

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, ENTITLED "EMERGENCIES", TO PROVIDE FOR THE USE OF TEMPORARY HOUSING DURING DECLARED HOUSING EMERGENCIES; PROVIDING FOR A REPEALER PROVISION; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission, under its Home Rule authority, has the authority to regulate housing within the City of Hollywood; and

WHEREAS, the City Commission desires to enable timely and effective use of available resources to recover from a natural or man-made disaster or emergency which may affect the health, safety, and welfare of the citizens of Hollywood; and

WHEREAS, in the event of a natural or man-made disaster or emergency, the City Commission finds that it will be in the best interest of the citizens of Hollywood to allow for the use of temporary housing; and

WHEREAS, the City Commission finds that the use of temporary housing requires proper permitting and regulation in order to insure that residents, neighborhoods, and the general public are protected during a state of housing emergency; and

WHEREAS, the City Commission finds that the adoption of the proposed ordinance is in the best interest of the health, safety, and welfare of the citizens of Hollywood; and

WHEREAS, the proposed ordinance does not authorize the utilization of temporary housing in conjunction with an emergency situation involving only a single property;

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

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.).

Section 1: That Chapter 40 of the Code of Ordinances entitled “Emergencies” is hereby amended as follows:

CHAPTER 40. EMERGENCIES.

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TEMPORARY FACILITIES

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§ 40.08 EMERGENCY TEMPORARY HOUSING.

(A) Housing Emergency Declaration

(1) Activation. Upon a declaration of a state of emergency and during the pendency thereof, and as a part of the original declaration or at any time during the duration of a declared state of emergency, the City Commission may declare a state of housing emergency for all or any part of the City of Hollywood.

(2) Areas Embraced. A Housing Emergency Declaration shall define the boundaries of all areas subject to the terms of this Section. The areas embraced may include the entire area of the City, or any part thereof.

(3) Termination.

(a) A Housing Emergency Declaration survives the termination of the Declaration of Emergency, and may only be terminated, in whole or in part, by formal action of the City Commission.

(b) Partial Termination. The City Commission may amend the Housing Emergency Declaration to either expand or contract the areas embraced by adoption of a Resolution. The expansion or contraction of the areas embraced shall be supported by findings regarding the status of the housing stock in the area being considered.

(c) The status of the housing emergency shall be evaluated ninety (90) days after its declaration and every ninety (90) days thereafter by the City Manager or his/her designee, as long as the Housing Emergency Declaration is in effect, to determine whether formal action by the City Commission is necessary.

(d) Effect of a Housing Emergency Declaration. Upon the activation of a housing emergency, the provisions of this ordinance shall become applicable in all the areas embraced by the Housing Emergency Declaration.

(B) **Definitions.** For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPING TRAILER. A vehicular portable unit mounted on wheels, and constructed with collapsible partial sidewalls which fold for towing by another vehicle, and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

ESSENTIAL SERVICES. Services necessary to a basic standard of living and the general welfare of society. Services may include, but are not limited to the following: electrical services, gas services, water and wastewater treatment services.

FIFTH WHEEL RECREATION TRAILER. A vehicular portable unit mounted on wheels, which is primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use and designed to be connected for towing through the use of a fifth wheel device.

MANUFACTURED HOME. A dwelling unit manufactured on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that is built in compliance with the federal Manufactured Housing Construction and Safety Standards.

MOBILE HOME or HOUSE TRAILER. A trailer designed to be used as living quarters, providing the normal and usual facilities of a residence, intended by size and capacity for extended use as a dwelling.

MOTOR HOME. A vehicular unit built on a self- propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.

RECREATIONAL VEHICLE. Any vehicle or portable structure designed primarily to provide temporary living quarters for recreation, camping or travel use; either a vehicular structure mounted on wheels, self-powered or designed to be pulled by another vehicle or a structure designed to be mounted upon and carried by another vehicle. This definition is intended to include travel trailer, camping trailer, camp bus or house bus and truck-camper unit of walk-in capacity.

TEMPORARY EMERGENCY HOUSING. Temporary accommodations for individuals or families whose homes are made uninhabitable by a declared emergency or a major disaster that meets the physical accessibility needs of the household and includes essential utilities, access to areas for food preparation, and bath facilities in a context that allows a family to live together with a reasonable amount of privacy for a limited period following a Housing Emergency Declaration.

