

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: MAYOR COUNCIL AUTHORITY: DATE: October 7, 2016
 Tulsa City Clerk's Office: 596-7513 or 596-7514

FOR INFORMATION CONTACT:

DEPARTMENT: PLANNING & DEVELOPMENT CONTACT NAME: Dawn Warrick, Director
 ADDRESS: 175 East 2nd St., Suite 560 TELEPHONE: 918-576-5447

ORDINANCE # 23590

SUBJECT: Title 51 Revised Ordinance, Chapter 3

ORDINANCE TYPE: AMENDING PREVIOUS ORDINANCE BA or CT #: _____
 AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
 ZONING #: _____ SSID: _____ PUD #: _____ PROP/NON-PROP: _____ COUNCIL DISTRICT: _____

SUMMARY:

Amending Title 51, Tulsa Revised Ordinances, The Building Code of The City of Tulsa, Oklahoma Chapter Three, Titled "Manufactured Homes, Mobile Homes, Modular Structures, Recreational Vehicles and Mobile Home Parks", updating to current acceptable standards.

Emergency Clause requested.

**Approved By
City Council On
NOV 02 2016**

APPROVED BY MAYOR
CITY OF TULSA

NOV 07 2016

BUDGET: _____ FINANCE DIRECTOR APPROVAL: _____

FUNDING SOURCE: N/A

REQUEST FOR ACTION: *All department items requiring Council approval must be submitted through the Mayor's Office.*

We request that the Mayor approve this RFA and forward this new ordinance to the Council as soon as possible. Please return a copy of the approved RFA to Bob Edmiston in Legal as soon as completed.

DEPARTMENT HEAD APPROVAL: *Dawn Warrick* DATE: 10/10/16
 ASST CITY ATTORNEY APPROVAL: *Robert R. Edmiston* 10-07-16
 BOARD APPROVAL: _____
 PRO-TEM MAYORAL APPROVAL: *John Thomas* 10-17-16
 OTHER: _____

FOR CITY COUNCIL OFFICE USE ONLY: 16-822-1 DATE RECEIVED: 10-17-16
 COMMITTEE: PW COMMITTEE DATE(S): 10-26-16 FIRST AGENDA DATE: 10-26-16
 HEARING DATE: _____ SECOND AGENDA DATE: 11-2-16 APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #; Dept #, Item #, Sub-Item #, Status: S=Synopsis):

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(Published in the Tulsa World,

November 15, 2016)

Ordinance No. 23590

AN ORDINANCE AMENDING TITLE 51, TULSA REVISED ORDINANCES, THE BUILDING CODE OF THE CITY OF TULSA, OKLAHOMA, CHAPTER 3, TITLED "MANUFACTURED HOMES, MOBILE HOMES, MODULAR STRUCTURES, RECREATIONAL VEHICLES AND MOBILE HOME PARKS"; ADDING "MANUFACTURED HOMES" AS DEFINED THEREIN TO THE REGULATORY SCHEME AS REVISED THEREIN; ADDING A VIOLATION PENALTY SECTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PRESERVING AND PROTECTING EXISTING RIGHTS AND REMEDIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 51, Tulsa Revised Ordinances, Chapter 3, be and the same is hereby amended to read as follows:

"CHAPTER 3. MANUFACTURED HOMES, MOBILE HOMES, MODULAR STRUCTURES, RECREATIONAL VEHICLES AND MOBILE HOME PARKS

Section 300. Definitions.

Section 301. Use, occupancy and location of mobile homes and modular structures.

Section 302. Temporary nonresidential use of mobile homes and modular structures.

Section 303. General requirements for mobile home and recreational vehicle parks.

Section 304. Mobile home parks.

Section 305. Anchoring mobile homes and certain recreational vehicles.

Section 306. Required inspection.

Section 307. Recreational vehicle parks.

Section 308. Flood hazard areas.

Section 309. Violation and appeal.

Section 310. Permits not transferable.

Section 311. Violation penalties.

Section 300. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

- A. **Mobile Home** shall mean a manufactured home built prior to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. §§ 5401, *et seq.*); built on a permanent chassis and that complies with Standard for Mobile Homes, National Fire Protection Association (NFPA) 501, American National Standards Institute (ANSI) 119.1, in effect at the time that the unit was manufactured.

