

# ORDINANCE #16-0001

## CHAPTER 12: MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES

### Section

- 12-1 Definitions
- 12-2 Placement of manufactured housing outside of mobile home park or subdivision
- 12-3 Abandonment
- 12-4 Removal
- 12-5 Enforcement procedures
- 12-6 Variances
- 12-7 License fees
- 12-8 Application for license
- 12-9 Mobile home park plan
- 12-10 Water supply and sanitary sewer
- 12-11 Fire zone
- 12-12 Register of occupants
- 12-13 Tie-downs
- 12-14 Revocation of license
- 12-15 Moving permit
- 12-16 Prohibited parking
- 12-17 Penalty

### § 12-1 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DECAL.** A device or insignia issue by the State Department of Labor and Standards that is permanently affixed to each transportable section of each modular home to indicate compliance with the standards, rules, and regulations established by the Department.

**DEPENDENT MOBILE HOME UNIT.** A manufactured home or recreational vehicle not equipped with bathing or toilet facilities.

**HUD-CODE MANUFACTURED HOME.** A structure, constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

**INSTALLATION.** The construction of the foundation system, whether temporary or permanent, and the placement of a manufactured home on the foundation system, including supporting, blocking, leveling, securing, anchoring, and connection of multiple or expandable units and minor adjustments.

**LABEL.** A device or insignia issued by the State Department of Labor and Standards to indicate compliance with the standards, rules, and regulations established by the Department of Housing and Urban Development, permanently affixed to each transportable section of each mobile home manufactured after June 15, 1976, for sale to a customer.

**LOT or SPACE.** A plot of ground designed for the placement of one manufactured home.

**MANUFACTURED HOME or HOUSING.** A HUD-Code manufactured home to be used for residential purposes.

**MOBILE HOME PARK and/or RECREATIONAL VEHICLE PARK**

- (1) Any site, lot, field or tract of ground upon which mobile homes are placed, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such park for the purpose of renting or leasing spaces meeting the requirements of this chapter for mobile home parks.
- (2) A unit of level adequately drained ground of definite size, clearly indicated by corner markers for the placing of a mobile home.

**MOBILE HOME.** A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

**MODULAR HOME.** A structure that is manufactured in two or more modules at a location other than the placement site and which is designed to be used for human occupancy when the modules are transported to the placement site, and the modules are joined together and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. It is expressly provided, however, that the term "modular home" shall mean or apply to, items of this chapter.

**RECREATIONAL VEHICLE.** Any motor home, mobile trailer, camper, recreational unit or any similar vehicle principally designated for temporary habitation, regardless of size.

**SEAL.** A device or insignia issued by the State Department of Labor and Standards to be affixed to used mobile homes to indicate compliance with the standards, rules, and regulations established by the Department.

**§ 12-2 PLACEMENT OF MANUFACTURED HOUSING OUTSIDE OF MOBILE HOME PARK OR SUBDIVISION.**

- (A) Manufactured homes shall not be permitted to be located within the limits of the city on any space, lot or tract of land other than in a platted approved mobile home park or mobile home subdivision, nor shall any private or public utilities be connected or extended, except in any one or more of the following circumstances:
  - (1) The manufactured home was legally in existence at such location as of the date this ordinance was officially passed. If a manufactured home existing in

the corporate limits of the city subsequent to the continuance provisions of this chapter, and used for any purpose, is removed or replaced for any reason, a variance as prescribed in this chapter must be obtained before another HUD manufactured home can be placed on the site.

- (2) Written application for exception shall be submitted to the City Secretary and shall require the granting of a variance as prescribed by this chapter. The application shall state:
- (a) Name and address of applicant.
  - (b) Size, model, year of manufacture, original cost, and photograph of the manufactured home.
  - (c) Legal description of the property upon which it is proposed to place the mobile home and name and address of the property owner. The manufactured home is to be located on a separately platted or replatted lot of at least 4,000 square feet; such plat or replat having been properly approved by the City Manager. The person who intends to occupy such manufactured home must submit a copy of a duly recorded deed in a form acceptable to the City Manager showing that the intended occupant owns the lot upon which the manufactured home is to be located. No other structure designed or to be used for human occupancy shall be located on such lot, and shall meet all applicable codes and ordinances for the intended use.
  - (d) Drawing showing size of lot, location of lot, and how the manufactured home is to be placed on lot in order to conform to the city code of ordinances.
  - (f) Form signed by applicant stating that the manufactured home will have tie-downs and will be skirted with fire-resistant skirting and will be maintained intact to prevent accumulations of flammable materials beneath the manufactured home.
  - (g) The property owner must submit adequate proof to the Building Inspection Department that the aforementioned and other ordinance requirements have been met before a permit is issued for the placement of the manufactured home.

