

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS SETTING FORTH REGULATIONS FOR HUD CODE MANUFACTURED HOME PARKS WITHIN THE CITY OF RIESEL; PROVIDING DEFINITIONS; PROVIDING FOR NONCONFORMING HUD CODE MANUFACTURED HOME PARKS; REQUIRING PERMIT FOR HUD CODE MANUFACTURED HOME PARKS; PROVIDING FOR FEES; MAKING VIOLATION AN OFFENSE (MISDEMEANOR) AND CONTAINING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE (NOT TO EXCEED \$500.00 PER DAY, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE); AND CONTAINING A CONFLICTING ORDINANCE CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the regulation of HUD CODE manufactured home parks within the City of Riesel is necessary to assure the acceptable development of such facilities and establish standards for the safety and welfare of residents thereof; and

WHEREAS, the regulation of HUD CODE manufactured home parks is necessary and advisable to carry out the City's vision of its future growth and orderly development.

NOW, THEREFORE, Be It Ordained By The City Council Of The City Of Riesel, Texas:

1. **Definitions**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City council: The City Council of the City of Riesel, Texas.

HUD-code manufactured home: 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 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).

HUD -Code manufactured home park: Any lot or tract of land upon which two (2) or more HUD-Code manufactured homes occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in conjunction with HUD-Code manufactured homes, regardless of whether or not a fee is charged for such accommodations. Such park shall consist of at least five (3) acres.

Permit: A written permit issued by the city council permitting the construction, alteration, expansion or extension of a HUD Code manufactured home park under the provisions of this Ordinance.

Manufactured home space or space: A plot of ground within an approved HUD-Code manufactured home park designated for accommodation, of one (1) HUD-Code manufactured home, together with such open space as required by this Ordinance.

Recreational vehicle means a vehicle which is designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power, or is mounted on or drawn by another vehicle. Recreational Vehicles include travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions and fifth wheel trailers.

2. **Purpose.**

The purpose of this Ordinance is to establish regulations governing the development, expansion, and use of HUD-Code manufactured home park facilities within the city. This Ordinance is adopted so as to ensure that such facilities are provided as will reasonably address those particular considerations presented in HUD-Code manufactured home park development and conform to the plans for orderly growth of the city.

3. **Nonconforming HUD Code Manufactured Home Park.**

Any HUD-Code manufactured home park lawfully in operation on the date of the adoption of this Ordinance, and not in compliance with regulations established by this Ordinance may continue that operation as a nonconforming HUD-Code manufactured home park. Any expansion or extension of such nonconforming HUD-Code manufactured home parks is subject to and shall be in compliance with the regulations established in this Ordinance.

4. **Permit.**

(a) *Permit required.* It shall be unlawful for any person to construct, alter, extend or expand any HUD-Code manufactured home park within the limits of the city without a valid permit issued by the city council in the name of such person for the specific construction, alteration, expansion or extension proposed.

(b) *Application requirement.* All applications for permit shall be made to the city council by delivery to the city secretary and shall contain the following:

(1) Name and address of the applicant.

(2) Location and legal description of the HUD-Code manufactured home park.

(3) The applicant will attach five (5) copies of the site plan, at a minimum scale of one (1") inch to two hundred (200') feet for sites of thirty (30) acres or more, and at a minimum scale of one (1") inch to one hundred (100') feet for sites under thirty (30) acres.

(c) *Permit fee.* All applications to the building official will be accompanied by a fee of five

hundred dollars (\$500.00) plus twenty-five (25.00) dollars per space.

(d) *Issuance of Permit.* After review of the application and determining the application and the proposed park complies with this Ordinance and other applicable laws, codes and regulations, the permit may be issued.

(e) *Denial of Permit.* Any person, whose application for a permit under this Ordinance has been denied, may request a re-hearing in writing. Additional information may be presented if desired at such a re-hearing.