- B. **Manufactured Home** shall mean a manufactured home built after the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. §§ 5401, et seq.).
- C. **Mobile Home Parks** shall mean land used or intended to be used by two (2) or more mobile homes where sewer, water, gas, electric and other similar facilities are available to allow occupancy of such mobile homes as dwellings.
- D. **Modular Structure** shall mean a transportable, non-vehicular, prefabricated structure, requiring an independent foundation, which is designed and constructed for movement from a point of fabrication to a permanent erection or location site.
- E. **Dwelling** shall mean any structure or vehicle occupied or used primarily for a residential purpose which may or may not contain sleeping, bath, toilet, cooking and refrigeration facilities.
- F. **Code Official** shall mean the officer or other designated authority charged with the administration and enforcement of this code.
- G. **Person** shall mean any individual, partnership, trust, association, corporation or combination thereof.
- H. **Recreational Vehicle** shall mean a vehicular type unit designed primarily for temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or towed by another vehicle and has its own potable water storage tank and waste storage tank.

A recreational vehicle may be any of the following:

1. **Motor Home** which shall mean a vehicular type unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor chassis or on a chassis cab or van which is an integral part of the completed vehicle;
2. **Travel Trailer** which shall mean a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size and weight as not to require special highway permits when towed by a motorized vehicle;
3. **Camping Trailer** which shall mean a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use; or
4. **Truck Camper** which shall mean a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a floor, roof and sides, designed to be mounted on the bed of a pickup truck.

Section 301. Use, occupancy and location of manufactured homes, mobile homes and modular structures.

The use, occupancy and location of manufactured homes, mobile homes and modular structures are governed by the provisions of the zoning code of the City of Tulsa, Title 42, Tulsa Revised Ordinances.

Section 302. Temporary nonresidential use of manufactured homes, mobile homes and modular structures.

- A. **Temporary permit required; requirements for issuance established.** Any person who desires to use a manufactured home, mobile home or a modular structure on a temporary basis for a field or local branch office, demonstration or for a charitable and nonprofit purpose, may do so upon issuance of a temporary mobile home permit by the code official of the City of Tulsa. The prospective user shall apply for such permit by filing a written application with the code official, accompanied by a nonrefundable application as set forth in Title 49, Tulsa Revised Ordinances. Such application shall include the exact location where the manufactured home, mobile home or modular structure will be placed, a full explanation and description of the use or activity which will be conducted within the manufactured home, mobile home or modular structure, and a statement specifying the period of time for which such temporary use will be required.

Upon a finding by the code official that the proposed use is permitted by this section, that such use will not exceed twelve (12) months in duration and upon the applicant's posting a cash or surety removal bond as hereinafter required, the code official shall issue a temporary manufactured home, mobile home permit for any requested period of time not exceeding twelve (12) months.

The issuance of a temporary manufactured home or mobile home permit authorized by this section shall require the issuance of a zoning clearance certificate, but shall not require an occupancy certificate as provided by the building code of the City of Tulsa, Chapter 1, Title 51, Tulsa Revised Ordinances.

- B. **Permit for extended use.** The use of any property as a temporary location site for a manufactured home, mobile home or modular structure in excess of twelve (12) months shall not be considered to be a temporary use within the meaning of this section and no additional temporary permits shall be issued by the code official; provided, however, that permits for extended temporary use beyond the initial twelve (12) months may be obtained by the following persons:
1. Building contractors involved with an ongoing construction project on the same property on which such mobile home or modular structure is located; and
 2. Public schools (as defined in 70 O.S.2001, § 1-106) using such mobile home or modular structure as temporary classrooms.

The code official shall either issue the requested permit for extended use or deny the application in writing, giving the reasons for such denial, within ten (10) working days after the filing of such application. No extended use permit shall be issued for a period of time exceeding twelve (12) months. Extended use permits may be re-issued by the code official upon the expiration of an existing extended use permit.

- C. **Limitations upon occupancy of temporarily located manufactured homes, mobile homes and modular structures.** Holders of temporary permits and their employees may occupy a manufactured home, mobile home or a modular structure on a twenty-four (24) hour basis, provided that: (1) such occupancy is accessory and subordinate to a principal nonresidential use of the property upon which such manufactured home, mobile home or modular structure is located; and (2) such twenty-four (24) hour occupancy does not thereby establish a dwelling unit within the meaning of the zoning code of the City of Tulsa, Title 42, Tulsa Revised Ordinances, unless otherwise permitted by a zoning variance granted by the Tulsa Board of Adjustment.

Section 303. General requirements for manufactured homes, mobile homes and recreational vehicle parks.

