees and charges for compensation for such services to be rendered pursuant thereto. The appointee designated as the service provider for Building Official services may be a natural person, a corporation, any commonly used form of business entity, or any combination thereof. A service provider that maintains its own business organization may utilize its qualified employees, acting under its direct supervision and control, to assist in providing such services to the town. The Building Official may be the same person as the Mobile Home Inspector.

*(B) Duties of the Building Official.*

(1) The Building Official shall administer and enforce the provisions of this subchapter and other related provisions of this code.

(2) The duties of the Building Official shall include receiving applications for building permits, assisting applicants in the procedures for so applying, reviewing building and construction plans for all disciplines of construction, inspecting any building, electrical, gas, mechanical, plumbing, or structural systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, or install any building in the Town, including mobile home exteriors, or change the occupancy thereof, authorizing the issuance of building permits and certificates of occupancy, and performing, directing and supervising all other administrative duties of the office of the town's Building Official related thereto. In the absence of a specific appointment to the office by town resolution, the Building Official shall also serve, ex officio, as the town's Zoning Official.

(3) The Building Official shall be responsible for interpretation of the applicable building codes, inspecting the premises and work done under the permits issued, and shall either approve or disapprove the work so done.

(4) The Building Official will be responsible for any building inspectors or other subordinate employees that may be required from time to time.

(C) Appointment of Mobile Home Inspector. The Building Official shall designate a Mobile Home Inspector who shall be duly qualified to perform onsite inspections of mobile homes including but not limited to structural adequacy, and interior plumbing, mechanical, and electrical systems. The Mobile Home Inspector may be the same person as the Building Official or the Building Official's designee.

(D) Duties of the Mobile Home Inspector.

(1) The Mobile Home Inspector shall generally be responsible for all matters involving interior work on mobile homes, which is not subject to the Florida Building Code, but which is subject to the requirements of the then current edition of the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, and shall also administer and enforce the provisions of this subchapter and other related provisions of this code applicable to such matters.

(2) The duties of the Mobile Home Inspector shall include receiving applications for permits, assisting applicants in the procedures for so applying, reviewing plans for all disciplines of construction, inspecting any electrical, gas, mechanical, plumbing, or structural systems for which an application has been received for a permit to perform work in mobile home interiors, authorizing the issuance of permits and certificates of occupancy or completion, and performing, directing and supervising all other administrative duties of the office of the town's Mobile Home Inspector related thereto.

(3) The Mobile Home Inspector shall be responsible for interpretation of the codes applicable to mobile home interior work, inspecting the work done under the permits issued, and shall either approve or disapprove the work so done.

(4) The Mobile Home Inspector will be responsible for any subordinate inspectors or employees that may be required from time to time.

*(E €) Appeal of decisions by aggrieved persons.* Any person aggrieved by a decision of the Building Official or the Mobile Home Inspector may have such decision reviewed ~~on a summary~~ basis by the Board of Adjustment of the town, pursuant to the procedure for same so made and provided. Such appeal shall be scheduled for hearing at the next regular Town Council meeting, provided that notice of the proposed appeal is given to the Town Clerk at least ten (10) days prior to such meeting.

#### **153.124 BUILDING PERMITS.**

*(A) Permits required.* No construction, enlargement, alteration, installation or removal of any buildings, mobile homes, patios, awnings, screen rooms, blocking and anchoring devices, buildings or like structures or structural repairs or hookups of, or modifications to existing electrical or plumbing equipment shall be begun within the jurisdiction of the town, until the applicable a building or mobile home permit for such project has first been obtained, if a permit is required. When determining whether or not a building permit is required, refer to the Florida Building Code, or the Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, or the FLHSMV's Mobile/Manufactured Home Repair and Remodeling Guidelines' Policy Section as applicable, or consult directly with the town Building Official or the Mobile Home Inspector. See also Sec. 153-125. Standards, below.



(B) *Approval of plan prerequisite to issuance.* No building or mobile home permit shall be issued under this subchapter except when plans sufficient to show intended compliance with this section shall have been submitted and approved by the Building Official or the Mobile Home Inspector, as applicable.

(C) *Issuance of certificate of occupancy upon compliance.* A certificate of occupancy shall be issued by the Building Official or the Mobile Home Inspector, as applicable and is required in advance of occupancy or use of any lot, building, mobile home or other structure for which a building or mobile home permit has been issued and the project completed in compliance with this subchapter.

