

ORDINANCE NO. 73-1

AN ORDINANCE PROHIBITING MOBILE HOMES BEING PLACED ON AND DWELLINGS BEING CONSTRUCTED OR PLACED ON LAND WITHOUT INSTALLATION FOR THE USE OF THE OCCUPANTS THEREOF OF SEPTIC TANK OR OTHER APPROVED DEVICE OR ABSORPTION FIELD FOR SEWAGE DISPOSAL; DEFINING CERTAIN WORDS AND TERMS USED IN THE ORDINANCE; PROHIBITING INSTALLATION OF SEWAGE DISPOSAL DEVICES UNTIL ISSUANCE OF "CONSTRUCTION PERMIT" BY THE HOLMES COUNTY HEALTH DEPARTMENT; PROVIDING FOR ISSUANCE OF "WAIVER AUTHORIZATION" ISSUED; EXEMPTING INSTALLATION OF TEMPORARY ELECTRICAL SERVICE FROM THE PROVISIONS OF THIS ORDINANCE; PROHIBITING USE OR OCCUPANCE OF DWELLING OR MOBILE HOME LOCATED OR PLACED IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF AND THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, there exist in Holmes County, numerous mobile homes being placed, and dwellings being constructed or placed on lands without the owner, occupant, possessor, lessess, tenant or the agent thereof complying fully with the laws, regulations, and/or rules of the State of Florida, and Holmes County pertaining to installation of septic tank, or other approved device or absorption field for sewage disposal, and

WHEREAS, the installation of a septic tank or other approved device or abosrption field for sewage disposal in violation of law adversely affects public health and safety, and constitutes a health hazard to the welfare of the people of Holmes County, both within and outside of all municipalities located in Holmes County, now therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY:

SECTION 1. Definitions.

(A) Mobile home: A detached single-family dwelling unit with all of the following characteristic:

(a) Designed for long-term occupance, and containing sleeping accomodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections

provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(d) Any vehicle, trailer or similar portable structure, with or without its own motive power, having no integral foundation other than wheels, jacks, or skirtings, and used, designed or constructed to be used as a conveyance on the public streets and designed or constructed to permit permanent occupancy for dwelling or sleeping purposes. Removal of the means of conveyance from a mobile home or the construction of a permanent foundation for a mobile home does not change the meaning of the word mobile home as defined or used in this regulation.

(e) The term mobile home shall also include any vehicle trailer or trailer coach equipped so as to provide living or sleeping facilities or housing accommodations.

(B) Dwelling: A "dwelling" is any building or portion thereof, which is used as the private residence or sleeping place of one or more human beings, excluding hotels, cabin courts, clubs or lodging houses, or any other institution such as a hospital or jail where human beings are housed by reason of illness or are under legal restraint.

(C) Person: The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

(D) Construct: The word "construct" and "construction"

shall mean the building or erection of something which did not exist before, as distinguished from the alteration, repair, or improvement of something already existing.

(E) Absorption Field or Drainfield: A system of oper-jointed or perforated pipe or alternate distribution units of approved type to receive flow from septic tank and designed to distribute effluent for oxidation and absorption by the soil.

(F) Septic Tank: Watertight tank or receptacle used as a reservoir for receiving or disposing sewage wastes.

(G) Construction Permit: Written authorization from the Holmes County Health Department, permitting a person to commence installation of a septic tank or other approved sewage disposal system.

(H) Waiver Authorization: Written authorization from the Holmes County Health Department stating that a person is constructing a building or placing a mobile home upon land in Holmes County that is not to be occupied by human beings.

(I) Temporary Electrical Service: "Temporary Electrical Service" shall be defined as the installation and/or supply of electrical current by a person on any lands in Holmes County for the express purpose of supplying electrical current to a person who is actively engaged in construction, altering, repairing, or improving a dwelling, building or other structure.

SECTION 2. It shall be unlawful for any person to construct or place a dwelling, or for the owner, occupant, possessor, lessee, tenant, or the agent thereof, of any mobile home or the land on which it is located, to place such mobile home upon, or allow such mobile home to remain upon, lands in Holmes County without the installation for the use of the occupants thereof of a septic tank or other approved device or absorption field for sewage

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disposal approved by the Holmes County Health Department unless such dwelling or mobile home is not to be occupied by human beings.

SECTION 3. A "Waiver Authorization" may be issued by the Holmes County Health Department to a person constructing a building or placing a mobile home upon land in Holmes County that is not to be occupied by human beings, upon presentation of AFFIDAVIT or other satisfactory evidence of compliance with the provisions of this Section.

SECTION 4. It shall be unlawful for any person to commence the installation of a septic tank or other approved device or absorption field for sewage disposal unless or until there has first been obtained a "Construction Permit" for the same issued from the office of the Holmes County Health Department. A fee of \$15.00 will be paid to the Holmes County Health Department prior to their issuing a septic tank permit. Said fee will cover percolation test, construction permit and final inspection.

SECTION 5. It shall be unlawful for any person to install, except for the specific purpose of supplying "Temporary Electrical Service", any electrical meter or other recording device for measuring or calculating consumption of electrical current for use in any mobile home or dwelling unless or until there has first been obtained, and displayed to such person, a "Construction Permit" or "Waiver Authorization" issued by the Holmes County Health Department pertaining to said mobile home or dwelling and which shall have been issued not more than 60 days prior to commencement of installation of electrical current.

SECTION 6. It shall be unlawful for any person to use or occupy any dwelling or mobile home which is located or placed in violation of the provisions of this Ordinance.

SECTION 7. Any person violating any of the provisions of this Ordinance, upon conviction thereof, shall be punished by a

fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Each day of violation of this Ordinance shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of this Ordinance shall be deemed a public nuisance and may be abated by Holmes County, at the expense of the person maintaining the nuisance, as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

**SECTION 8.<sup>6</sup> Separability Clause.**

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 9.<sup>7</sup> Repeal.** All Ordinances or parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance, are hereby subordinated to the provisions of this Ordinance, or repealed, to the extent necessary to give this Ordinance full force and effect.

**SECTION 10.** This Ordinance shall take effect on October 1st., 1973.

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