- A. **Manufactured homes, mobile homes and recreational vehicles in storage.** Manufactured homes, mobile homes and recreational vehicles not intended for occupancy may be parked only in a separately designated storage area within the manufactured home subdivision, mobile home park or recreational vehicle park or in another storage area authorized under the zoning code of the City of Tulsa, Title 42, Tulsa Revised Ordinances. When the mobile home or recreational vehicle is parked in a designated storage area, no fees or permits are required. When the mobile home is stored on a mobile home lot, it shall comply with the applicable bulk and area requirements in the zoning code of the City of Tulsa, Section 403, Chapter 4, Title 42, Tulsa Revised Ordinances, and it shall be anchored according to the building code, Chapter 1, Title 51. Recreational vehicles stored on a mobile home lot shall be parked on the parking pad.
- B. **Utility connections.** Electrical, mechanical and plumbing connections, where required, shall comply with the respective codes of the City of Tulsa.
- C. **Fire hydrants.** Where existing fire hydrants are farther than one thousand (1,000) feet from the most distant mobile home or recreational vehicle space, additional fire hydrants shall be provided and located as required by the Fire Marshal of the City of Tulsa. The Fire Marshal shall approve or deny submitted plans within seven (7) days after receipt thereof.
- D. **Street lighting.** Street lamps shall be positioned no less than every two hundred (200) feet throughout the park. Such lamps shall be twenty (20) feet above ground level and shall contain bulbs of at least one hundred (100) watts. All lamps shall be shaded and positioned so as to avoid glare on adjoining properties.
- E. **Garbage cans.** Garbage cans must be enclosed, maintained in sanitary condition and located no farther than one hundred fifty (150) feet from any mobile home or recreational vehicle space.

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Section 304. Manufactured home subdivision and mobile home parks.

- A. **Manufactured home subdivision permit, mobile home park permit, zoning clearance permit and fees.** No manufactured home subdivision or mobile home park shall be constructed, maintained, used or occupied within the City limits of the City of Tulsa unless and until a zoning clearance permit and a manufactured home subdivision or mobile home park permit have been issued by the code official and an annual fee as set forth in Title 49, Tulsa Revised Ordinances, has been paid.
- B. **Site plan required.** No mobile home park permit shall be issued to any person until a site plan of the proposed park is filed with and approved by the code official of the City of Tulsa. The site plan shall show compliance with all requirements set forth herein for mobile home parks. The site plan shall be drawn to scale and shall be sufficiently detailed to show compliance with all requirements of this chapter.
- C. **Land requirements.** All mobile home parks shall be constructed, maintained and/or operated in accordance with the provisions of the zoning code of the City of Tulsa, Title 42, Tulsa Revised Ordinances.
- D. **Utilities.** Connections for electricity, gas, City water and City sanitary sewer shall be provided at each mobile home space.

Section 305. Foundations and anchoring manufactured homes, mobile homes and certain recreational vehicles.

- A. **General.** Manufactured home and mobile home anchoring and foundation systems shall be designed by an Oklahoma licensed engineer or in accordance with the Code of Federal Regulations, Title 24, Housing and Urban Development, Subtitle B, Chapter XX, part 3285.
- B. **Additional requirements.** In addition to requirements for anchoring contained in Chapter 1, Title 51, Tulsa Revised Ordinances, the following requirements shall apply:
 - 1. Patio awnings shall be installed according to manufacturer's instructions;
 - 2. Accessory structures on the lot shall be securely anchored;
 - 3. Tip-out rooms shall be anchored by an over-the-home tie at the end of each raised section; and
 - 4. Clerestory roofs shall require an over-the-home tie at the end of each raised section.
- C. **Recreational vehicles.** Recreational vehicles placed in a mobile home park and used as a residence shall be anchored in accordance with the requirements specified herein for a mobile home.

Section 306. Required inspection.

Prior to the issuance of a permit to locate a manufactured home or mobile home within the corporate limits of the City of Tulsa, the code official of the City of Tulsa shall be afforded reasonable access to the manufactured home or mobile home to ascertain whether unsafe conditions exist. Such official shall be afforded similar access upon application by a person for renewal or extension of any permit provided by this chapter. Such reasonable access to any mobile home shall not be denied to the code official.

Section 307. Recreational vehicle parks.