(f) *Zoning.* A HUD-Code manufactured home park cannot be located in a zoning district where it is not an allowed use, and a permit may not be granted for a HUD-Code manufactured home park proposing to locate in a zoning district where it is not allowed.

(g) *Revocation or Suspension of Permit.* If the permittee is not operating the HUD-Code manufactured home park in compliance with the requirements of this Ordinance, the city council, after notice to the permittee and a hearing, may revoke or suspend the permit.

5. **Contents of Site Plan.**

Site plan. A site plan shall be filed as required by section 4 above and shall show the following:

- (1) The name, address, fee owner and record owner of the proposed or existing HUD-Code manufactured home park.
- (2) City zoning designation if any.
- (3) Name of adjacent public streets and roads.
- (4) Contour lines at two (2') foot intervals.
- (5) Location and dimensions of all HUD-Code manufactured home spaces, utility easements, drives, recreation areas, streets and sidewalks. Each HUD-Code manufactured space shall be numbered.
- (6) Scale of plan (no smaller than one (1") inch to two hundred (200') feet for 30 acres or more or one (1") inch to one hundred (100') feet for less than 30 acres).
- (7) Density in units per gross acre.
- (8) Area and dimensions of site.
- (9) Areas defined for waste containers and method of disposal for garbage and refuse.
- (10) A drainage plan which must show the directions and calculated quantities of runoff and any proposed drainage improvements.

(11) A street plan which must show the location, length, and width of all internal streets, access points to the site, construction specifications for the internal streets, and a street cross-section;

(11) A water and sewer plan: A water and sewer plan must be submitted showing the following:

- a. Sewer line locations, grade and sizes.
- b. Water line locations, sizes and source of water supply.

6. Regulations for HUD-Code Manufactured Home Parks.

Any HUD-Code manufactured home park constructed after adoption of this Ordinance, and any addition, expansion or extension to an existing HUD-Code manufactured home park in the city shall comply with the following site requirements:

(a) Density. A HUD-Code manufactured home park shall have no more than four (4) spaces per acre. Each HUD-Code manufactured home park shall provide a minimum of three (3) acres in area.

(b) Basic HUD-Code manufactured minimum site requirements:

1. The average height of the HUD-Code manufactured frame above ground elevation, measured at ninety (90) degrees to the frame, shall not exceed five (5) feet from the top of the pad.
2. Spacing regulations. HUD-Code manufactured shall be located no closer than twenty (20) feet from any exterior wall to the closest exterior wall of the nearest HUD-Code manufactured home.

(c) HUD-Code manufactured home space. Every HUD-Code manufactured home shall be located on a separate space which shall conform to the following standards:

1. Be served with sanitary sewer, water, electrical power.
2. Provide a minimum average width of forty (40) feet and a minimum average depth of eighty (80) feet. 3,200 Square Feet
3. Abut and or have access to a private street for a minimum distance of twelve (12) feet.
4. Provide a minimum area of three thousand two hundred (3,200) square feet, to be determined by the boundary lines of the space.

5. Provide a HUD-Code manufactured home pad which shall provide an adequate foundation for the placement and tie-down of one (1) single-family HUD-Code manufactured home thereby securing the superstructure against uplift, sliding, rotation and overturning. The pad shall:
 - A. Be constructed of material which will adequately support the weight of the HUD-Code manufactured home and be durable and well drained under normal use and weather conditions.
 - B. Provide anchors and tie-downs such as cast-in place concrete foundations or runway screw augers, arrowheads anchors or other devices which secure the stability of the HUD-Code manufactured home, and shall be placed at each corner of the HUD-Code manufactured home.
 - C. Cover an area of at least two hundred forty (240) square feet or at least one-third (1/3) of the area of the largest HUD-Code manufactured home which is to be placed on the HUD-Code manufactured home park space, whichever is greater. No surface provided for a purpose other than the foundation of the HUD-Code manufactured home shall be considered a part of such HUD-Code manufactured home pad.

