ORDINANCE NO. 1398, M-C SERIES AS AMENDED

ORDINANCE AMENDING ORDINANCE NO. 1362, M-C SERIES WHICH ADOPTED A WORK FORCE TEMPORARY HOUSING ORDINANCE.

WHEREAS, the City of Sulphur is undergoing economic growth and development; and

WHEREAS, the development requires construction which brings temporary workers to the area who require temporary housing; and

WHEREAS, some employers provide temporary housing for the temporary workers; and

WHEREAS, the City Council of the City of Sulphur desire to put provisions into place to address any work force temporary housing that may be located in the City of Sulphur due to the economic growth and development and the construction for the new developments.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Sulphur, that Chapter 5 of the Code of Ordinances of the City of Sulphur be amended to provide for Article XI – Work Force Temporary Housing as follows:

ARTICLE XI. WORK FORCE TEMPORARY HOUSING

Sec. 5-305. Definitions.

For purposes of this Article, the following words shall have the following meanings:

- (a) "Applicant" is the individual, corporation, or other legal entity, that is applying for a Work Force Temporary Housing permit.
- (b) "Conditional Use Permit" means those permit(s) issued for uses which are generally compatible with the uses permitted in a zoning district, but require individual review of their location, design and intensity in order to ensure their appropriateness on any particular parcel of land and the compatibility of the use with adjacent uses.
- (C) "Work Force Temporary Housing" means a conglomerate of portable modular quarters (PMQ) and their appurtenances; erected, co-located, and/or assembled for a business for its employees, either by the business or a work force temporary housing owner or operator at the request of the business, offered to the employees for purchase or at a fee as temporary sleeping rooms, regardless of whether meals are provided on site. The temporary housing is not a conventional hotel, motel, recreational vehicle park, mobile home park, or campground. The temporary housing is not a facility that provides parking and hookups for individually owned recreational vehicles, fifth wheels, camper trailers, pop-up campers, pickup trucks with on-board campers or similar units. Work Force Temporary Housing may only be occupied by employees of a requesting business and is not for long-term or permanent habitation.
- (d) A "Work Force Temporary Housing Permit" is a revocable Conditional Use Permit issued by the Chief Building Official of the City of Sulphur in accordance with this ordinance as adopted by the City Council of the City of Sulphur to the permit holder allowing construction and/or operation of a Work Force Temporary Housing. Said permit can only be revoked by the City Council of the City of Sulphur for violations of the provisions set forth herein or other conditions which were made a part of the Conditional Use Permit.
- (e) "Occupied structure" means a structure in which people live on a semi-permanent basis. It includes but is not limited to a residence, dwelling, apartment house, condominium, or a residential subdivision platted and recorded. It includes a lot that is being developed for use as a structure in which people will live on a semi-permanent basis that is under construction, e.g. the surface has been improved in preparation for construction, at the time the application for the Work Force Temporary Housing permit is submitted to the City of Sulphur.
- (f) "Permit Holder" is the individual, corporation, or other legal entity, which has been awarded a Work Force Temporary Housing permit.

- (g) "Portable modular quarters" (PMQ) means a structure that is Louisiana State Fire Marshal approved that is used as a sleeping room, that can stand alone or be integrated into a series, which, when prefabricated, is towed to or carried to the site, or when not prefabricated is assembled on site, but regardless of where it is manufactured or assembled, it is not designed as a permanent single or multiple family dwelling and such structure shall be placed upon a stand or other acceptable anchoring system, which must comply with all applicable state and local building codes including wind ratings and shall not heave, shift or settle unevenly under the weight of the structure as a result of any poor drainage, vibration, or other similar forces, which provides an adequate base for anchoring the structure to secure it against any movement. All PMQ's shall be consistent in nature in design.
- (h) "Portable building" may be allowed as an accessory use to the PMQs that can stand alone or be integrated into a series, which, when prefabricated, is towed to or carried to the site, or when not prefabricated is assembled on site, but regardless of where it is manufactured or assembled, it is not designed as a permanent on-site structure and such structure shall be placed upon a stand or other acceptable anchoring system, which must comply with all applicable state and local building codes including wind ratings and shall not heave, shift or settle unevenly under the weight of the structure as a result of any poor drainage, vibration, or other similar forces, which provides an adequate base for anchoring the structure to secure it against any movement.
- "Site Restoration" Upon the occurrence of any of the following; revocation of (i) the Work Force Temporary Housing Permit, expiration of the Work Force Temporary Housing Permit, or termination of use of the work force temporary housing facility for any reason the applicant shall restore the site to pre-development condition or a more pristine state in accordance with an approved site closure and restoration plan. Site Restoration shall include removal of all PMQs, buildings, utility services, fences, and roads unless otherwise granted Exception from City Council. The site will require regrading (as applicable), waste clean-up, weed control, and planting and fertilization necessary to restore the site to pre-development or more pristine condition. In the event the property owner desires to retain all or any portion of the improvements, said improvements shall comply with current ordinances and the procedures in this Code which are in effect prior to the end of any permit term, termination, revocation or renewal period thereof. The Permit Holder is responsible for satisfying all obligations imposed by the Sulphur City Code on an owner of Temporary Work Force Housing, including but not limited to the obligations of site restoration.
- (j) "Utility service" means supply of water, sewage, electric or other power, that is located externally to the structure and is capable of serving more than one structure or a conglomerate of structures.