(D) *Fees.* The town shall charge a fee for the issuance of building or mobile home permits and other related ~~building-code~~ activity. The Town Council shall, by resolution, ~~describe all activities requiring a building permit and shall~~ set the amount of all building or mobile home permit fees. The Town Council shall adopt the schedule of fees that shall apply for the issuance of building or mobile home permits and other related ~~building-code~~ activity by resolution, which may be amended from time to time. The resolution shall state the fees payable for each type of ~~building-code~~ activity for instances where only one field inspection is required and when multiple field inspections or extra services are required by the town Building Official or the Mobile Home Inspector, as applicable. The fee schedules adopted by the town shall provide for situations when a building or mobile home inspections service is performed, or a building or mobile home permit is issued for any ~~construction~~ activity that is not specifically addressed in the town's fee schedule. All fees shall be non-refundable and shall be due and payable and collected by the town prior to issuance of a permit. Whenever during the course of work, a re-inspection is required for a permitted building project, further work on the project shall be suspended until the town receives a payment of the re-inspection fee which shall be done prior to the re-inspection being performed.

(E) *Reserved.* ~~(1) (a) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code, or to cause any such work to be done, shall make application to the Building Official and obtain the required permit(s) prior to the commencement of any work for which a permit is required.~~

~~(b) When determining whether or not a building permit is required, refer to § 105 of the Florida Building Code (FBC) or consult directly with the town Building Official.~~

~~(2) The permit fee for building activities including mobile homes, manufactured homes, and trailer related work shall be \$85 per field inspection conducted.~~

~~(3) Permit fees for general construction activity for work on conventional types of construction (everything other than mobile homes, manufactured homes, and trailers) and permit fees for any other building inspection service or construction activity on any type of structure that is not specifically addressed herein shall be as follows:~~

~~(a) Cost of construction permit fee:~~

~~1. The minimum fee for all work valued at or costing up to \$3,000 shall be \$85 per field inspection conducted.~~

~~2. There shall be an additional fee for all work valued at or costing between \$3,001 and \$100,000 in the amount of \$10 per \$1,000, or part thereof.~~

~~3. There shall be an additional fee for all work valued at or costing \$100,001 or more in the amount of \$8 per \$1,000, or part thereof.~~

(F) Penalties.

(1) The building or mobile home interior permit fine for any owner or their authorized agent who begins construction within the town prior to obtaining the applicable building or mobile home interior permit or permits shall be an amount set by resolution of the Town Council ~~twice the regular permit fee for each permit they should have obtained.~~

(2) Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system or other systems governed by the Florida Building Code or Manufactured Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act, the Mobile/Manufactured Home Repair and Remodeling Code (F.A.C. Sec. 15-C-2.0081), and the Florida Department of Highways Safety and Motor Vehicles Mobile/Manufactured Home Repair and Remodeling Guidelines; as appropriate, prior to obtaining the necessary permit(s) from the town Building Official or the Mobile Home Inspector, shall be subject to a penalty fee in the amount set by resolution of the Town Council ~~of two times the specified fee for such construction as listed in the town's~~

~~schedule of building or mobile home interior permit fees.~~ Once the required building permits are issued, subsequent inspection fees will be charged at the standard rate.

### 153.125 STANDARDS.

It is the intent of this subchapter to maintain the highest standards for the building and Construction codes of the town. In the event of a conflict in the standards of the several codes hereby adopted, the more stringent provisions shall prevail.

*(A) Adoption of Florida Building Code.* The town hereby adopts by reference the current edition of the Florida Building Code ~~current regulation entitled the State Building Code~~ as established and amended from time to time by F.S. Ch. 553, ~~and adopted by the State Building Commission~~ as the building code of the town, and incorporates the said codes into the town's Land Development Code, as though fully set out herein. The Florida Building Code shall be applied and enforced by the Building Official for all work requiring a building permit in the town, including both interior and exterior work in all buildings. A copy of the State current edition of the Florida Building Code shall be filed in the office of the Clerk of the town and shall be available for public inspection during regular business hours established for the office of the Town Clerk.

*(1) Adoption of current wind speed maps.* The town hereby adopts by reference the exhibits entitled the current wind speed maps for use with the current State edition of the Florida Building Code as established and amended from time to time by F.S. Ch. 553 ~~and adopted by the State Building Commission~~ as the ultimate design wind speeds for risk categories I, II and III for commercial and residential buildings and other structures as part of the building code of the town, and incorporates the said wind speed maps into the town's Land Development Code as though fully set out herein. The town shall make all necessary adaptations and refinements to said wind speed maps required to adopt a local determination of wind speed lines to the town's boundaries. A copy of the said wind speed maps shall be filed in the office of the Clerk of the town and shall be available for public inspection during the regular business hours established for the office of the Town Clerk.