(B) Nothing provided in this section pertaining to manufactured housing shall in any way abrogate the enforceability by private parties of deed restrictions pertaining to manufactured housing.

### **§ 12-3 ABANDONMENT.**

- (A) Any existing mobile home or manufactured home as defined in § 12-1 of this chapter, which continues to be used for any purpose subsequent to the continuance provisions of this chapter, and which is abandoned and not maintained for a continuous period of 180 calendar days, shall lose its continuance status, and shall be subject to the variance

provisions herein prescribed. Abandonment and lack of maintenance may be evidenced by, but are not limited to, termination of utility service, failure to maintain occupancy, change of type of use, or by any other reasonable means.

- (B) Any, manufactured home which is located pursuant to the variance provisions of this chapter, and which subsequently is abandoned according to the definition contained in § 12-1 of this chapter, structure had been located shall henceforth be used only for purposes other than the location of a manufactured home.

#### **§ 12-4 REMOVAL.**

Any mobile home, manufactured home, or recreational vehicle which is located within the, corporate limits of the city so as to be in violation of any term or condition of this chapter subject to removal from the city at the expense of the owner. I, upon a city directed order for removal, the owner fails to comply, the city may enter upon the property in question and take steps to have the subject vehicle or structure removed at the expense of the owner.

#### **§ 12-5 ENFORCEMENT PROCEDURES.**

- (A) In addition to other penalties set out in this chapter, the city shall withhold all public utilities and improvements of whatever nature, including the maintenance of streets and the furnishing of sewer and water service from all mobile homes, manufactured housing, mobile home parks, manufactured housing sales areas, and mobile home subdivisions which are not in compliance with all applicable provisions of this chapter.
- (B) In addition to the enforcement procedures provided in this chapter, the City Attorney shall take such other legal action, injunctive relief, as may be necessary to enforce the provisions of this chapter.

#### **§ 12-6 VARIANCES.**

- (A) A variance to the provisions of this chapter shall only be granted pursuant to a public hearing before the City Council.
- (B) All property owners within 500 feet of any portion of the property on which the variance is sought shall be notified by regular mail of such hearing. After the public hearing, the City Council shall deny, approve, or approve with conditions. City Council action shall only take place at a regularly scheduled monthly meeting.
- (C) All advertising and notification costs shall be borne by the applicant for the variance.

#### **§ 12-7 LICENSE FEES.**

The permit for a mobile home park shall be obtained from the City Secretary at a fee of § 10 for each occupied trailer space, payable by the owner of such mobile home park on the first day of each year. Payment is to be based on the number of spaces reported by the trailer park owner.

**§ 12-8 APPLICATION FOR LICENSE.**

- (A) Applications for a mobile home park license shall be filed with the City Secretary after the required plan approval has been approved by the City Council, the City Secretary shall issue the license. Applications shall be in writing, and signed by the applicant, and shall contain the following:
- (1) The name and address of the applicant;
  - (2) The location and legal description of the mobile home park.
  - (3) A complete plan of the park, showing compliance with § 12-11 of this chapter.
  - (4) Plans and specifications of all buildings and other improvements constructed, or to be constructed within the mobile home park in accordance with all existing applicable ordinances or statutes within the city.
  - (5) Such further information as may be requested by the city to determine if the mobile home park will comply with the legal requirements.
- (B) If the applicant is found to be of good moral character and the mobile home park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, the City Manager may approve the application, and in the case of proposed parks, make such approval contingent upon completion of the park according to the plans and specifications submitted with the application. The City Secretary shall issue the license.