Sec. 5-306. Work Force Temporary Housing permit required.

No person shall operate or allow the operation of a Work Force Temporary Housing on land owned or controlled by him within the city without first obtaining a Work Force Temporary Housing permit, "Conditional Use Permit" and complying with the terms and provisions of this Article. Work Force Temporary Housing permits may be revoked or suspended pursuant to this Article.

Sec. 5-307. Location of Work Force Temporary Housing.

Work Force Temporary Housing are prohibited in all areas with the exception of those zoned Commercial with Exception under the Zoning Code of the City of Sulphur with the approval of a Conditional Use permit.

Sec. 5-308. Work Force Temporary Housing Permit application.

Any person desiring the "Work Force Temporary Housing Permit required by this Article shall submit a written application for a "Conditional Use Permit" to the Director of Public Works, Chief Building Official and City Council Clerk for review and processing. The application must contain:

- (a) The applicant's name, address, telephone number, and email address;
- (b) The name of the Work Force Temporary Housing, which must contain the phrase "Work Force Temporary Housing" or word "camp", that will be used on signs to identify the Work Force Temporary Housing and a description of any logo, drawing, or diagram that will be used on the signs;
- (c) The names, addresses, work telephone numbers, cellphone numbers and email addresses for the Work Force Temporary Housing's on-site manager and alternate emergency point of contact;
- (d) The legal description of the property on which the Work Force Temporary Housing will be located;
- (e) A copy of the title/deed, buy-sell agreement or lease agreement for any real property involved, if applicable. A copy of any document confirming the applicant's authority to use the property in a manner and for a duration consistent with its application is acceptable;
- (f) Signatures of the land owner and/or the lessor of the property, if applicable;
- (g) A professional site plan, drawn to scale, by a Louisiana licensed architect or engineer which includes the requirements of this Article set forth in Sec. 5-318;
- (h) A description of how the PMQs, portable building/ structures, and common areas will be manufactured or constructed, and how the PMQ, buildings/structure, or common area will be anchored or affixed to the earth, if applicable;
- (i) The floor plan and square footage for each different style of PMQ, portable building/structure, and the common area,
- (j) A summary of square footage of the entire facility's PMQs, portable building/structures, and common areas;
- (k) A statement indicating the total number of beds the facility will contain;
- (l) A statement indicating the total number of projected employees;
- (m) The date the Work Force Temporary Housing will be operational and an indication of whether or not there will be one or more phases in implementing the total number of beds along with the plan which indicates the order of phasing, improvements contemplated in each phase and the number of beds for which the applicant intends to seek certificates of occupancy to occupy during the phasing, if any;
- (n) An estimate for the duration of use of the Work Force Temporary Housing;
- (o) A site security plan, which includes the requirements of this Article;
- (p) Approved plans for fire protection and emergency response measures;
- (q) A list of Work Force Temporary Housing rules and regulations, including the requirements in this Article;
- (r) A statement describing adequate methods for providing the following utilities and services:
 - a. Water supply requirements to the facility, sewage and grey water handling
 - b. Power supply
 - c. Private "Refuse" disposal amounts
 - d. Fire and emergency evacuation
- (s) A list stating the applicant's previous Work Force Temporary Housing experience and list of references, including any other cities where Work Force Temporary Housing have been established; and a minimum of 1,000 land based beds which are currently certified for

occupancy by the applicable governing authority where they are located.

