

Chapter 12

MOBILE HOMES AND MOBILE HOME PARKS*

- Sec. 12-1. Definitions.
- Sec. 12-2. Inspection required.
- Sec. 12-3. Used mobile home standards.
- Sec. 12-4. Permitting procedures for new and used units.
- Sec. 12-5. Fees.
- Sec. 12-6. Electrical services permit.
- Sec. 12-7. Display of permit required.
- Sec. 12-8. Exemptions.
- Sec. 12-9. Administration.
- Sec. 12-10. Penalties and injunctive relief.
- Sec. 12-11. Appeals.

***Cross references**—Buildings and building regulations, ch. 6; flood damage prevention, ch. 11; planning, ch. 15; solid waste, ch. 16; utilities, ch. 19; zoning, app. A, § 5100(F).

State law references—Mobile home tie down requirements, F.S. § 320.8325; mobile homes and recreational vehicle parks, F.S. ch. 513; mobile homes, F.S. § 553.35 et seq.; local zoning restrictions, F.S. § 553.38.

ORDINANCE NO. 293

AN ORDINANCE REPEALING AND REPLACING TOWN OF HAVANA ORDINANCE NO. 240; REGULATING THE PLACEMENT OF MOBILE HOMES, RECREATION VEHICLES AND MODULAR HOMES IN THE INCORPORATED AREA OF THE TOWN OF HAVANA, FLORIDA; PROHIBITING PLACING OF MOBILE HOMES, RECREATION VEHICLES AND MODULAR HOMES WITHOUT FIRST OBTAINING A PERMIT; PROHIBITING THE OCCUPATION OF MOBILE HOMES, RECREATION VEHICLES AND MODULAR HOMES UNLESS THE SAME MEETS CERTAIN CODES AND STANDARDS SET FORTH HEREIN; PROHIBITING THE CONNECTION OF ELECTRICAL SERVICES UNTIL A PERMIT HAS BEEN ISSUED BY THE BUILDING OFFICIAL AS THE ADMINISTRATIVE AND ENFORCEMENT OFFICIAL OF THESE REGULATIONS AND PROPER SEWER AND WATER SYSTEM APPROVALS OBTAINED; PROVIDING FOR FEES FOR PERMITS AND /OR INSPECTION; PRESCRIBING PENALTIES FOR VIOLATIONS, AND PROVIDING FOR APPEALS; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR CODIFICATION AND EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Havana, Florida has determined that mobile homes, recreation vehicles and modular homes have been and are being located within the incorporated areas of the Town, which do not comply with safety standards; and,

WHEREAS, such substandard housing is detrimental to the health, safety and welfare of the public;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA as follows:

SECTION I

Ordinance No. 240 of the Code of Ordinances of the Town of Havana, Florida is hereby repealed.

SECTION II

It shall be unlawful for any mobile home, recreation vehicle or modular home to be brought into and /or set up for any purpose in the incorporated areas of the Town, until such mobile home, recreation vehicle or modular home has been inspected by the Gadsden County Building Official or his agent, and a permit has been issued for such mobile home, recreation vehicle or modular home.

SECTION III

Standards:

1. No used mobile home, recreation vehicle or modular home shall be issued a permit hereunder unless it meets the Guidelines for Used Mobile Homes.

A. FIRE SAFETY

1. All mobile homes manufactured since January, 1968 shall have an approved smoke detector (s) properly located outside of each sleeping area of the mobile home. Smoke detectors shall be installed to the product manufacturer's installation.

B. ELECTRICAL

1. Every unit shall have a complete electrical system.
2. Distribution panel boards shall be properly installed, complete with required breakers/fuses, with all unused openings properly covered. All connections are to be checked for tightness, and all panels shall be accessible. Distribution panel board may be located in a closet, provided there is at least six (6) inches of space between the panel board and any easily ignitable materials. The panel board shall be a minimum of one hundred (100) amps.
3. All electrical fixtures shall be properly installed, wired and supported. Aluminum conductors shall be connected to approved listed devices.
4. All grounding conductors shall be secured to proper locations and/or connector on the fixture or device.
5. All grounding conductors smaller than #8 AWG aren't allowed.

