

ORDINANCE NO. 2019-004

AN ORDINANCE OF THE CITY OF TODD MISSION, TEXAS RELATING TO MOBILE HOME PARKS AND MANUFACTURED HOME PARKS; REPEALING AND REPLACING ORDINANCE NO. 0104; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION THEREOF, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

**WHEREAS**, the City has authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City pursuant to Section 51.001 of the Texas Local Government Code; and

**WHEREAS**, the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of its citizens; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TODD MISSION, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** The City of Todd Mission Ordinance No. 0104 is hereby repealed and replaced to read and provide as set out in the attached Exhibit "A":

**Section 3.** Any person, firm, corporation, or organization violating the terms of this Ordinance shall, upon conviction, be guilty of a misdemeanor and fined in an amount not to exceed \$2,000.00 per offense. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section. This penalty shall be in addition to all other remedies available at law or equity.

**Section 4.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than any part or provision hereof other than the part

declared to be invalid or unconstitutional; and the City Council of the City of Todd Mission, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 5.** This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED and ADOPTED this 11<sup>th</sup> of July, 2019.

George Coulam  
George Coulam  
Mayor

ATTEST:

Julie Lunsford  
Julie Lunsford  
City Secretary

## EXHIBIT "A"

### MOBILE HOME AND MANUFACTURED HOME PARKS

#### A. Purpose and intent.

The purpose of these regulations is to ensure safe, sanitary, and suitable living environments to protect and secure the public health, safety, and welfare of the citizens of the city.

#### B. Applicability.

This ordinance governs:

- (1) Movement of mobile homes and manufactured homes within the city;
- (2) The installation of mobile homes and manufactured homes within the city; and
- (3) The construction, maintenance, and operation of mobile home and manufactured home parks.

#### C. Appropriate areas for installation of mobile homes.

The city council has determined that existing mobile parks, as defined in this ordinance, constitute the only appropriate areas for installation of mobile homes within the city. The installation of mobile homes for use as a dwelling on any property within the city other than as set forth in this ordinance is hereby prohibited.

#### D. Definitions.

The following terms and phrases shall have the following meanings when used in this ordinance:

*All-weather surface* means a dust free surface constructed of poured concrete or asphalt.

*Approved*, when used with reference to a material or method of installation or construction, means an approval by the code official. Approval shall be granted if the code official finds that the item is suitable for its intended purpose and is not dangerous or detrimental to life, safety or welfare of people or property except as otherwise provided in this ordinance. Such finding shall be based on the results of investigation or tests conducted by the code official, accepted principles of safety, or the results of tests by reliable national or state authorities or technical or scientific organizations.

*"Code official"* means the city inspector, fire marshal, building official, mechanical inspector, plumbing inspector, or any other designee of the appointing authority of the City or a deputy of such designee.

*HUD-code manufactured home* means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on-site is three hundred twenty (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).

*Installation* means the construction of the foundation system and the placement of a manufactured home on that foundation. The term includes supporting, blocking, leveling, securing, anchoring, and connecting multiple sections or components and making minor adjustments.

*Interim license* means a temporary manufactured home park operating license issued to the owner or operator of a pre-existing manufactured home park to allow time to bring the park into compliance with certain provisions of this chapter before a standard license can be issued.

*Manager* means the person responsible for the control, direction, maintenance and supervision of a mobile home park, whether an owner or otherwise. Executors, building officials, guardians, receivers or trustees may be regarded as owners/managers.

*Manufactured home space* means a space within a manufactured home park upon which a single manufactured home is or may be placed. This term shall also include a "lot" or "site" on which a manufactured home is placed.

*Manufactured home park* means a contiguous development of land that, on the effective date of this chapter, contains four (4) or more manufactured home spaces that are offered for rent.

*Manufactured housing or manufactured home* means a HUD-code manufactured home or a mobile home as herein defined.

*Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode is eight (8) body feet or more in width or forty (40) feet or more in length, or, when erected on-site is three hundred twenty (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.

*Municipal judge* means a judge of the municipal court of the city.

*Non-conforming* means a building or other structure that was legal when constructed or placed into operation but that is in violation of subsequently adopted regulations.

*Parcel* means a tract or plot of land of any size that may or may not be subdivided or improved.

*Person* means includes both the singular and plural tense and means any individual, firm, partnership, association, company, corporation, society or other group, however organized.

*Replaced* means any relocation of a manufactured home whether upon the same lot or tract of land or from one lot or tract of land to another.

*Sales lot* means any premises used by a retailer for showing manufactured homes to potential customers which is operated by the holder of a valid manufactured housing retailer's certificate issued pursuant to Chapter 1201 of the Texas Occupations Code.

*Street* includes the terms "interior street" or "interior streets" and means any street, alley, avenue, lane, boulevard or drive within the boundaries of the manufactured home park.

E. Authority, enforcement and inspection.

*Authority.* The code official shall be the issuance officer for all permits and licenses under this chapter. The code official is authorized to establish administrative rules and regulations relating to the performance of his or her duties under this chapter.

*Enforcement.* The code official will direct enforcement actions against an owner or licensee, manufactured home installer and/or retailer, and/or a manufactured home park owner or manager for violations of this ordinance.

*Inspection.* The code official is authorized to conduct inspections to determine compliance with this ordinance and all other laws.

F. Penalty.

Any person, firm, corporation, or organization violating the terms of this Ordinance shall, upon conviction, be guilty of a misdemeanor and fined in an amount not to exceed \$2,000.00 per offense. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section. This penalty shall be in addition to all other remedies available at law or equity.

G. Notices of violation.

The code official is authorized to issue a notice of violation to a manufactured home owner or occupant, land owner or park manager, as appropriate, for any violation of this chapter.

The code official may, in his or her discretion, issue a written warning in lieu of issuing a notice of violation. The warning must contain a statement notifying the violator that the violation must be corrected within thirty (30) days. The code official shall conduct a second inspection at least thirty (30) days after, but no later than sixty (60) days after the issuance of a written warning. If the violation has not been corrected prior to the second inspection, the code official shall issue a notice of violation.

H. Fees Required.

It is unlawful for any person to locate a manufactured home or mobile home within the city of Todd Mission without obtaining all applicable city permits and licenses and paying all applicable permit and license fees in the amount listed in the adopted city fee schedule.

## I. MANUFACTURED HOMES IN THE CITY

### 1. Moving permits.

- (a) *Legal placement.* Any person who moves or installs or assists in the movement or installation of a manufactured home in the city limits must comply with all provisions provided in this ordinance.
- (b) *State permit.* Any manufactured home moved on a state highway must be moved by a state licensed contractor. The moving contractor is responsible for obtaining the necessary permit from the state. If a manufactured home is moved on a state highway to be placed within the city, the city police department must be noticed of the route and schedule at least twenty-four (24) hours prior to the move and a copy of the state permit must be filed with the city police department prior to the move.
- (c) *Mover's responsibilities.* The mover is responsible for complying with all state statutes and city ordinances, insuring that the move meets reasonable safety standards. The mover is responsible for:
  - (i) Proposing a route and schedule that minimizes impact to city traffic;
  - (ii) Surveying the route to insure that side and overhead clearances exist;
  - (iii) Determining that the move has a legal destination per city ordinance given both location and home type;
  - (iv) Insuring that all tie-down materials and installation methods meet state regulations.
- (d) *Park owner's responsibilities.* The park owner is responsible for insuring that:
  - (i) All new water and sewer connections are made by a licensed plumber;
  - (ii) Water and sewer disconnections are done in a professional manner and sewer lines are capped and sealed against rainwater;
  - (iii) Electrical power has been disconnected by the electric power company.

## J. MANUFACTURED HOMES LOCATED OUTSIDE OF MANUFACTURED HOME PARKS

This section applies to the installation and maintenance of manufactured homes outside of licensed manufactured home parks.

### 1. Manufactured homes.

Installation of manufactured homes in areas outside of licensed mobile home parks is prohibited, except as described in this section:

- (a) A lawfully existing mobile home may be replaced with a HUD-code manufactured home.

- (b) A lawfully existing manufactured home may be replaced once, as a matter of right, with a newer manufactured home that is at least as large in living space as the prior manufactured home.
- (c) A lawfully existing manufactured home, that has been damaged or destroyed by fire or other natural disaster, may be replaced with a newer manufactured home that is at least as large in living space as the prior manufactured home.
- (d) Any replacement of a lawfully existing manufactured home, other than one that has been damaged or destroyed by fire or other natural disaster, must be completed within sixty (60) days of the date the existing manufactured home is removed, except where the code official extends such period in writing and for good cause.