(t) Plans for site restoration;

- a. Site Restoration Plan shall include the procedural timeline (within 12 months) on removal of all PMQs, buildings, utility services, fences, roads, any improved surfaces, required re-grading (as applicable), waste clean-up, weed control and planting and fertilization necessary to restore the site to pre-development or more pristine condition, an estimated cost of site restoration.
- b. Such other information as requested by the Director of Public Works, Chief Building Official or City Council Clerk.
- (u) Traffic and drainage study
- (v) Attach any variances requested.

Sec. 5-309. Approval of application.

- (a) The Director of Public Works, Chief Building Official and City Council Clerk shall review the proposed application for Work Force Temporary Housing Permit and any additional information which may be submitted in connection with or supplementing same. The Chief Building Official shall grant, grant subject to conditions, or deny the proposed permit application within thirty (30) days of receipt of the recommendation of the Director of Public Work, Chief Building Official and City Council Clerk. If no recommendation is made by this group within thirty (30) days of receipt of the application for Work Force Temporary Housing Permit, the Chief Building Official shall take action on the application no later than forty-five (45) days from receipt of same by the City of Sulphur. If additional information is requested from or supplied by the applicant the delays set forth herein are suspended until the information is received but in no case shall the Chief Building Official have less than five (5) additional working days to review any new information provided by the applicant.
- (b) The Chief Building Official reserves the right to request any additional information or require any additional items upon its review of the application.
- In addition to the other provisions of this Ordinance pertaining to restoration of sites utilized (c) for work force housing, the developer of any work force housing site shall also obtain and deliver to the City an original of either, an irrevocable letter of credit in the amount of not less than Three Million (\$3,000,000.00) OR both a payment and performance bond in favor of the City in an amount of not less than One and one-half Million and No/100 (\$1,500,000.00) Dollars each, which irrevocable letter of credit OR payment and performance bonds shall secure and insure prompt and adequate performance of restoration to the original condition of any site utilized by the developer for work force housing within the City. No payment and performance bond may be cancelled without providing to the City advance written notice of cancellation of same not less than thirty (30) days prior to cancellation. The notice of cancellation herein provided for must be delivered to the Mayor of the City by means of Certified Mail Return Receipt Requested. Upon receipt of such notice, the Mayor shall immediately notify the developer of the work force housing site, and thereupon require the developer to replace the payment and performance bond provided for herein, so that there will be no lapse in time where a valid and enforceable payment and performance bond will not be held by the City. The failure of the developer to provide the initial and all renewals of the required payment and performance bond shall entitle the City to (i) refuse to issue a development permit for construction of the work force housing, (ii) compel by means of a writ of mandamus, or other legal enforcement proceedings, the developer to provide the required payment and performance bond, and/or (iii) seek damages against the developer for failure to provide the required payment and performance bond, and/or (iv) seek legal action to close the work force housing development.

Sec. 5-310. Permit, Construction, and Yearly Impact Fees

1. Conditional Use Application \$500

2. Construction Permit Plan Review

> 50,000 ft2 \$500 10,000 -50,000 ft2 \$375 1,000-9,999 ft2 \$250 <1,000 ft2 \$125

- 3. Construction Permit Fees In accordance with City of Sulphur permit fee schedule
- 4. Yearly impact fees not to exceed \$300 per bed per year based on actual impact. The fee shall be paid annually, at least quarterly in advance, but not be implemented until the permittee obtains a Certificate of Occupancy and only for the number of beds which have been Certified for Occupancy, if phasing is applicable. The City Council of the City of Sulphur shall negotiate and approve an agreement for the impact fee herein which considers all applicable factors (rate charged per bed per year that covers government agency's support for the facility such as; police, fire, inspectors, increased usage of utilities, traffic, etc...). Submission of alternative payment method fee rate may be evaluated on a yearly basis with approval by City Council.

Sec. 5-311. Term of permit, renewal of permit.