TEMPORARY HOUSING UNIT. Recreational vehicle, camping trailer, fifth wheel recreation trailer, motor home, travel trailer, truck camper, or pre-fabricated dwelling. Does not include tents or canopies.

TENT. Any structure or enclosure, the roof of which and/or 50% or more of the sides, are silk, cotton, canvas or similar fabric.

TRAVEL TRAILER. A vehicular portable unit, mounted on wheels, which is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It is of a body width of no more than eight feet and a body length of no more than 35 feet when factory-equipped for the road.

TRUCK CAMPER. A portable unit, designed to be loaded onto or affixed to the bed or chassis of a truck, and constructed to provide temporary living quarters for recreational, travel or camping use.

(C) Regulations and Guidelines.

(1) Single-Family or Duplex Residential Parcels. Upon the activation of a Housing Emergency Declaration and subject to the conditions contained in this Section, temporary housing units may be used as emergency temporary housing by individuals who have been displaced from their private, primary residence (that has been rendered uninhabitable due to damage from a disaster). Only private, primary residences located on parcels designated on the applicable land use plan map and/or on the applicable zoning map as single family residential, or parcels allowing a duplex residence.

(2) All emergency temporary housing units shall meet the following conditions:

(a) A permit for an emergency temporary housing unit shall be obtained through the City of Hollywood Building Department. Proof of ownership for the property on which the emergency temporary housing unit is proposed to be placed shall be presented at the time of application for a permit.

(b) The permit for an emergency temporary housing unit shall be issued for no more than ninety (90) days. Permit extensions may be allowed up to a maximum of eighteen (18) months from the date of issuance.

(c) A maximum of one (1) emergency temporary housing unit for each existing single family or two family dwelling legally established on the property will be allowed, provided:

1. The dwelling(s) located on the site has/have been declared uninhabitable by the City's Building Official, or his/her designee.

2. The property is not located within a Flood Zone or Evacuation Zone.

3. The property is adequate in size and shape to accommodate the emergency temporary housing unit. Permanent alterations to the site are prohibited.

4. The emergency temporary housing unit's water service and wastewater service must be properly connected to a functioning water service and sanitary sewer system or septic system in accordance with the codes in effect at the time. However, if connection to a functioning service is not feasible, other water and wastewater services may be utilized subject to approval by the Broward County Health Department.

5. Setback and parking/storage requirements will be waived during the duration that the emergency temporary housing unit is permitted. However, the emergency temporary housing unit shall not extend into any adjacent public right-of-way, easement, or onto any adjacent private property.

6. Electrical service must be available on site and have a proper connection for an emergency temporary housing unit. In the event of a general power outage, electrical power may be supplied to the emergency temporary housing unit via a portable generator only until permanent power is restored to the property.

7. Only a licensed contractor or an owner-builder will be allowed to apply for a permit and perform any work related to the connection of plumbing, electrical and mechanical service systems at the site.

(d) An application for a building permit to repair the residential structure shall be submitted no later than sixty (60) days after issuance of the emergency temporary housing unit permit.

(e) The emergency temporary housing unit must be removed from the property no later than thirty (30) days from the date of the issuance of the Certificate of Occupancy or a Certificate of Completion for the residential structure.

(f) The property shall be completely cleaned of all fixtures and equipment associated with the emergency temporary housing unit including, but not limited to electrical poles and wiring, plumbing pipes, and other fixtures and appurtenances or equipment connected therewith within twenty-four (24) hours after removal of the emergency temporary housing unit.

(g) The City of Hollywood Building Department has the right to revoke the emergency temporary housing unit permit in the event there exists unsafe or unsanitary conditions on the property, or in the event the owner does not comply with the provisions of this Section.

(D) Enforcement. Any and all violations of this section shall be enforced pursuant to Chapter 36 of the Code of Ordinances and any other applicable federal, state or local laws.

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Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

EMERGENCY TEMPORARY HOUSING ORDINANCE

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised on _____, 2014.

PASSED on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED on second reading this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY