

ORDINANCE 95

AN ORDINANCE REGULATING MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES

WHEREAS, the City Council finds it is necessary to preserve and maintain the public health, safety, and welfare of the citizens of Coahoma, Texas, and;

WHEREAS, the City Council finds that the placement of mobile homes and HUD-code manufactured homes may have a negative impact on other property use and valuation, therefore, certain regulations related to the placement of said homes in the city limit of Coahoma, Texas are hereby adopted by the City of Coahoma;

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

THAT THE FOLLOWING REGULATIONS SHALL BE EFFECTIVE ON THIS DATE: ~~May 19,~~ ^{Dec 15}
~~2011~~ 2011.

ARTICLE I. MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES

Sections 1-1 through 1-17

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§ 1-1 DEFINITIONS.

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

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.

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.

MANUFACTURED HOME PARK.

(1) Any site, lot, block 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 ordinance for mobile home parks.

(2) A unit of level adequately drained ground of definite size and exceeding five acres, clearly indicated by corner markers for the placing of a mobile or manufactured 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 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.

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 not mean or apply to, and that the following items are expressly excluded from the purview of this ordinance.

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

§ 1-2 MOBILE HOME/MANUFACTURED HOME OUTSIDE LICENSED PARK.

It shall hereafter be unlawful to locate a mobile home as herein defined in the city outside a duly licensed mobile home park.

§ 1-3 PLACEMENT OF MANUFACTURED HOUSING OUTSIDE OF MANUFACTURED 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 and 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:

Dec 15, 2011

(1) The manufactured home was legally in existence at such location prior to ~~May 10, 2011~~. If a manufactured home existing in the corporate limits of the city subsequent to the continuance provisions of this ordinance and used for any purpose, is removed or replaced for any reason, a variance as prescribed in this ordinance must be obtained before another HUD manufactured home can be placed on the site.

(2) A Manufactured Home provided by any governmental agency as temporary housing following any public disaster or public calamity, or a Mobile Home temporarily moved from any Mobile Home Park or subdivision by reason of any public disaster or public calamity.

(3) The temporary parking of a Manufactured Home, travel trailer, recreational vehicle or motor home for purposes of security at a temporary commercial facility for a period approved by the City Council following written application to the City Secretary.

(4) A situation of hardship, as determined by the City, for a period of time not to exceed one (1) year, said situation of hardship to be reviewed by the City after one year and exception granted therefore extended for no more than one year at a time.

(B) Written application for a variance shall be submitted to the City Secretary and shall require the granting of a variance as prescribed by this ordinance. The application shall state:

(1) Name and address of applicant.

(2) Size, model, year of manufacture, original cost, and photograph of the manufactured home.

(3) 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. 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.

(4) 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.

(5) 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 and shall conform to the skirting requirements of Ordinance 1-4.

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

§ 1-4 ABANDONMENT.

(A) Any existing mobile home or manufactured home as defined in § 1-1 of this ordinance, which continues to be used for any purpose subsequent to the continuance provisions of this ordinance, and which is abandoned and not maintained for a continuous period of 30 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 ordinance, and which subsequently is abandoned according to the definition contained in § 1-1 of this ordinance, shall be deemed to have permanently lost its location privilege and status and the site on which the structure had been located shall henceforth be used only for purposes other than the location of a manufactured home.

§ 1-5 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 ordinance is subject to removal from the city at the expense of the owner. If, 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.

§ 1-6 ENFORCEMENT PROCEDURES.

(A) In addition to other penalties set out in this ordinance, 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 ordinance.

(B) In addition to the enforcement procedures provided in this ordinance, the City may take such other legal action, injunctive relief, as may be necessary to enforce the provisions of this ordinance.

§ 1-7 VARIANCES PROCEDURES.

(A) A variance to the provisions of this ordinance shall only be granted pursuant to a public hearing before the City Council.

(B) All property owners within 200 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 meeting.

(C) The public hearing and property owner notification calendar utilized by the city shall be based on the statutory provisions of the Municipal Zoning Laws of the state.

(D) All advertising and notification costs shall be borne by the applicant for the variance.

§ 1-8 APPLICATION FOR LICENSE.