An initial Work Force Temporary Housing Permit will require a Conditional Use Permit as provided for in 5-309 (a) herein, with final approval by the Chief Building Official. The revocable Conditional Use Permit will be issued for a term of 60 months. After the initial term, the permit shall automatically renew for additional one year periods, unless the permittee is in violation of any provision of this Article. A City Occupation License will be required yearly for the operation of the facility.

The Chief Building Official may, in addition to any other considerations permitted by this Article may deny the request for renewal of the permit if the Permit Holder is failing or has failed to satisfy any obligation imposed by this Article or other law, or has violated any prohibition in this Article or other law.

Sec. 5-312. Transfer of permits.

Work Force Temporary Housing Permits may not be transferred unless approved by the Chief Building Official. The Permit Holder must exhibit to the Chief Building Official that the Permit Holder or the permit transferee has satisfied all of the obligations and requirements of this Article. The permit transferee must comply with the application requirements in Sec. 5-309 of this Article.

Should a permit transfer be approved with the understanding that any outstanding obligations will be satisfied within a timeframe set forth by the Chief Building Official. Failure of the Permit Holder or permit transferee to comply with all the obligations of this Article or other applicable law is grounds for revocation or suspension of the permit.

Prior to transfer of permit the Permit Holder will contact City for following inspections:

- 1. Building
- 2. Law Enforcement

Sec. 5-313. Building permits required; prohibition against increasing bed capacity.

A Work Force Temporary Housing Permit authorizes construction and operation of a Work Force Temporary Housing, which shall not exceed the design approved. A Work Force Temporary Housing Permit does not exempt the holder from constructing, maintaining, and operating the Work Force Temporary Housing in accordance with applicable law, rules, codes, and/or regulations; nor from obtaining building permits or regulatory inspections. After the Permit is issued, any modification of the Work Force Temporary Housing that

would increase the bed capacity must be approved and ratified by the City Council of the City of Sulphur. Failure to gain prior approval is a violation of this Article.

Sec. 5-314. Buildings with utilities or services.

Any building or other facility which uses or houses any potable water supply, power supply, effluent management, or refuse disposal, including but not limited to laundry, kitchen, or other dining facilities, showers, bathrooms, or other sanitary facilities, or fire and emergency storage or shelter, shall be placed upon an acceptable foundation or anchored using an acceptable anchoring system in accordance with the International Building Codes.

Sec. 5-315. Work Force Temporary Housing numbering system.

- (a) All PMQs, structures, common areas shall be identified in accordance with the City of Sulphur policy.
- (b) The Permit Holder shall ensure the numbers are clearly and easily identified from the street or emergency service road, using reflective lettering and/or numbering affixed to each PMQ structure, and common area and shall be kept clean and free from obstructions.

Sec. 5-316. Site Restoration of Work Force Temporary Housing site.

The report of inspection, made by the City Building Official or his designee(s), or the City Engineer or his designees, documenting the preconstruction condition of the Work Force Temporary Housing site, adjoining properties, and the roads servicing the proposed Work Force Temporary Housing shall be used by the permit holder or landowner as a base for restoring the property to the appropriate condition prior to the end of any permit term or renewal period thereof.

Sec. 5-317. Site plan.

The professional site plan, drawn to scale, by a Louisiana licensed architect or engineer, shall include, at a minimum, the following:

- (a) The location of all PMQs, structures, and common areas with the occupancy capacity of each;
- (b) All building setbacks to property line;
- (c) Ingress and egress to property and proposed structures;
- (d) Utilities, with reference to location, availability and compatibility;
- (e) Drainage;
- (f) The location of improved surface parking areas. "Improved Surface Parking Area" is defined as an all-weather surface, such as concrete, asphalt and gravel (gravel surface must be maintained at a minimum of 75,000 lb. weight limit which is clearly delineated by curbs, landscaping, or similar features to distinguish the parking area from the remainder of the yard;
- (g) The location of street lamps and/or lighting equipment for all PMQs, structures, common areas, appurtenances, and roads within the Work Force Temporary Housing;
- (h) Refuse areas;
- (i) The location of emergency service roads;
- (j) The location of fire protection and medical or first aid facilities;
- (k) The names of streets if required;
- (l) The identifying number assigned to each PMQ, structure, or common area for identification and emergency response purposes; and
- (m) The location of any proposed signs;

- (n) Signs with a 24-hour emergency phone number for a person who can respond to site shall be posted at the main entrance.
- (o) Such other information as requested by the Director of Public Works, Chief Building Official, City Council Clerk or City Council.