C. PLUMBING

1. All plumbing fixtures shall be protected with approved and workable traps.
2. Plumbing fixtures shall be properly vented and fixtures shall be in workable condition.
3. Relief valve on water heater shall have sufficient room to operate, and shall have underthreaded 3/4" drainpipe extended beneath the mobile home.
4. Drainage piping shall be complete. Piping shall be supported properly and not constitute a hazard.

5. Water piping shall not be bent, kinked, etc., to retard flow of the water supply. Each fixture shall be connected to water piping.

D. HEATING AND AIR CONDITIONING

1. All required cooking/heating appliances shall be properly anchored and connected in place.
2. If the home has deleted heating system, drop-outs must be installed for connecting exterior system.
3. All homes with central heating/cooling shall have operable thermostat.
4. Air registers shall be operable.
5. Ducts shall be sealed at openings and shall not be crushed or missing.
6. Gas furnace/water heating vents shall be properly installed and secured to appliance.
7. There shall be proper return air to furnace, exterior heat/AC units and all rooms.
8. Range/bathroom exhaust fans shall be complete and vented to outside.
9. All gas appliances shall be connected with an approved shut-off valve, if the home was manufactured after May Of 1975.

E. CONSTRUCTION

1. Exterior exit doors, including sliding glass, shall be in good working order.
2. Exterior doors shall have operable locks.
3. All mobile homes manufactured after January of 1975 shall have operable egress windows or an exterior egress door located in each sleeping area with an opening of twenty-two (22) inches in its shortest measurement.
4. All windows and operators shall be in working condition and missing glass shall be replaced (if required).
5. Screens shall be required on each window capable of being opened.
6. All holes, damaged floor, broken decking or floor joists shall be corrected.

7. Missing interior paneling and bowed or loose paneling shall be replaced. Paneling shall be secured to the framing members.
8. Bottom board shall be made rodent proof throughout and sealed. Missing insulation from exposed areas shall be replaced.
9. Leaks: When visible structural damage caused by water leaks are apparent, repairs and corrections are to be completed to assure leaks have been corrected.
10. All over-the-roof, tie-down straps shall be free of damage. Frame ties and blocking on all used single and double wide homes shall be as required in the amended Rules of the Division of Motor Vehicles, Chapter 15c-1.10, if the manufacturer's setup requirements are not available. Splices of strap shall overlap at least twelve (12) inches and be secured with two (2) seals. All tie points shall be used.

F. GENERAL

1. Power cannot be turned on until the mobile home is properly set up, electrical is installed, water is connected and the septic/sewer is connected and approved by the Environmental Health Department. The Town requires all residential uses to have offstreet parking. The connection of the residential driveway to the public street must be paved with i.e.: asphalt, concrete, brick, cobblestone or other such material as approved by the Town.
2. Mobile Homes manufactured prior to January, 1968 **ARE NOT PERMITTED** unless proof of compliance with the applicable standard are met i.e HUD standards for manufactured housing. Certification by an architect or engineer required for HUD standards.
3. No mobile home, recreation vehicle or modular home shall be issued a permit hereunder unless the same meets the most recently adopted version of the following codes:
 - a. National Electrical Code.
 - b. State of Florida, Department of Highway Safety and Motor Vehicles Regulations providing guidelines for set up mobile homes.
 - c. Such other codes, standards and requirements as are established by law.

4. All mobile homes, recreation vehicles and modular homes shall be skirted or have a completely enclosed foundation prior to having permanent electric service.
5. Any person or entity bringing a mobile home, recreation vehicle or modular home into the incorporated areas of the Town of Havana, or having caused the same to be brought into the incorporated areas of the Town of Havana, and any person or entity setting up or causing to be set up in the incorporated areas of the Town of Havana any mobile home, recreation vehicle or modular home shall have a copy of the permit issued hereunder permanently and securely affixed in the window next to front door of said unit.
6. All mobile homes, recreation vehicles and modular homes shall have one (1) set of steps and landing that complies with the Standard Building Code.

