

ORDINANCE NO. 04072015

AN ORDINANCE OF THE CITY OF KOSSE, TEXAS RELATING TO MANUFACTURED HOUSING; PROHIBITING MOBILE HOMES; ESTABLISHING REGULATIONS FOR HUD CODE MANUFACTURED HOMES; REQUIRING A PERMIT FOR INSTALLATION OF A HUD CODE MANUFACTURED HOME; PROVIDING CERTAIN REGULATIONS FOR HUD CODE MANUFACTURED HOMES AND MOBILE HOMES EXISTING PRIOR TO THE DATE OF THIS ORDINANCE; PROVIDING THAT VIOLATION IS AN OFFENSE (MISDEMEANOR) PUNISHABLE BY A FINE NOT TO EXCEED \$500; MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; STATING OTHER ENFORCEMENT REMEDIES; PROVIDING FOR AN EFFECTIVE DATE, AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, the growth and development of the City is a matter of paramount importance to the City and its citizens; and

WHEREAS, mobile homes, as defined herein, have an adverse effect on property values, are contrary to the desired growth of the City, and present safety and welfare concerns; and

WHEREAS, unregulated development of HUD code manufactured housing would have an adverse effect on property values of neighboring properties and the growth objectives and plans of the City, and would present safety and welfare concerns; and

WHEREAS, enacting regulations prohibiting mobile homes and reasonably regulating HUD code manufactured homes is in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KOSSE, TEXAS that:

SECTION 1. DEFINED TERMS.

1.1. Definitions. All definitions contained in this section are for use with and are only applicable as used in connection with this chapter.

a. Anchoring system means a combination of ties, anchoring equipment and anchoring devices that will, when properly designed and installed, resist overturning and lateral movement of the HUD-code manufactured home from wind forces.

b. HUD-code manufactured home means a structure constructed on or **after** June 15, 1976 with an permanently attached HUD label affixed thereon and according to the rules of the United States Department of Housing & 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. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

c. Label means a device or insignia issued by the director of the state department of labor and a standard to indicate compliance with the standards, rules, and regulations established by the Department of Housing and Urban Development, and is permanently affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, for sale to a consumer.

d. Manufactured housing or manufactured home means a HUD-code manufactured home. It does not include a mobile home. The definitions of "mobile home," "HUD-code manufactured home," "manufactured home" and "manufactured housing" are binding on all persons in this city. A mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home for any purpose under this ordinance.

e. Mobile home means a structure 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 a 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. For the purpose of this appendix, mobile home shall be construed to include single-section and multi-section. This term does not include a recreational vehicle, or a HUD Code manufactured home as that term is defined by 24 C.F.R. Section 3282.8(g).

f. Site Pad shall mean an impervious surface of reinforced concrete for the placement and/or anchorage of a manufactured home. The minimum dimensions of a site pad shall be no less than the overall width and no less than the overall length of the manufactured home.

g. Skirting means enclosing the open space between the underside of a manufactured home and the ground around the entire perimeter of the structure using a masonry wall or a framework to which solid, fire-resistant panels are attached, with necessary vents.

h. TDHCA Licensed Retailer or Installer means a HUD Code manufactured home retailer or installer licensed by the Texas Department of Housing and Community Affairs.

i. TDHCA Rules means the rules and regulations of the Texas Department of Housing and Community Affairs regarding the installation, anchoring and stabilization of HUD-code manufactured homes.

SECTION 2. HUD-CODE MANUFACTURED HOMES.

2.1. Use. HUD-code manufactured homes may be used as single-family dwellings in accordance with the provisions of this Ordinance.

2.2. Location. A HUD-code manufactured home may be installed on a lot or tract of land within the City where such use is not otherwise prohibited by another ordinance of the city or by private deed restrictions. A HUD-code manufactured home may not be located on the same lot as an existing residential structure. No more than one HUD-code manufactured home can be located on the same lot. No more than one HUD-code manufactured home can be located on a tract of land that has not been subdivided pursuant to an approved and filed plat setting out blocks and lots. A HUD-code manufactured home may be located in a HUD-code manufactured home park which complies with the city's ordinance regulating HUD-code manufactured home parks. This provision is prospective and shall not apply to a HUD-code manufactured home previously installed and used or occupied as a residential dwelling prior to the passage of this Ordinance.

2.3. Installation. A HUD-code manufactured home shall only be installed by a TDHCA Licensed Retailer or Installer. A HUD-code manufactured home must be installed in accordance with the TDHCA Rules. Skirting is required for all HUD-code manufactured homes. Access by means of a driveway with a culvert is required for all HUD-code manufactured homes. All HUD-code manufactured homes must be connected to City water and sewer where available. All HUD-code manufactured homes must be served with potable water. If City sewer service is not available to a HUD-code manufactured home, any means of sewage disposal must meet the OSSF requirements of Limestone County and the State of Texas. EVERY HUD-code manufactured home must be placed on a site pad which meets TDHCA Rules.