*(2) Adoption of new chapter one, administration.* The town hereby adopts by reference the current edition of Chapter One, entitled Administration, of the Florida County Building Code Advisory Board's recommendations for local amendments to the current State Building Code as established and amended from time to time by F.S. Ch. 553 and adopted by the State Building Commission, as part of the Building Code of the town, and incorporates the said Chapter One,

Administration, into the town's Land Development Code as though fully set out herein. A copy of the said Chapter One, Administration, shall be filed in the office of the Clerk of the town, and shall be available for public inspection during the regular business hours established for the office of the Town Clerk.

(B) Adoption of Manufactured Home Construction and Safety Standards and Mobile/Manufactured Home Repair and Remodeling Guidelines . The town hereby adopts by reference the current edition of the Manufactured Home Construction and Safety Standards promulgated by the Department of Housing and Urban Development, pursuant to the Manufactured Housing Improvement Act as required by Sec. 320.823, Florida Statutes, for all mobile home construction and interior work, and incorporates the said codes into the town's Land Development Code, as though fully set out herein. In addition, the Town hereby adopts by reference the current edition of the FLHSMV's Mobile/Manufactured Home Repair and Remodeling Guidelines' Policy Section. These codes and standards shall be applied and enforced by the Mobile Home Inspector for all work on mobile homes which is not subject to the Florida Building Code, including interior work in all mobile homes. A copy of the current edition of the Manufactured Home Construction and Safety Standards and the FLHSMV's Mobile/Manufactured Home Repair and Remodeling Guidelines' Policy Section shall be filed in the office of the Clerk of the town and shall be available for public inspection during regular business hours established for the office of the Town Clerk. The following repair and remodeling guidelines shall apply to Mobile Homes:

**Level 1 – Ordinary Repair and Remodel – Ordinary repairs are nonstructural repairs. These are types of construction and repair that may not require permitting or other oversight.**

**Level 2 –Major Repair or Remodel that Substantially Impairs Structural Integrity or Safety –A major repair or remodel of a Mobile Home will require an engineer's plan, or blueprint to show that it is a deviation from the original home. Work is considered a deviation from the original Mobile Home if: (1) the materials being used are heavier than the original materials; (2) the repair or remodel changes the original home design; (3) interior walls are moved or modified; or (4) the repair or remodel involves major electrical and plumbing work. If a permit is required, the repair or remodel shall be approved if the repair or remodel complies with the engineer's plan or blueprint. No additional requirements shall be imposed on the repair or remodel.**

A major repair or remodel must be performed by qualified or licensed persons. To be designated as a person qualified to alter or modify a mobile home or recreational vehicle, a person must comply with local licensing or competency requirements in skills relevant to performing alterations or modifications on mobile homes or recreational vehicles.

**Level 3 – Changes that Disqualify the Structure as a Mobile Home – Certain conditions will arise that may disqualify a Mobile/Manufactured home as being the home described on the title. Changes to the home as well as damage from storms can render a Mobile/Manufactured home unfit and a danger to residents.**

(C 3) *Adoption of State Fire Prevention and Life Safety Codes.* The town hereby adopts by reference ~~the regulations entitled~~ the current edition of the State Fire Prevention Code and the current edition of the State Life Safety Code, as established and amended from time to time by the state statutes and adopted by the State Department of Financial Services and as mandated to be enforced by the State Department of Financial Services, ~~as part of the Building Code of the town.~~ The town incorporates the current edition of the State Fire Prevention Code and the current edition of the State Life Safety Code into the town's Land Development Code as though fully set out herein. A copy of the said current edition of the State Fire Prevention Code and a copy of the current edition of the State Life Safety Code shall be filed in the office of the Clerk of the town and shall be available for public inspection during the regular business hours established for the office of the Town Clerk.

(D B) *Blocking, anchor and tie-down standards for mobile homes.* The provisions of F.S. §320.8325, which requires the use of anchors and tie-downs for mobile homes, and all rules promulgated by the Department of Highway Safety and Motor Vehicles which established minimum blocking, anchoring and tie-down standards for mobile homes, with permitted exceptions, are hereby adopted by reference. The said statute, rules and standards therein provided shall be in full force and effect in the town as if fully set forth herein.

(E E) *Enforcement.* The Building Official and the Mobile Home Inspector of the town is are hereby charged with the enforcement responsibilities of this subchapter.

(F D) *Temporary housing.*

(1) *Authorization required.* Upon authorization by the Town Council, temporary housing units, as defined, shall be eligible for installation and occupancy within the town.