SECTION IV

Permitting Procedures for New and Used Units.

1. Prior to the issuance of a permit as required by this Ordinance, all new mobile homes, recreation vehicles and modular homes must comply with the following requirements:
 - a. Must have septic tank permit/waiver from the Gadsden County Environmental Health Department or a Town sewer permit.
 - b. Must pay applicable permit fees set forth in this Ordinance to the Gadsden County Building Inspection Division.
2. Prior to the issuance of a permit as required by this Ordinance, all used mobile homes, recreation vehicles and modular homes must comply with the following requirements:
 - a. Must have septic tank permit/waiver from the Gadsden County Environmental Health Department or a Town sewer permit.
 - b. Must pay applicable code compliance inspection and moving and set permit fees.
 - c. When mobile home is placed on approved property, the owner must request a code compliance inspection.
 - d. All repairs to the mobile home must be completed within forty-five (45) days after code compliance inspection. Owner must furnish

electrical power if necessary to perform repairs. The County will not allow electrical connections or temp poles for this portion of these repairs.

- e. After completion of the repairs, the owner must request a re-inspection of the mobile home.
- f. Upon approval of the code compliance inspection, the owner must request a set up inspection as set forth in this Ordinance.

SECTION V

Fees.

1. Prior to the issuance of a permit as required by this Ordinance, all mobile homes, recreation vehicles and modular homes must be inspected and approved by the Gadsden County Building Official or his agent and must meet the standards set forth herein.
2. Any person or entity seeking a permit as required by this Ordinance shall first pay to the Gadsden County Building Official or his agent such fees for permitting and inspection as shall be established from time to time by the Gadsden County Board of County Commissioners.
3. The fees for code compliance inspection shall be One Hundred (\$100.00) dollars for the first two (2) inspections and Twenty-five (\$25.00) dollars for each inspection thereafter.
4. The moving set up permit fees shall be as set forth below for the first two (2) inspections and Twenty-five (\$25.00) dollars for each inspection thereafter.
5. If the Building Inspection Official determines that a stated valuation is not accurate, he/she shall value the unit at Twenty-five (\$25.00) dollars per square foot.

6. Mobile homes, recreation vehicles and modular homes valuations and fees:

Valuation	Fee	Valuation	Fee
0.00-18,000	100.00	19,000	105.00
20,000	110.00	21,000	115.00
22,000	120.00	23,000	125.00
24,000	130.00	25,000	135.00
26,000	140.00	27,000	145.00
28,000	150.00	29,000	155.00
30,000	160.00	31,000	165.00
32,000	170.00	33,000	175.00
34,000	180.00	35,000	185.00
36,000	190.00	37,000	195.00
38,000	200.00	39,000	205.00
40,000	210.00	41,000	215.00
42,000	220.00	43,000	225.00
44,000	230.00	45,000	235.00
46,000	240.00	47,000	245.00
48,000	250.00	49,000	255.00
50,000	260.00	51,000	264.00
52,000	268.00	53,000	272.00
54,000	276.00	55,000	280.00
56,000	284.00	57,000	288.00
58,000	292.00	59,000	296.00
60,000	300.00	61,000	304.00
62,000	308.00	63,000	312.00
64,000	316.00	65,000	320.00
66,000	324.00	67,000	328.00
68,000	332.00	69,000	336.00
70,000	340.00	71,000	344.00
72,000	348.00	73,000	352.00
74,000	356.00	75,000	360.00
76,000	364.00	77,000	368.00
78,000	372.00	79,000	376.00
80,000	380.00	81,000	384.00
82,000	388.00	83,000	392.00
84,000	396.00	85,000	400.00
86,000	404.00	87,000	408.00
88,000	412.00	89,000	416.00
90,000	420.00	91,000	424.00
92,000	428.00	93,000	432.00
94,000	436.00	95,000	440.00
96,000	444.00	97,000	448.00
98,000	452.00	99,000	456.00
100,000	460.00		

SECTION VI

It shall be unlawful for electrical services to be connected to any mobile home, recreation vehicle or modular home until a permit as required herein shall have been issued by the Gadsden County Building Official or his agent, and proper approvals have been obtained for the sewage disposal system and the potable water system.