(A) Applications for a Manufactured home park license shall be filed with the City Secretary prior to consideration by the City Council at a regularly scheduled meeting. 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 Manufactured home park on a tract or lot of land not less than five acres in area.

(3) A complete plan of the park, showing compliance with § 1-10 and § 1-11 of this ordinance.

(4) Plans and specifications of all buildings and other improvements constructed, or to be constructed within the manufactured home park in accordance with all existing applicable ordinances or statutes within the city. Paving and drainage plans shall show directions and calculations of water runoff and specifications for proposed driveways and streets. Street lighting plans must be provided. All proposed parks shall be served with electrical power, telephone service and natural gas.

(5) A contiguous area of not less than 5% of the total park area shall be designated as a recreation area for the park's residents.

(6) Such further information as may be requested by the city to determine if the manufactured home park will comply with the legal requirements.

(B) If the applicant is found to be of good moral character and the manufactured home park will be in compliance with all provisions of this ordinance and all other applicable ordinances or statutes, the City Council 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 by providing a letter to the applicant outlining the conditions of approval by the Council.

§ 1-9 LICENSE FEES.

The permit for a manufactured home park shall be obtained from the City Secretary at a fee of \$40 for each occupied trailer space, payable by the owner of such manufactured home park on the first business day of each year. Payment is based on the number of spaces reported by the trailer park owner.

§ 1-10 MANUFACTURED HOME PARK PLAN.

The manufactured home park shall conform to the following requirements;

(A) The park shall be located on a well-drained site, properly graded area to insure rapid drainage and freedom from stagnant pools of water.

(B) Manufactured 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. Manufactured homes shall be so harbored on each space that there shall be at least 20 feet clearance between manufactured homes but that no home may be located less than 15 feet from any building within the park or from any property line bounding the park.

(C) The park plan required by this ordinance shall provide a legal description and map clearly setting out the following information:

(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 manufactured homes;

(4) Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms;

(4) Plans and specifications of all buildings and other improvements constructed, or to be constructed within the manufactured home park in accordance with all existing applicable ordinances or statutes within the city. Paving and drainage plans shall show directions and calculations of water runoff and specifications for proposed driveways and streets. Street lighting plans must be provided. All proposed parks shall be served with electrical power, telephone service and natural gas;

(5) A contiguous area of not less than 5% of the total park area shall be designated as a recreation area for the park's residents;

(6) Such further information as may be requested by the city to determine if the manufactured home park will comply with the legal requirements;

(7) Plan of parking requirements;

(8) A manufactured home shall have effective visual screening of the undercarriage in accordance with Ordinance _____. The screening shall completely surround the manufactured home and extend from the bottom of the sidewall to the ground;

(9) Such further information as may be requested by the City.

(D) Each home space shall be provided with two off-street parking spaces constructed of hard surface material.

(E) No vehicular access to a manufactured home space is permitted from a public street. Double street frontage of home spaces shall be avoided.

§ 1-11 WATER SUPPLY AND SANITARY SEWER.

Every manufactured 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.

§ 1-12 REGISTER OF OCCUPANTS.

It shall be the duty of the licensee to keep a register containing a record of all manufactured 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.

(C) License, number and owner of each 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 manufactured home..

§ 1-13 TIE-DOWNS.

(A) All manufactured homes 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.

§ 1-14 REVOCATION OF LICENSE.

The city may revoke any license to maintain and operate a manufactured home park after the license is given due notice and hearing for any violation of this ordinance. 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 ordinance.

§ 1-15 PROHIBITED PARKING.

It shall be unlawful for any person to park any manufactured home, manufactured 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 other purpose for more than 48 hours.

§ 1-16 PENALTY.

- A. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be subject to fine not to exceed \$200.00.
- B. Each transaction in violation of any provisions of this Ordinance shall be deemed a separate offense.
- C. Each day a public nuisance is allowed to continue after it has been duly determined to be such shall constitute a separate violation.

§ 1-17 RESERVED

ARTICLE II.

Section 1. Savings and severability.

(a) The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinances are hereby expressly repealed to the extent of any such inconsistency or conflict.

(b) If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Coahoma hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Jimmy Smith

Wanda Walker