Sec. 5-318. Site security plan and rules.

- (a) A minimum licensed and bonded security company on site 24 hours a day.
- (b) Video surveillance (minimum requirement)
 - 1. All entrances and exits
 - 2. Perimeter of property
- (c) Vehicle and pedestrian gates and openings shall have gates secured 24 hours a day.
- (d) Provide plan for the establishment of access to site for but not limited to personnel, tenants, visitors, maintenance and emergency response.

Sec. 5-319. City's permission to enter.

The City of Sulphur Police Department, Fire Department, Inspection Department and City Council, shall be allowed to enter and inspect the Work Force Temporary Housing and its facilities at reasonable times for purposes of determining the total number of beds and compliance with this Article and any other law;

Sec. 5-320. Work Force Temporary Housing Requirements

The Work Force Temporary Housing requirements shall include, <u>at a minimum</u>, the following provisions to comply with the City of Sulphur Ordinances:

- (a) No design shall be approved which exceeds a density of housing for more than thirty-five (35) individuals per acre per complete site plan acreage, except that a density of housing for up to seventy (70) individuals per acre per complete site plan acreage could be approved only where the housing is designed for an equal number of individuals to be housed on two (2) story structures.
- (b) That vehicle parking shall have one 9 ½' x 18' parking space on site per occupant/bed. Additional parking can be established within a dedicated area of the facility for additional vehicles, small trailers, or oversized vehicles;
- (c) That no garbage, junk, litter, debris, unused construction materials, or refuse shall be allowed to accumulate or remain on the Work Force Temporary Housing premises as per Chapter 12 Hazards and Nuisance.
- (d) Storage of equipment or materials that are not directly related to the purposes of housing or maintenance of the Work Force Temporary Housing is prohibited.
- (e) That no "Home Business" or "Home Occupation" as defined in Article IV, Part 2, Section 6 of the Land Use Ordinance of the City of Sulphur, shall be conducted or allowed to be conducted on the Work Force Temporary Housing Premises.
- (f) All PMQs and common areas will comply with current International Fire Codes (IFC) and the Louisiana State Uniform Construction Codes as set out by the adoption of section 5-21 of the City of Sulphur, Code of Ordinances.
- (g) A minimum of 40 acre tract which has no separation.

Sec. 5-321. Prohibited housing types.

Recreational vehicles, motor homes, or any other similar type, are prohibited and shall not be used as PMQs, portable building/structures, or common areas in a Work Force Temporary Housing. All housing types shall comply with the Louisiana State Uniform Construction Code, Section 5-21 of the City of Sulphur, Code of Ordinances.

Sec. 5-322. Permit holder's responsibilities.

The Permit Holder shall:

- (a) Not falsify any statement or portion of the application or fail to provide any material information required in the application. Failing to provide required information is deemed an omission and may be grounds for denial of the application.
- (b) Not violate any law, statute, code, rule, or regulation, including but not limited to those related to crime, health, sanitation, taxes, labor, and employment.
- (c) Not allow business to be conducted on the Work Force Temporary Housing premises which is not related to normal operations or associated with the Work Force Temporary Housing.
- (d) Remain solvent. Filing for bankruptcy by the Permit Holder, or lessor if applicable, is deemed a violation of this permit.
- (e) Not transfer responsibility for the operation of the Work Force Temporary Housing, the Work Force Temporary Housing PMQs, structures, or common areas, or transfer the Work Force Temporary Housing permit without prior authorization of the Chief Building Official.
- (f) Keep in effect the Payment and Performance Bond OR the Irrevocable Letter of Credit in the full amount, as required by this Article, even if all or part of the bond has been assessed, seized, or otherwise collected by action of the City of Sulphur to return site to pre-housing condition.
- (g) Pay all taxes, fees, Workforce Safety and Insurance premiums, and employees on time.
- (h) Maintain the premises and conduct the operation of the Work Force Temporary Housing in accordance with the assertions, indications, and limits set out in the application, the requirements of this Code, and state law, including but not limited to:
 - 1. Maintaining ownership or a leasehold interest in the property;
 - 2. Complying with all applicable federal, state, and local laws, rules, regulations, and codes;
 - 3. Constructing the premises and buildings as indicated in the plans and maintaining such buildings in a clean and orderly manner;
 - 4. Allow inspection of the Work Force Temporary Housing premises and all PMQs, structures, common areas, and appurtenant facilities by the City of Sulphur Police Department, Fire Department and Inspections Department;
 - 5. Operate the camp in accordance with the site security plan, camp rules, and regulations, and the description of methods of providing services and utilities; and
 - Recover the site to pre-construction and pre-operation condition unless approved by Sulphur City Council.