SECTION VII

It shall be unlawful for any dealer of mobile homes, recreation vehicles or modular homes, or any transporter thereof to bring a mobile home, recreation vehicle or modular home into the incorporated areas of the Town of Havana for location, set up and or/ residential occupancy unless the permit required hereunder shall be displayed in the window next to the front door of said unit.

SECTION VIII

Exemptions

Exempted from this Ordinance are mobile homes, recreation vehicles and modular homes which are in place and properly set up under the laws applicable at the time of said unit's location at upon the effective date of this Ordinance.

SECTION IX

Administration

The Gadsden County Building Official is hereby designated as the administrative and enforcement official to administer and enforce the provisions of this Ordinance. He/ she shall administer this Ordinance as provided by the guidelines of this Ordinance, and shall be granted the authority to so administer, grant waivers and enforce this Ordinance.

SECTION X

Penalties and Injunctive Relief

1. The Building Official shall impose civil penalties for violation of this Ordinance committed by that individual or entity requiring a permit hereunder as provided in this Ordinance:
 - a. Moving or causing to move a mobile home, recreation vehicle or modular home without proper permits- The Building Official shall impose a civil penalty of a warning for the first offense and Fifty (\$50.00) dollar fine for each offense thereafter.

- b. Failure to skirt mobile home within sixty (60) day time period- The Building Official shall impose a civil penalty of a warning for the first offense and Fifty (\$50.00) dollar fine for each offense thereafter.
 - c. Failure to maintain unit in accordance with the Mobile Home Guidelines for Used Mobile Homes set forth in this Ordinance- The Building Official shall impose a civil penalty of One Hundred (\$100.00) dollar fine for the first offense, Two Hundred and Fifty (\$250.00) dollar fine for the second offense, Five Hundred (\$500.00) dollar for the third offense, and Seven Hundred and Fifty (\$750.00) dollar fine for the fourth offense and criminal prosecution.
 - d. Connecting electrical service or occupying unit without final inspection- The Building Official shall impose a civil penalty of Five Hundred (\$500.00) dollars for each violation plus disconnection of electrical services.
 - e. Failure to make code compliance repairs- The Building Official shall revoke all permits and the Havana Town Council shall seek injunctive relief against the owner.
 - f. Falsifying documents or information to obtain a permit- The Building Official shall revoke all permits.
2. In addition to the penalties provided for above, the Town Council shall have the right to seek a civil injunction from the Circuit Court in and for the Town of Havana, Florida, against the violation of any provision of this Ordinance, and if such injunction is granted, the violator shall be required to pay all reasonable costs and attorney's fees incurred by the Town of Havana in obtaining and enforcing such injunction.
3. Each day that a violation hereof shall continue, after notice, shall constitute a separate violation of this Ordinance, and shall be subject to the penalty set forth herein.

SECTION XI

Appeals

1. Any person whose substantial interests are effected by a decision or action of the Building Official may initiate an appeal to the Havana Town Council only as provided herein.
2. Said appeal shall be initiated by delivery of a written Notice of Appeal which

must be delivered to the Town Manager within thirty (30) days of the decision or action to be appealed.