2. Replacement requirements and standards.

- (a) *Replacement permit.* It is unlawful for any person to replace a manufactured home or to use or occupy a replacement manufactured home or use or furnish any utility service to a replacement manufactured home unless and until the city issues a replacement permit. The city inspection fee for a replacement permit is specified in the adopted annual city fee schedule. Payment of the fee is due before issuance of the replacement permit and may be made at the office of the code official.
- (b) *Electrical disconnection.* When electrical service is disconnected, it is the duty of the power company to disconnect, lock, seal, and prevent any unauthorized connection or reconnection. It is the mover's responsibility to insure that the electric power has been properly disconnected. A unit which has had a utility service disconnected may be reconnected provided that a permit has been previously issued and a permit has been obtained for reconnection of any electrical utilities.
- (c) *Sewer disconnection.* It is the owner's responsibility to insure that the city sewer lines are capped and sealed from rainwater intrusion upon disconnection.
- (d) *Replacement standards.*
  - (i) Newly replaced manufactured homes must be of an exterior design that is compatible with other dwellings within a fifteen hundred (1,500) feet radius, measured from the corner of the lot or tract. A manufactured home is compatible if the roof and exterior siding materials are similar in appearance to that used on a majority of the adjacent dwellings.
  - (ii) A replacement manufactured home must be placed in a location on the lot that meets the following minimum setback distances:
    - aa. Public street R.O.W.—Twenty-five (25) feet.
    - bb. Private street—Fifteen (15) feet.
    - cc. Property line—Five (5) feet.

dd. Other structure(s)—Ten (10) feet.

- (e) *Tie-downs and placement standards.* The replacement manufactured home must be installed on an adequate foundation and tied-down to secure against uplift, sliding, rotation and overturning in compliance with the regulations of the state department of housing and community affairs.
- (f) *Skirting.* It shall be unlawful for a person to own, occupy or maintain a manufactured home within the city unless the manufactured home is equipped with permanently affixed skirting that effectively hides the underside of the manufactured home from view. In the case of a newly replaced manufactured home the owner and occupant shall have thirty (30) days from the date of initial occupancy to install the required skirting. The owners and occupants of manufactured homes lawfully in place on the effective date of this chapter shall have thirty (30) days following notice to the owner to install the required skirting.
  - (i) All skirting shall be constructed of rock, brick, plastic, vinyl, or concrete masonry materials, and shall be installed so there is no visible gap between the finished floor of the manufactured home and the ground. Metal, wood, cloth of any type, and shrubbery are not acceptable material for skirting.

Existing manufactured homes with existing wood or metal skirting that is in good condition may be permitted until replacement is needed.

- (ii) The skirting used on a particular manufactured home shall be consistent in material, orientation and color, shall be of such design as to not permit the passage of a sphere six (6) inches or greater in diameter and shall present a continuous and complete surface.
- (g) *Applications for replacement permits.*
  - (i) No replacement permit shall be issued for any manufactured home that is to be connected to public water or sewer services until the availability of those utilities is established.
  - (ii) No manufactured home may be placed upon a site until and unless a replacement permit has been issued. Application for a permit must be made a minimum of five (5) business days prior to the anticipated date of replacement.
  - (iii) Submittal requirements. All applications must be on the form provided by the city and contain the following:
    - aa. The name and address of the person having title to the manufactured home;
    - bb. A description of the manufactured home including exterior dimensions when fully assembled, total square footage, name of the manufacturer, date of manufacture, and the serial or identification number;



- cc. The proposed location for placement of the manufactured home by a plat or metes and bounds legal description and a plot plan, diagram, or other means adequate to advise the code official of the exact location contemplated;
  - dd. Any additional information the code official requires to aid in the enforcement of this chapter or other laws applicable to the manufactured home.
- (h) *Authorized signature.* The application shall be signed by the owner of the manufactured home and the owner of the land on which the manufactured home is proposed to be replaced.
- (i) *Finalization of replacement permit and issuance of a certificate of occupancy.* Upon meeting the following criteria, the code official shall issue a certificate of occupancy for a replacement manufactured home:
    - (i) The applicant has obtained all applicable permits and inspections; and
    - (ii) The code official has inspected the replacement of the manufactured home and found that the manufactured home and its placement meet all applicable requirements of this chapter and other applicable city ordinances, as well as all state laws which may be enforced by the city.