(2) *Requirements for temporary housing units.* Temporary housing units must meet each of the following Building Code requirements before they are eligible for installation and occupancy within the town:

- (a) A building permit is required for each temporary housing unit;
- (b) The temporary housing unit must be in good, sound mechanical condition, fully serviceable, and safe and sanitary for its intended purpose when installed, and it must be maintained in like manner and condition throughout the period of its use;
- ~~(c) The unit must be installed according to the same standards and requirements for blocking, anchoring, tie-downs and utility hook-ups that apply to permanent mobile homes, except for setback requirements, which shall be complied with only to the extent practical;~~
- ~~(d) The unit must not contain any feature or device for the expansion of its interior or exterior space, such as, but not including, a pop-out, roll-out or like extension apparatus, regardless of whether such feature or apparatus is put into use or not; and~~
- (c) The temporary housing unit cannot be a tent, or have any feature or apparatus using tenting material that can be used to create expanded interior or exterior space, regardless of whether such feature or apparatus is put into use or not.

(3) *Duration for use of temporary housing units.* Unless otherwise extended or shortened by further act of the Town Council, all temporary housing units must be removed from the town on or before eighteen (18) months from the date of authorization therefor by the Town Council. As a supplementary provision, but not as an exception to the foregoing exclusionary mandate, a temporary housing unit on which the work to remodel, rebuild or renovate it has been successfully completed so that at the expiration date the unit meets all requirements of all of the town's land development regulations which are then currently applicable for its use, occupancy and location as a permanent mobile home, including the building code requirements for permanent mobile homes, the unit may remain.

(G E) *Continuing violations.* Each day of a continuing violation, and each separate activity requiring a permit for which none has been obtained, shall constitute a separate violation hereof

*(H F) Section supplemental.* The provisions of this subchapter are supplemental, in addition to, and not in derogation of all other laws and ordinances of the town.

### **153.126 WIND SAFETY STANDARDS.**

*(A) Purpose and intent.* The purpose and intent of this section is to comply with the standards for windstorm safety for mobile homes which have been established by state and federal authorities.

*(B) Adoption of federal and state wind safety standards.* The Federal Mobile Home Construction and Safety Standards for Windstorm Safety, and the Uniform Standards Code ANSI Book A-1191, are hereby adopted by reference by the town and are incorporated into its Land Development Code as though fully set out herein. In the event of a conflict in the requirements of these two standards, and the standards of the Florida Building Code, the more stringent provisions shall apply.

*(C) Compliance with federal and state wind safety standards.* Mobile homes constructed and located within the town shall conform to the substantive provisions of the Federal Mobile Home Construction and Safety Standards, or to the Uniform Standards Code ANSI Book A-1191, or the standards of the Florida Building Code, whichever is more stringent, in compliance with the provisions of F.S. Ch. 161.55 (1993).

*(D) Designation of Category D exposure for the entire town.* The entire corporate limits of the town is hereby designated as lying within and subject to the Category D exposure for Wind Zone III Areas, and all buildings ~~mobile homes~~ located within the town shall be designed and constructed according to the applicable ~~state and federal mobile home~~ wind safety requirements ~~applicable thereto~~.

### **153.127 HOURS OF WORK.**

Any work performed pursuant to the requirements of this Chapter shall only occur on days and at times as set by resolution of the Town Council, which shall be kept on file in the Office of the Town Manager.

**SECTION 2:** Each and every other section and subsection of Chapter 153. Land Development Code. of the Code of Ordinances of the Town of Briny Breezes, Florida, shall remain in full force and effect as previously enacted.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 5:** Specific authority is hereby granted to codify this Ordinance.

**SECTION 6:** This Ordinance shall take effect immediately upon adoption.

FIRST READING this 21<sup>st</sup> day of May 2020  
SECOND AND FINAL READING this 28<sup>th</sup> day of May 2020



TOWN COUNCIL OF THE TOWN OF BRINY BREEZES

Samuel G Adams  
MAYOR, SAMUEL GENE ADAMS

Susan Thaler  
PRESIDENT, SUSAN THALER

(TOWN SEAL)

Christina Adams  
ALDERMAN, CHRISTINA ADAMS

Allen Behringer  
ALDERMAN, ALLEN "CHICK" BEHRINGER

Bill Birch  
ALDERMAN, BILL BIRCH

Kathleen McGross  
ALDERMAN, KATHY GROSS



ATTEST:

Christina Adams  
Christina Adams, Town Clerk Pro Tem

APPROVED AS TO FORM AND CORRECTNESS:

Keith Davis  
KEITH DAVIS  
Attorney for Town of Briny Breezes