3. Said Notice of Appeal shall provide a correct mailing address for the person appealing, shall identify the specific action or decision of the Building Official to be appealed, including the date of said action or decision, and the specific reason under the provisions of this Ordinance or general law that said action or decision is in error.
4. Upon receipt of a Notice of Appeal, the Town Manager shall forward a copy of the same to the Building Official and schedule the hearing on said appeal. Said hearing shall be scheduled within forty-five (45) days of the receipt of the Notice of Appeal. The Town Manager shall give appealing party written notification of the hearing at least fifteen (15) days prior thereto.
5. At said hearing, there shall be the right to cross-examine witnesses, to subpoena witnesses, and present all evidence permitted under the laws of the State of Florida and all other rights required by Florida Law in quasi judicial proceedings. The Mayor of the Town of Havana shall act as presiding officer and shall determine the admissibility of any evidence.
6. At said hearing, the Building Official shall first offer testimony pertaining to the action or decision so appealed and put into evidence any documentation pertaining thereto. The appealing party shall then present testimony and evidence to support their appeal. The Building Official shall then be permitted to rebut any evidence introduced by the appealing party.
7. At the close of evidence, the Town Council shall decide the matter by majority vote. If the Council determines that the decision or action of the Building Official is supported by competent, substantial evidence and complies with this Ordinance and general law, the decision or action shall be upheld. If the Town Council determines that the Notice of Appeal is untimely or otherwise fails to comply with this Ordinance, the appeal shall be dismissed. If the Town Council determines that there exists no competent, substantial evidence to support the decision or action of the Building Official, or that said decision or action is contrary to this Ordinance or general law, said decision or action shall be overturned and the Town Council shall grant such relief as is just and proper.

SECTION XII

Severability

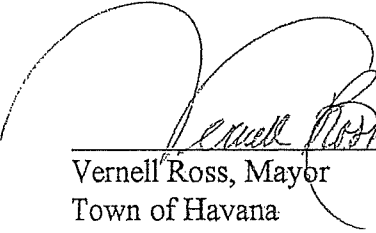
1. If any section, phase, sentence, portion or application of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision or application, and such holding shall not effect the validity of the remaining portions or applications.

SECTION XIII

This Ordinance shall take effect immediately upon its passage and approval as provided by law.


INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on the 26th day of May, A.D. 1998.

ADOPTED AND PASSED on second and final reading in open session of the Town Council of the Town of Havana, Florida, on the 30th day of June, A.D. 1998.



Vernell Ross, Mayor
Town of Havana

ATTEST:



Anne T. Bert, Town Clerk

Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile home means a transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. For the purposes of determining standards which apply, a distinction is made between doublewide units mounted on a permanent foundation which shall be considered a single-family home and shall be regulated by the provisions of Ordinance Number 233, sections 5200A and 5200B(1) or (3), pertaining to residential use regulations, and singlewide units which are permitted only in mobile home parks.

Mobile home park means a performance subdivision containing mobile homes. Such a facility shall meet all requirements for performance subdivisions listed in Ordinance Number 233, section 4203, which contains a table of district performance standards.

Recreational vehicle means a vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

Recreational vehicle park means a lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

(Code 1980, § 14-1; Ord. No. 233, § 2300, 3-15-90)

Sec. 12-2. Inspection required.

It shall be unlawful for any mobile home, recreation vehicle or modular home to be brought into and/or set up for any purpose in the incorporated areas of the town, until such mobile home, recreation vehicle or modular home has been inspected by the Gadsden County building official or his agent, and a permit has been issued for such mobile home, recreation vehicle or modular home.

(Ord. No. 293, § II, 6-30-98)

Editor's note—Section I of Ord. No. 293, adopted June 30, 1998, repealed Ord. No. 240, adopted Nov. 27, 1990, from which §§ 12-2—12-12 derived. Section II of said ordinance enacted new provisions to read as herein set out.

Sec. 12-3. Used mobile home standards.

No used mobile home, recreation vehicle or modular home shall be issued a permit hereunder unless it meets the guidelines for used mobile homes.

- (a) *Fire safety.* All mobile homes manufactured since January 1968 shall have an approved smoke detector(s) properly located outside of each sleeping area of the mobile home. Smoke detectors shall be installed to the product manufacturer's installation.