## K. MANUFACTURED HOME PARKS

### 1. Purpose and intent.

It is the purpose and intent of the city by this section to insure that all residents in manufactured home parks have clean, safe, respectable and comfortable living conditions. This section will:

- (a) Establish minimum standards with which all existing parks must be in compliance within one year from the date of this ordinance; and
- (b) Establish standards for which all existing parks must be in compliance within five (5) years from the date of this chapter.

New manufactured home parks will not be permitted in the city. Existing parks may not be expanded and are limited to the number of spaces most recently permitted, as provided in city records.

### 2. Licensing of manufactured home parks.

- (a) *Operating license required.* A license shall be required to operate each manufactured home park within the city. It shall be an offense for a person to own or operate a manufactured home park within the city without a valid license from the city for that park. Licenses will be issued in the name of the person or company set forth in the application. If the applicant is not the fee simple owner, written authorization of the owner must be provided. A license is deemed approved and issued unless the city denies or responds in writing within forty-five (45) days of the application date expressing the reason for

delay or denial. The license fee shall be accompanied by a register indicating the names of the head of household and lots of all existing tenants, the serial number of each unit, and the date the unit was placed in the park. Application for annual renewal of the license shall be made in writing, accompanied by payment of a license and inspection fee for each lot. The park will be inspected prior to renewal of the license.

- (b) *Sale or transfer.* If an existing manufactured home park is sold or transferred to a new owner, the new owner shall apply for and obtain a new operating license from the city. The license for an existing park shall not be denied by the city if all requirements of the chapter are met. If required, an interim license may be issued; however, a sale or transfer shall not extend the original schedule for bringing the park up to full compliance with this ordinance. The license fee will be prorated as appropriate. The operation of a manufactured home park after a transfer in ownership and without obtaining a new license is unlawful.
- (c) *Interim license.* Manufactured home parks that are not in full compliance with this ordinance are nonconforming. Upon application, the city shall issue an interim license to the owner or operator of an existing park that complies with all minimum standards, but not all standards. The interim license shall be accompanied by a nonconforming conditions report identifying any conditions at the park that fail to meet the applicable requirements of this chapter. An interim license shall be valid for a period of one year from the date of issuance. Upon conformance with this chapter a standard license shall be issued.
- (d) *Revocation.* An existing license may be revoked and an application for a license renewal may be denied if there are persistent and uncorrected, or repeated violations of this chapter or other ordinances or laws concerning the operation or maintenance of manufactured home parks. Approximately sixty (60) days prior to the expiration of a park's annual license, the code official shall conduct a general inspection of the park. A notice of violation or a warning notice shall be issued for each violation. If the code official determines that, because of serious and persistent violations of law, an existing license should be revoked or an application for license renewal should be denied, the code official shall refer the matter to the city council to determine whether the license should be revoked or an application for renewal should be denied. Absent a serious threat of immediate danger to public health and safety, the park shall be allowed to continue in operation pending a final decision by the city council on the matter. The hearing should be not held less than thirty (30) days or more than sixty (60) days after the date the matter is referred to the city council. At the hearing, the manufactured home park owner or representative may present arguments as to the validity of the inspection findings, request an extension to make corrections, or present special conditions warranting an exception to this chapter. The council, after reviewing the code officials report and recommendation and hearing the owner's arguments, shall find one (1) or more of the following:

- (i) The violation(s) reported by the code official either do not exist or are not significant enough to justify denial or revocation of the license;
- (ii) The reported violation(s) exist and are significant, but the owner has committed to a reasonable plan and schedule for correction;
- (iii) The reported violation(s) exist and are significant and impact health and safety to the extent that it is found to be in the best interest of the public to revoke the current license or to deny an application for renewal of a license.

If the city council revokes a current park license or elects not to renew a license, the park owner shall have six (6) months to give notice to its tenants and close the park.

### 3. One-year standards for manufactured home parks.

All parks must comply with the standards in this section within one (1) year from July 11, 2019.

- (a) All streets shall have standard street signs erected at appropriate points.
- (b) All lots or spaces shall be sequentially numbered and the numbers shall be displayed in a manner that is clearly visible from the adjacent street.
- (c) Two (2) off street parking spaces shall be provided for each manufactured home space.
- (d) Adequate security lighting shall be provided to illuminate streets and park exits.
- (e) All electrical distributions and connections must comply with applicable city and state codes.
- (f) All water and sewer lines and connections must comply with city and state codes.

### 4. Five-year standards for manufactured home parks.

All parks must comply with the standards in this section on or before July 11, 2024; or otherwise completely vacate and remove all of the tenants and property, including, but not limited to, all mobile homes, manufactured homes and any other appurtenances and attachments to such mobile home and/or manufactured home, located within the park by July 11, 2024. The extended compliance deadline of July 11, 2024, applies only to current park owners with interim licenses, and does not apply to any subsequent owner through the sale or transfer ownership of a park, pursuant to this ordinance.

- (a) The following separations and setbacks for lots or spaces must be provided:
  - i. Separation between manufactured homes—Ten (10) feet.
  - ii. Setbacks for manufactured homes.
    - aa. From public street right-of-way—Twenty-five (25) feet.
    - bb. From property boundary—Minimum three (3) feet, but not less than ten (10) feet from any structure.

- cc. At least fifteen (15) feet from common area(s).
  - dd. At least thirty-five (35) feet from home to home as measured across the interior street.
- (b) Parks must have a storm drainage system approved by the city engineer, unless the storm drainage system has previously been approved and is on file with the city. Parks without a previously approved drainage system shall submit for approval a drainage plan sealed by a professional engineer. Any required drainage improvements shall be complete and in place by January 1, 2023.
- (c) The following street requirements must be provided:
  - i. "No parking" signs must be installed and maintained along the entrance road.
  - ii. All internal streets shall:
    - aa. Be constructed of an all-weather surface;
    - bb. Be at least twenty (20) feet in width; and
    - cc. Provide designated no-parking fire lanes on each side.
  - iii. Street lights shall be provided along all internal streets at a minimum spacing of three hundred (300) feet between lights and at all street intersections.
  - iv. Off-street parking areas. All parking areas must be of an all-weather surface.
- (d) A common walkway system or designated pedestrian walkway must be provided along or adjacent to all internal streets. The concrete sidewalk or specified striped walkway must be constructed of an all-weather surface and be approved by the code official.
- (e) If adjacent to a residence or within three hundred (300) feet of a major thoroughfare, a fence shall be installed around the outer perimeter of the park to visually screen the park from other properties or public rights-of-way. The fence shall be a minimum of six (6) feet high, and must be maintained in good repair as long as the park remains in operation. The fence must be constructed of wood, brick, split-face block, steel wire (cyclone) with slats, or any combination of these materials that creates an effective visual screen.
- (f) Fire hydrants shall be provided and shall be so spaced that no portion of any manufactured home space is more than five hundred (500) feet from the nearest fire hydrant. All fire hydrants shall comply with city standards in accordance with one of the following designs:
  - i. Installation of a six-inch or larger diameter water main, complete with fire hydrants looped throughout the park, or as approved by the Fire Marshal, accompanied by individual service meters for each lot; or

- ii. Installation of a six-inch or larger diameter water main, complete with fire hydrants looped throughout the park, or as approved by the Fire Marshal, accompanied by a separate main of sufficient size to furnish adequate water supply for all proposed lots and metered by a master meter.
  - (g) A valve, screwed water connection and connection box shall be provided for each manufactured home space. The connection box shall be located so that the manufactured home will not roll over the box when moved.
  - (h) An adequate sanitary sewer system shall be provided. Each lot shall be provided with a screwed fitting that will allow for connecting or disconnecting sanitary sewer service without cutting a pipe. The connection shall be located at grade and such that the movement of the manufactured home will not roll over the connection or permanent piping when moved. The park owner shall maintain a stock of screwed caps that shall be used to seal the sanitary sewer system upon disconnection so that rain water cannot enter the city system.
  - (i) An approved electrical wiring system shall be provided, and shall be installed underground from the secondary meter to the manufactured home.
  - (j) Garbage dumpster(s) shall be provided by the park in the size and numbers appropriate for the number of lots. The pad location and fencing for the dumpster area shall meet the city design criteria manual. Pickup service shall be provided no less than once weekly.
  - (k) Natural gas piping systems shall be installed and maintained in accordance with all applicable codes.
5. Operation of manufactured home parks.
- (a) All grounds and improvements shall be maintained in a reasonable state of repair. Electrical systems, water systems, sanitary sewer systems, streets, parking areas and buildings shall comply with applicable codes and be maintained in safe and sanitary conditions. Refuse collection sites shall be kept clean and sanitary; grass and shrubbery shall be mowed and trimmed; fences, skirting and screening shall be kept in a sound state of repair; grading and drainage shall be well maintained; common facilities shall be operated in compliance with applicable ordinances; and the park shall be maintained reasonably free of litter and debris.
  - (b) A resident manager shall be responsible for the operation and maintenance of the park, including:
    - (i) Keeping the park in good repair and in a clean and sanitary condition;
    - (ii) Maintaining an as-built site plan showing space locations and numbers and utility line locations;
    - (iii) Requiring that licensed installers be used in the placement of units;
  - (c) Notifying occupants of their responsibilities to:

- i. Maintain their homes, lots, facilities, and equipment in good repair and in clean and sanitary conditions;
  - ii. Insure proper placement of the manufactured home and the installation of all utility connections;
  - iii. Install proper skirting and manufactured home stands and tie-downs; and
  - iv. Abide by all other regulations, requirements and laws of the city and state.
6. Placement standards.
  - (a) *Tie-downs and placement standards.* Each manufactured home space shall be provided with an adequate foundation for placement and tie-down of manufactured homes to secure them against uplift, sliding, rotation, and overturning, in compliance with the regulations of the state department of housing and community affairs.
  - (b) *Skirting.* Within thirty (30) days of placement, all units shall have permanently affixed skirting around the lower outer perimeters and attached structure or additions. Manufactured homes already in place on the effective date of this chapter shall be required to comply with this requirement within ninety (90) days following notice to the owner(s) of the manufactured home park.
    - (i) All skirting shall be constructed of rock, brick, plastic, vinyl or concrete masonry materials and shall be installed so that there is no visible gap between the finished floor of the manufactured home and the ground. Metal, wood, cloth of any type and shrubbery are not acceptable materials for skirting.
    - (ii) Existing manufactured homes with existing wood or metal skirting that is in good condition may be permitted until replacement is needed.
    - (iii) The skirting used on a particular manufactured home shall be consistent in material, orientation and color, shall be of such design as to not permit the passage of a sphere six (6) inches or greater in diameter, and shall present a continuous and complete surface.
7. Inspection of manufactured home parks.
  - (a) The code official is hereby authorized to make inspections as necessary or desirable to determine satisfactory compliance with this chapter and all other applicable ordinances and laws. The code official shall present proper identification upon request.
  - (b) The park owner or the owner's representative shall be responsible for insuring that all manufactured home utility connections, tie-downs, skirting and all park common facilities and grounds comply with this ordinance.
8. Hours of inspection and entry.
  - (a) The code official shall enforce the provisions of this ordinance.

- (b) Park owners and managers shall permit the code official to enter and inspect a manufactured home park, without prior notice during the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday.
- (c) In case of emergency, where extreme hazards are known to exist that may involve eminent injury to persons, loss of life or severe property damage, the code official may enter the premises at any time. The code official is hereby authorized to obtain a search warrant as provided by law if denied admission to inspect any such premises.

9. Variance to five-year standards.

- (a) The owner of a manufactured home park shall have the right to file an application for a variance to the five-year standards. The application for variance must be filed on or before December 1, 2023.
- (b) The variance request fee shall not apply to an application for variance in this ordinance.
- (c) An application for a variance must be made in writing to the code official and must identify the requirement in question, the effect the enforcement of the requirement will have on the owner's property, and the variance that is requested.
- (d) The city council shall conduct a hearing on all timely received variance applications and shall endeavor to render a decision within thirty (30) days after the application is received. In those circumstances where the city council cannot act on an application within thirty (30) days, the enforcement of the challenged requirement shall be stayed until a decision is made, unless the code official certifies in writing to the owner that the continued enforcement of the challenged requirement is necessary to protect the public health and safety.
- (e) At the hearing, the owner shall be given a reasonable opportunity to present evidence and arguments in support of the application. In addition, the city council shall permit the city staff and any interested members of the public to present evidence and arguments in support of, or opposition to, the application. The owner shall have the burden of showing that, absent the granting of the requested variance, the enforcement of the challenged requirement will constitute a taking of owner's property, without compensation, in violation of state or federal law. In making its decision on the application, the city council shall consider, among other things, whether the owner or the owner's predecessor(s) in title have had a sufficient opportunity in the past to fully amortize the costs of the manufactured home park improvements.
- (f) If the city council finds that the owner is entitled to a variance, it shall issue a written decision: 1) extending any of the deadlines contained in this article; 2) granting a variance from a specific requirement of this article; or 3) imposing such conditions as are necessary to further the purpose of this ordinance and avoid any violation of state or federal law.