Sec. 5-323. Perimeter fences.

(a) A Work Force Temporary Housing must have a perimeter fence that is at least six (6) feet high or buffered area if perimeter fence is other than privacy. All PMQs, structures, common areas, and appurtenant facilities, including but not limited to resident parking, recreational areas, laundry, food preparation, dinning, maintenance, and storage facilities must be contained within the perimeter fence.

(b) A sign with the name of the Work Force Temporary Housing which shall be easily read and clearly visible from a distance of twenty-five (25) feet to identify the Work Force Temporary Housing shall be located at main entrance to facility.

Sec. 5-324. Revocation, suspension, and administrative sanctions.

In addition to any other legal options provided by law, any permit issued pursuant to this Article may be revoked or suspended by the City Council for any violation of any provision of this Article, city ordinance, state law, or for any reason the City may deem necessary. Upon notification of violation, the permit holder shall have 5 days to take corrective action. If corrective action is not complete after the 5 day period, the City has the power to administer administrative sanctions against the permit holder. The administrative sanction fee shall be (one thousand dollars) \$1,000.00 per day.

Prior to a permit being revoked or suspended, or the issuance of administrative sanctions, the following procedure will be followed:

(a) The City shall send written notification by certified mail, return receipt request, to the Permit Holder.

The notice shall state:

- The grounds and/or reasons for revocation or suspension, or administrative sanctions;
- 2. The date the revocation or suspension is effective; and
- 3. That the Permit Holder has a right to a hearing either before the City Council and that such hearing must be requested within ten (10) days of receipt of the letter.
- (b) If the hearing is requested before the City Council it will be set no earlier than ten (10) days and no later than thirty (30) days after the City receives the Permit Holder's request for a hearing. The Permit Holder shall have at least five (5) days advance notice of the date, time, and place for the hearing.
- (c) If after the hearing the City Council concludes the violation charged has been proved or determines that revocation, suspension, or administrative sanction is in the best interest of the public, the City Council may either permanently revoke the license or temporarily suspend the permit for a period not exceeding sixty (60) days, or issue an administrative sanction not to exceed one thousand dollars (\$1,000.00) for each violation or offense per day until said violation or offense is corrected.
- (d) When a permit is revoked or suspended, or an administrative sanction is issued, regardless of the reason, no portion of the permit fee shall be returned to the applicant.
- (e) The Payment and Performance bond OR Irrevocable Letter of Credit must remain in place until the site is recovered, even if the permit is revoked, suspended, expires, or is not renewed.

Sec. 5-325. Criminal Penalties.

Any person, whether as an owner, lessor, agent, manager, employee, lessee, or occupant, who violates, causes a violation, or with knowledge permits a violation of any provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, may be subject to a fine not to exceed five hundred dollars (\$500.00) per violation or subject to imprisonment not to exceed thirty (30) days, or both fine and imprisonment. Any person shall be deemed to have committed a separate violation for each and every day during any portion of which any violation of any provision of these regulations is committed, permitted, or continued by such person and shall be subject to the remedies provided in this section.

Sec. 5-326. Applicable law.

If this Article establishes a higher standard of care for the Permit Holder than required by state statute or other applicable law, code, or regulation, the Permit Holder shall be required to comply with the higher standard.

APPROVED AND ADOPTED by the City Council of the City of Sulphur, Louisiana on this _______, 2016.

DENNIS BERGERON, Chairman

ARLENE BLANCHARD, Clerk

I HEREBY CERTIFY that I have received from the Mayor at 8:45 o'clock a.m. on this 27th day of July 2016, the foregoing ordinance which has approved/vetoed by the Mayor.

ARLENE BLANCHARD, Clerk

Mayor Duncan did not approve ordinance.