(b) *Electrical.*

- (1) Every unit shall have a complete electrical system.
- (2) Distribution panel boards shall be properly installed, complete with required breakers/fuses, with all unused openings properly covered. All connections are to be checked for tightness, and all panels shall be accessible. Distribution panel board may be located in a closet, provided there is at least six inches of space between the panel board and any easily ignitable materials. The panel board shall be a minimum of 100 amps.
- (3) All electrical fixtures shall be properly installed, wired and supported. Aluminum conductors shall be connected to approved listed devices.
- (4) All grounding conductors shall be secured to proper locations and/or connector on the fixture or device.
- (5) All grounding conductors smaller than no. 8 AWG aren't allowed.

(c) *Plumbing.*

- (1) All plumbing fixtures shall be protected with approved and workable traps.
- (2) Plumbing fixtures shall be properly vented and fixtures shall be in workable condition.
- (3) Relief valve on water heater shall have sufficient room to operate, and shall have underthreaded $\frac{3}{4}$ inch drainpipe extended beneath the mobile home.
- (4) Drainage piping shall be complete. Piping shall be supported properly and not constitute a hazard.
- (5) Water piping shall not be bent, kinked, etc., to retard flow of the water supply. Each fixture shall be connected to water piping.

(d) *Heating and air conditioning.*

- (1) All required cooking/heating appliances shall be properly anchored and connected in place.
- (2) If the home has deleted heating system, drop-outs must be installed for connecting exterior system.
- (3) All homes with central heating/cooling shall have operable thermostat.
- (4) Air registers shall be operable.
- (5) Ducts shall be sealed at openings and shall not be crushed or missing.
- (6) Gas furnace/water heating vents shall be properly installed and secured to appliance.
- (7) There shall be proper return air to furnace, exterior heat/AC units and all rooms.
- (8) Range/bathroom exhaust fans shall be complete and vented to outside.
- (9) All gas appliances shall be connected with an approved shut-off valve, if the home was manufactured after May of 1975.

(e) *Construction.*

- (1) Exterior exit doors, including sliding glass, shall be in good working order.
- (2) Exterior doors shall have operable locks.
- (3) All mobile homes manufactured after January of 1975 shall have operable egress windows or an exterior egress door located in each sleeping area with an opening of 22 inches in its shortest measurement.
- (4) All windows and operators shall be in working condition and missing glass shall be replaced (if required).
- (5) Screens shall be required on each window capable of being opened.
- (6) All holes, damaged floor, broken decking or floor joists shall be corrected.
- (7) Missing interior paneling and bowed or loose paneling shall be replaced. Paneling shall be secured to the framing members.
- (8) Bottom board shall be made rodent proof throughout and sealed. Missing insulation from exposed areas shall be replaced.
- (9) Leaks. When visible structural damage caused by water leaks are apparent, repairs and corrections are to be completed to assure leaks have been corrected.
- (10) All over-the-roof, tie-down straps shall be free of damage. Frame ties and blocking on all used single-wide and double-wide homes shall be as required in the amended Rules of the Division of Motor Vehicles, Chapter 15c-1.10, if the manufacturer's setup requirements are not available. Splices of strap shall overlap at least 12 inches and be secured with two seals. All tie points shall be used.

(f) *General.*

- (1) Power cannot be turned on until the mobile home is properly set up, electrical is installed, water is connected and the septic/sewer is connected and approved by the environmental health department. The town requires all residential uses to have off-street parking. The connection of the residential driveway to the public street must be paved with i.e.: asphalt, concrete, brick, cobblestone or other such material as approved by the town.
- (2) Mobile homes manufactured prior to January 1968 are not permitted unless proof of compliance with the applicable standard are met, i.e. HUD standards for manufactured housing. Certification by an architect or engineer required for HUD standards.
- (3) No mobile home, recreation vehicle or modular home shall be issued a permit hereunder unless the same meets the most recently adopted version of the following codes:
 - a. National Electrical Code.