## L. MANUFACTURED HOME SALES LOTS

### 1. Residence prohibited.

No manufactured home shall be used or occupied for residential purposes while located on a sales lot, unless the sales lot is also a licensed manufactured home park.

### 2. Prohibited connection to utilities.

No manufactured home may be connected to any utilities while located on a sales lot except as authorized in this ordinance.

### 3. When connections to electricity are permitted.

A manufactured home located on a sales lot for display purposes only may be connected to electricity if:

- (a) It has been placed on a lot designated for use of manufactured homes connected to electricity pursuant to a plan submitted to and approved by the code official;
- (b) The sales lot has a valid authorization for connection of electricity at all times the manufactured home is connected to electricity;
- (c) The connection of the manufactured home to electricity is in compliance with all applicable ordinances; provided, however, that subsection (4) shall govern in lieu of section 8-207 with respect to electrical wiring;
- (d) All electrical wiring in the manufactured home meets the requirements of:
  - i. The National Electrical Code that was in effect at the time the manufactured home was manufactured;
  - ii. Any edition of the National Electrical Code that was issued after the manufactured home was manufactured; or
  - iii. Federal or state laws regulating the installation of electrical wiring in manufactured homes at the time the manufactured home was manufactured.

### 4. Authorization.

- (a) To obtain authorization for connection of manufactured homes to electricity, the operator of the sales lot shall make application on a form furnished by the city for such purpose. On the application, the operator shall provide the following information:
  - (i) His name and address.
  - (ii) The number of his state registration as a manufactured home dealer if any manufactured homes are to be located on the sales lot.
  - (iii) The street address and legal description of the property on which the sales lot is located.



(iv) Plans of the sales lot showing:

- aa. The number, locations and size of all spaces on which manufactured homes will be located that will be connected to electricity;
- bb. The location and details of all electrical systems on the sales lot;
- cc. The location of the manufactured homes sales office if one is located on the sales lot; and
- dd. Any other information requested by the code official that would aid him in determining whether the sales lot meets the requirements of city ordinances.

The applicant shall submit with the application all applicable permit fees set out in the city code.

- (b) The city official shall grant authorization to connect manufactured homes to electricity upon proper application and payment of all applicable fees if the sales lot meets all applicable requirements of the ordinances of the city.

5. Sales office permitted.

The operator of a manufactured home sales lot may apply for a placement permit for one manufactured home to be connected to utilities for use as an office and for demonstration purposes.

6. Display units exempt.

A manufactured home, which is situated upon a sales lot and is not connected to any utilities other than electricity, is exempt from the requirements of obtaining a placement permit.

7. Dealers to provide purchasers certain information.

Each manufactured home dealer shall furnish each purchaser and each lessee of a manufactured home such information in writing as to the requirements of this ordinance relating to manufactured homes as the code official shall direct including, but not limited to, information concerning the requirements for permits, requirements as to where manufactured homes may be located and tie-down and blocking requirements for manufactured homes. Such written information shall be on forms approved by the code official.

8. Dealer's responsibilities.

- (a) As to any sales lot operated by a holder of a manufactured housing retailer's certificate issued pursuant to Chapter 1201 of the Texas Occupations Code, as amended, the holder of such certificate shall ensure that all requirements of this chapter have been met.
- (b) As to any sales lot which is not operated by a holder of a manufactured housing retailer's certificate issued pursuant to Chapter 1201 of the Texas

Occupations Code, as amended, the person who operates such lot shall ensure that all requirements of this ordinance have been met.