A HUD-code Manufactured Home is required, prior to occupancy, to have permanent-type deck or porch at the front door, which has a surface that is at approximately the same level as the floor of that portion of the home, and is of a minimum size of five feet by five feet (5'x5').

A HUD-code Manufactured Home, prior to occupancy, shall be required to have at least a 6-foot by 10-foot, ground-level storage building or room attached or detached for storage of lawn equipment, bikes, etc.

2.4. Condition of HUD-code manufactured home. A HUD-code manufactured home proposed to be installed in the city must be new, or if used must be in a good and

undamaged condition having an exterior free of significant dents, rust, or discoloration. ALL HUD-code manufactured homes, whether existing or installed in the future, are subject to the other applicable ordinances of the City, including, but not limited to ordinances addressing dangerous or dilapidated structures or nuisances.

2.5 Permit. The owner or person in control of the property (hereinafter “owner”) upon which the HUD-code manufactured home is to be located must apply for and obtain a permit from the City before any installation of the HUD-code manufactured home begins.

a. Application. The owner must make an application to the City by filing with the City Secretary the following information:

1) a plat or survey showing the property;

2) a site plan which shows the location of the HUD-code manufactured home on the property, the location of proposed connections to utility services and identification of the service providers, and any other improvements to be made on the property;

3) the identity of the TDHCA Licensed Retailer or Installer who is proposed to install the HUD-code manufactured home; and

4) current pictures of the HUD-code manufactured home proposed to be installed-including of all walls and the roof.

b. Issuance or Denial. If the proposed installation of the HUD-code manufactured home does not appear to violate this Ordinance, the Mayor shall issue the permit. If the Mayor denies the permit, he must do so in writing delivered to the owner, and the writing must explain the reason(s) for the denial. The decision must be made within 30 days of receipt of the application, and if a decision is not made within that period the application is considered denied. The owner may appeal a denial of a permit to the city council by filing an appeal with the City Secretary within 30 days after the denial. The city council shall consider the appeal at the next council meeting for which it can be legally placed on the agenda. The council may uphold the Mayor’s denial of the permit or reverse the mayor’s denial of the permit and order the permit issued or issued with certain conditions.

c. Permit Fee. The permit fee is \$500 plus 5 cent per sq. ft and must be paid at the time that the application is filed with the city.

2.6 Existing HUD-code manufactured homes. For the safety of the residents and the public at large and to preserve public welfare and protect property values, it is necessary to enact regulations relating to HUD-code manufactured homes installed in the city prior to the passage of this Ordinance.

All existing HUD-code manufactured homes located in the city must meet the following requirements within 180 days of the passage of this Ordinance:

- a) All HUD-code manufactured homes must have skirting as defined in this Ordinance;
- b) All protrusions beyond the body of the HUD-code manufactured home must be removed, including axles, wheels, shackles, springs and tow tongues;
- c) All HUD-code manufactured homes must be connected to and served by city water and sewer service. If city sewer service is not available to the HUD-code manufactured home, any means of sewage disposal must meet the OSSF requirements of Limestone County and the State of Texas; and
- d) All HUD-code manufactured homes must be anchored to meet the applicable wind rating for this area.

SECTION 3. MOBILE HOMES

3.1 No Mobile Homes. No mobile home shall hereafter be allowed in the city. This prohibition is prospective only and shall not apply to a previously legally permitted mobile home which has been used or occupied as a residential dwelling. No existing mobile home may be replaced with another mobile home. A mobile home may be replaced with a HUD-code manufactured home subject to the regulations in this Ordinance regarding HUD-code manufactured homes.

3.2 Existing Mobile Homes. For the safety of the residents and the public at large and to preserve public welfare and protect property values, it is necessary to enact regulations relating to mobile homes installed in the city prior to the passage of this Ordinance.

All existing mobile homes located in the city must meet the following requirements within 180 days of the passage of this Ordinance:

- a) All mobile homes must have skirting as defined in this Ordinance;
- b) All protrusions beyond the body of the mobile home must be removed, including axles, wheels, shackles, springs and tow tongues;
- c) All mobile homes must be connected to and served by city water and sewer service. If city sewer service is not available to the mobile home, any means of sewage disposal must meet the OSSF requirements of Limestone County and the State of Texas; and
- d) All mobile homes must be anchored to meet the applicable wind rating for this area.

SECTION 4 ENFORCEMENT

4.1 The city may exercise or seek any remedy available in law or equity, including, but not limited to seeking injunctive relief to prevent or abate a violation.

4.2 A person commits an offense if that person creates or causes a condition to exist that violates one or more provisions of this Chapter. The offense (misdemeanor) is punishable by a fine not to exceed five hundred dollars (\$500.00). Each day of violation constitutes a separate offense.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. This ordinance shall become effective upon passage and publication in accordance with the applicable laws of the State of Texas.

SECTION 7. It is found and declared that the City Council meeting at which this Ordinance has been adopted was open to the public and was noticed and held in accordance with Chapter 551 of the Government Code.

PASSED AND APPROVED this 7 day of April, 2015.

s/Jarrold Eno
Mayor

Attest:

s/Christina Lockhart
City Secretary