- b. State of Florida, Department of Highway Safety and Motor Vehicles Regulations providing guidelines for set up mobile homes.
- c. Such other codes, standards and requirements as are established by law.
- (4) All mobile homes, recreation vehicles and modular homes shall be skirted or have a completely enclosed foundation prior to having permanent electric service.
- (5) Any person or entity bringing a mobile home, recreation vehicle or modular home into the incorporated areas of the Town of Havana, or having caused the same to be brought into the incorporated areas of the Town of Havana, and any person or entity setting up or causing to be set up in the incorporated areas of the Town of Havana any mobile home, recreation vehicle or modular home shall have a copy of the permit issued hereunder permanently and securely affixed in the window next to front door of said unit.
- (6) All mobile homes, recreation vehicles and modular homes shall have one set of steps and landing that complies with the standard building code.

(Ord. No. 293, § III, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-4. Permitting procedures for new and used units.

(1) Prior to the issuance of a permit as required by this chapter, all new mobile homes, recreation vehicles and modular homes must comply with the following requirements:

- (a) Must have septic tank permit/waiver from the Gadsden County Environmental Health Department or a town sewer permit.
- (b) Must pay applicable permit fees set forth in this chapter to the Gadsden County Building Inspection Division.

(2) Prior to the issuance of a permit as required by this chapter, all used mobile homes, recreation vehicles and modular homes must comply with the following requirements:

- (a) Must have septic tank permit/waiver from the Gadsden County Environmental Health Department or a town sewer permit.
- (b) Must pay applicable code compliance inspection and moving and set permit fees.
- (c) When mobile home is placed on approved property, the owner must request a code compliance inspection.
- (d) All repairs to the mobile home must be completed within 45 days after code compliance inspection. Owner must furnish electrical power if necessary to perform repairs. The county will not allow electrical connections or temp poles for this portion of these repairs.
- (e) After completion of the repairs, the owner must request a reinspection of the mobile home.

- (f) Upon approval of the code compliance inspection, the owner must request a set up inspection as set forth in this chapter.

(Ord. No. 293, § IV, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-5. Fees.

(1) Prior to the issuance of a permit as required by this chapter, all mobile homes, recreation vehicles and modular homes must be inspected and approved by the Gadsden County Building Official or his agent and must meet the standards set forth herein.

(2) Any person or entity seeking a permit as required by this chapter shall first pay to the Gadsden County Building Official or his agent such fees for permitting and inspection as shall be established from time to time by the Gadsden County Board of County Commissioners.

(3) The fees for code compliance inspection shall be \$100.00 for the first two inspections and \$25.00 for each inspection thereafter.

(4) The moving set up permit fees shall be as set forth below for the first two inspections and \$25.00 for each inspection thereafter.

(5) If the building inspection official determines that a stated valuation is not accurate, he/she shall value the unit at \$25.00 per square foot.

(6) Mobile homes, recreation vehicles and modular homes valuations and fees, as amended, are on file in the office of the town clerk.

(Ord. No. 293, § V, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-6. Electrical services permit.

It shall be unlawful for electrical services to be connected to any mobile home, recreation vehicle or modular home until a permit as required herein shall have been issued by the Gadsden County Building Official or his agent, and proper approvals have been obtained for the sewage disposal system and the potable water system.

(Ord. No. 293, § VI, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-7. Display of permit required.

It shall be unlawful for any dealer of mobile homes, recreation vehicles or modular homes, or any transporter thereof to bring a mobile home, recreation vehicle or modular home into the incorporated areas of the Town of Havana for location, set up and/or residential occupancy unless the permit required hereunder shall be displayed in the window next to the front door of said unit.

(Ord. No. 293, § VII, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-8. Exemptions.

Exempted from this chapter are mobile homes, recreation vehicles and modular homes which are in place and properly set up under the laws applicable at the time of said unit's location at upon the effective date of this chapter.

(Ord. No. 293, § VIII, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-9. Administration.

The Gadsden County Building Official is hereby designated as the administrative and enforcement official to administer and enforce the provisions of this chapter. He/she shall administer this chapter as provided by the guidelines of this chapter, and shall be granted the authority to so administer, grant waivers and enforce this chapter.