- A. **Recreational vehicle park zoning clearance.** No recreational vehicle (RV) park shall be constructed, maintained, used or occupied within the city limits of the City of Tulsa unless and until a zoning clearance permit and an RV park permit have been applied for, an annual permit fee as set forth in Title 49, Tulsa Revised Ordinances has been paid and the permit has been issued by the code official.
- B. **Site plan required.** No recreational vehicle park permit shall be issued to any person until a site plan of the proposed park is filed with and approved by the code official of the City of Tulsa. Such site plan shall show compliance with all requirements herein set forth for recreational vehicle parks. The site plan shall be drawn to scale and of sufficient detail to show compliance with all requirements of this chapter.
- C. **Auxiliary facilities.** Recreational vehicle parks shall have permanent service buildings for laundry, toilet and bath or shower facilities. Such service buildings shall be located no closer than fifteen (15) feet and no farther than three hundred (300) feet from any recreational vehicle space. Permanent service facilities shall have adequate supplies of both hot and cold water, shall be adequately lighted at all times, shall be constructed of moisture resistant materials to permit frequent cleaning and washing and shall be heated in winter.
- D. **Toilet facilities.** Separate toilet facilities shall be provided for males and females. One (1) flush type water closet, one (1) lavatory and one (1) shower facility shall be provided for each sex in all parks having nine (9) or fewer spaces. One (1) additional water closet, lavatory and shower facility shall be provided for each sex for each additional ten (10) spaces or fraction thereof.
- E. **Laundry facilities.** Laundry facilities shall consist of one (1) dual compartment lavatory, one (1) automatic washer and one (1) automatic dryer for each twenty (20) spaces or fraction thereof.
- F. **Utilities.** All utility services and connections installed in recreational vehicle parks shall meet all applicable codes, rules and regulations.

Section 308. Flood hazard areas.

New and replacement manufactured homes, mobile homes, modular structures and recreational vehicles to be located in flood hazard areas as established in Table R301.2(1) of Title 51 TRO Chapter 2 International Residential Code 2015 of the City of Tulsa shall comply with the

applicable requirements of Section R322 (Title 51 TRO Chapter 2); Title 51 TRO Chapter 1 Appendix G: and Title 11-A TRO Chapter 3.

The bottom of the frame of new and replacement manufactured homes, mobile homes, modular structures and recreational vehicles on foundations shall be elevated at least one (1) foot above the design flood elevation. The anchor and tie-down requirements of the applicable state and federal requirements shall apply.

Section 309. Violation and appeal.

Any violation of this chapter, state statutes or other applicable law shall constitute cause for denial or revocation of any permit required herein; provided, however, that upon denial or revocation of any permit, an appeal of the code official's action may be taken to the City Council by filing a notice of appeal with the code official and the City Clerk within ten (10) days of the code official's action.

Section 310. Permits not transferable.

No permit granted pursuant to the provisions of this chapter shall be transferable.

Section 311. Violation penalties.

It shall be unlawful and a misdemeanor offense for any person, firm, corporation, limited liability company or other entity to violate any of the provisions of this code, fail to comply with any of the requirements thereof, or to erect, construct, alter, repair or change the occupancy of any building or structure in violation of an approved plan or directive of the building official or of a permit or certificate issued under the provisions of the code. Any person, firm, corporation, limited liability company or other entity convicted of a violation of this code shall be guilty of a misdemeanor offense and shall be punished by a fine of not more than One Thousand Two Hundred Dollars (\$1,200.00), excluding costs, fees, and assessments, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day, or portion thereof, during which a violation is committed, or continued, shall be deemed a separate offense.”

Section 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby expressly repealed.

Section 3. PROTECTION OF EXISTING RIGHTS AND REMEDIES. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed; nor shall this Ordinance require any changes in work which have been lawfully authorized prior to the adoption of this Ordinance, so long as such work is actually commenced within sixty (60) days after the adoption of this Ordinance.

Section 4. SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full

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force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 5. EMERGENCY CLAUSE. That because the revisions enacted by this ordinance are essential to the regulation of safety as it relates to Manufactured Homes, an emergency is now declared to exist for the preservation of the public peace, health and safety by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

ADOPTED by the Council: NOV 02 2016
Date
Jeannie Cee
Chair of the Council

ADOPTED as an emergency measure: NOV 02 2016
Date
Jeannie Cee
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

Dewey F. Bartlett, Jr., Mayor

By _____
Secretary

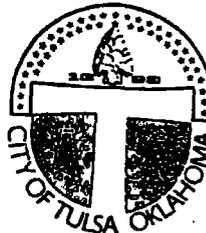
APPROVED by the Mayor of the City of Tulsa, Oklahoma: NOV 07 2016,
Date
at _____
Time

Dewey F. Bartlett, Jr.
Mayor

(Seal)

ATTEST:

Michelle P. Keel
City Clerk



APPROVED AS TO FORM AND LEGALITY:

Lawrence J. Miller
City Attorney rre