**§ 12-9 MOBILE HOME PARK PLAN.**

The mobile home park shall conform to the following requirements:

- (A) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (B) Mobile home spaces shall be provided, consisting of a minimum of 1,000 square feet for each space, which shall be at least 25 feet wide and clearly defined. Mobile homes and manufactured houses shall be so harbored on each space that there shall be at least 20 feet clearance between mobile homes and manufactured homes; provided, however, that in respect to mobile homes and manufactured homes parked end to end, clearance between mobile homes and manufactured homes may be less than 20 feet but shall not be less than 15 feet from any building within the park or from any property line bounding the park.
- (C) The park plan required by § 12-9 of this chapter shall provide a legal description and map clearly setting out the following information, and where applicable comply with the city subdivision ordinance:
- (1) The extent and area to be used for park purposes;

- (2) Driveways at entrances and exits, roadways and walkways;
- (3) Location of sites for mobile homes and manufactured homes;
- (4) Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms;
- (5) Method and plan of sewage disposal;
- (6) Method and plan of garbage removal;
- (7) Plan of water supply;
- (8) Plan of electric lighting, and electric service to mobile home and manufactured home sites;
- (9) Plan of parking requirements;
- (10) A mobile home or manufactured home shall have effective visual screening of the undercarriage utilizing like materials. The screening shall completely surround the mobile home or manufactured home and extend from the bottom of the sidewall to the ground.
- (11) Such further information as may be requested by the City Manager.

**§ 12-10 WATER SUPPLY AND SANITARY SEWER.**

Every mobile home park shall have city water connections furnishing an ample and adequate supply of water and shall be connected with the sanitary sewer and adequate provisions shall be made for the collection and removal of waste and garbage in accordance with all applicable ordinances of the city and other statutes.

**§ 12-11 FIRE ZONE.**

No mobile home or manufactured home shall be located within the fire zone of the city.

*Cross-reference:*

*Fire protection and prevention, see Sec. 3.*

**§ 12-12 REGISTER OF OCCUPANTS.**

It shall be the duty of the licensee to keep a register containing a record of all mobile home and manufactured home owners and occupants located within the park. The register shall contain the following information:

- (A) Name and address of each occupant.
- (B) The make, model and year of all automobiles, manufactured homes and mobile homes.

- (C) License, number and owner of each mobile home, manufactured home, and automobile by which it is towed.
- (D) The state issuing such license.
- (E) The date of arrival and of departure of each mobile home and manufactured home.

**§ 12-13 TIE-DOWNS.**

- (A) All mobile homes and manufactured housing shall have adequate tie-downs as required by Texas Insurance Regulations.
- (B) The park shall keep the register available for inspection at all times, by law enforcement officers, public health, officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of two years following the date of registration.

**§ 12-14 REVOCATION OF LICENSE.**

The city may revoke any license to maintain and operate a mobile home park after the license is given due notice and hearing for any violation of this chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law and the provisions of this chapter.

**§ 12-15 MOVING PERMIT.**

No mobile home or manufactured housing over 30 feet in length shall be moved upon the public streets of the city without first obtaining a moving permit from the office of the City Secretary provided. Provided, further, that no such permit shall be issued unless and until all ad Valorem taxes on such mobile home or manufactured home shall be paid in full, including prorated ad Valorem taxes for a partial year and including, all penalty, interest and attorney's fees. The mover of the mobile home shall have in his possession a copy of the city permit.

**§ 12-16 PROHIBITED PARKING.**

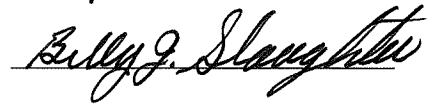
It shall be unlawful for any person to park any manufactured home, mobile home or recreational vehicle on any public street, alley, highway or other public place within the limits of the city for any of the following purposes:

- (A) Human occupancy at any time;
- (B) Storage for more than 24 hours;
- (C) Any purpose within a fire district as established by the Building Inspection Department under the city building code;
- (D) Any other purpose for more than 48 hours.

**§ 12-17 PENALTY.**

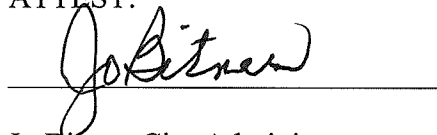
Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10 nor more than \$500, plus court costs. Each day that such violation continues unabated shall constitute a separate offense.

PASSED AND APPROVED on this 14<sup>th</sup> day of April 2016.



Billy Joe Slaughter, Mayor

ATTEST:



Jo Bitner, City Administrator