(Ord. No. 293, § IX, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-10. Penalties and injunctive relief.

(1) The building official shall impose civil penalties for violation of this chapter committed by that individual or entity requiring a permit hereunder as provided in this chapter:

- (a) Moving or causing to move a mobile home, recreation vehicle or modular home without proper permits. The building official shall impose a civil penalty of a warning for the first offense and a \$50.00 fine for each offense thereafter.
- (b) Failure to skirt mobile home within a 60-day time period. The building official shall impose a civil penalty of a warning for the first offense and a \$50.00 fine for each offense thereafter.
- (c) Failure to maintain unit in accordance with the Mobile Home Guidelines for Used Mobile Homes set forth in this chapter. The Building Official shall impose a civil penalty of a \$100.00 fine for the first offense, a \$250.00 fine for the second offense, \$500.00 for the third offense, and a \$750.00 fine for the fourth offense and criminal prosecution.
- (d) Connecting electrical service or occupying unit without final inspection. The building official shall impose a civil penalty of \$500.00 for each violation plus disconnection of electrical services.
- (e) Failure to make code compliance repairs. The building official shall revoke all permits and the Havana Town Council shall seek injunctive relief against the owner.
- (f) Falsifying documents or information to obtain a permit. The building official shall revoke all permits.

(2) In addition to the penalties provided for above, the town council shall have the right to seek a civil injunction from the circuit court in and for the Town of Havana, Florida, against the violation of any provision of this chapter, and if such injunction is granted, the violator shall be required to pay all reasonable costs and attorney's fees incurred by the Town of Havana in obtaining and enforcing such injunction.

(3) Each day that a violation hereof shall continue, after notice, shall constitute a separate violation of this chapter, and shall be subject to the penalty set forth herein.

(Ord. No. 293, § X, 6-30-98)

Editor's note—See editor's note following § 12-2.

Sec. 12-11. Appeals.

(1) Any person whose substantial interests are affected by a decision or action of the building official may initiate an appeal to the Havana Town Council only as provided herein.

(2) Said appeal shall be initiated by delivery of a written notice of appeal which must be delivered to the town manager within 30 days of the decision or action to be appealed.

(3) Said notice of appeal shall provide a correct mailing address for the person appealing, shall identify the specific action or decision of the building official to be appealed, including the date of said action or decision, and the specific reason under the provisions of this chapter or general law that said action or decision is in error.

(4) Upon receipt of a notice of appeal, the town manager shall forward a copy of the same to the building official and schedule the hearing on said appeal. Said hearing shall be scheduled within 45 days of the receipt of the notice of appeal. The town manager shall give appealing party written notification of the hearing at least 15 days prior thereto.

(5) At said hearing, there shall be the right to cross-examine witnesses, to subpoena witnesses, and present all evidence permitted under the laws of the State of Florida and all other rights required by Florida law in quasi judicial proceedings. The mayor of the Town of Havana shall act as presiding officer and shall determine the admissibility of any evidence.

(6) At said hearing, the building official shall first offer testimony pertaining to the action or decision so appealed and put into evidence any documentation pertaining thereto. The appealing party shall then present testimony and evidence to support their appeal. The building official shall then be permitted to rebut any evidence introduced by the appealing party.

(7) At the close of evidence, the town council shall decide the matter by majority vote. If the council determines that the decision or action of the building official is supported by competent, substantial evidence and complies with this chapter and general law, the decision or action shall be upheld. If the town council determines that the notice of appeal is untimely or otherwise fails to comply with this chapter, the appeal shall be dismissed. If the town council determines that there exists no competent, substantial evidence to support the decision or

action of the building official, or that said decision or action is contrary to this chapter or general law, said decision or action shall be overturned and the town council shall grant such relief as is just and proper.

(Ord. No. 293, § XI, 6-30-98)

Editor's note—See editor's note following § 12-2.