6. Provide a minimum of two (2) off-street parking spaces which shall be constructed of concrete, crushed rock, asphalt or gravel.

(d) Drainage: The ground surface in all parts of every HUD-Code manufactured home park and especially beneath HUD-Code manufactured homes and other structures shall be graded and equipped to drain all surface water in a safe efficient manner so as not to permit water to stand or become stagnant.

(e) Design and location of storage facilities. Storage facilities with a minimum capacity of two hundred (200) cubic feet per HUD-Code manufactured home space may be provided on the space, or in compounds located within two hundred (200) feet of space. Where provided, storage facilities shall be faced with a durable material. Storage outside the perimeter walls of the HUD-Code manufactured home shall be permitted if in such facilities. No storage shall be permitted under a HUD-Code manufactured home. Storage facilities will not be located within five (5) feet of the boundary line of any HUD-Code manufactured home space boundary.

(f) Location of HUD-Code manufactured homes and accessory structures. No HUD-Code manufactured home or accessory structure such as a refuse container, carport cabana, awning, and fence or storage locker shall be permitted within ten (10) feet of a private street or the boundary line of a HUD-Code manufactured home space boundary line. Provided further that two (2) HUD-Code manufactured homes shall not be placed less than twenty (20) feet apart.

(g) Setback.

- (1) No HUD-Code manufactured home or structure in a HUD-Code

manufactured home park shall be located within the yard setback area. The minimum setback area for each space is:

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|------------|---------|
| Front yard | 25 feet |
| Rear yard | 15 feet |
| Side yard | 10 feet |

(h) Access; traffic circulation; parking.

- (1) Internal streets shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.
- (2) All internal streets shall be constructed to specifications approved by the city council and shall be maintained by the owner.
- (3) All private streets shall be constructed with concrete, asphalt, crushed rock, or gravel and shall be durable and well drained under normal use and weather conditions.

(i) Internal street dimensions; parking.

- (1) Internal streets shall be minimum pavement width of twenty (20) feet. Parking shall not be allowed on the minimum street width. An additional lane of nine (9) feet minimum width may be added to one (1) or both sides for off street parking.
- (2) Internal streets shall permit unobstructed access to within at least two hundred (200') feet of any portion of each HUD-Code manufactured home.
- (3) Within each HUD-Code manufactured home park, streets shall be named, and HUD-Code manufactured homes numbered. Park signs and numbers shall be of standard size and placement to allow location by emergency vehicles.
- (4) Private streets which may connect two (2) public street right-of-way(s) shall, by the use of curves, off-sets, or other means be located so as to discourage through traffic.

(g) Fire safety standards:

- (1) Access to HUD-Code manufactured homes for fire fighting approaches to all HUD-Code manufactured homes shall be kept clear for emergency vehicles.
- (2) Fire protection. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the fire chief and/or code enforcement officer. In no case shall the park provide less than a system of standard hydrants located not more than five hundred (500) feet from each HUD-Code manufactured home space and served by water lines of adequate size installed in a loop system.

- (h) Water supply.
 - (1) an approved water supply for domestic use and fire protection purposes shall supply the HUD-Code manufactured home park.
 - (2) All plumbing shall be in accordance with state plumbing law and the codes of the city.
- (i) Sewage disposal.
 - (1) Waste from all toilets, lavatories, sinks and showers in HUD-Code manufactured home parks will be discharged into the city's sanitary sewer system unless service from the city's sanitary sewer system is not available, in which case on-site sewer systems are allowed, but only if they comply with the OSSF regulations of the Waco-McLennan County Health District and a permit for each such system is issued by the Waco-McLennan County Health District.
 - (2) All plumbing will comply with applicable plumbing codes.
 - (3) Each HUD-Code manufactured home pad shall have a sewer riser pipe of at least three (3) inches which shall be capped when not in use.
- (j) Maintenance of Streets and Common Areas. The permit holder must maintain or cause to be maintained the streets within the HUD-Code manufactured home park and any common areas within the HUD-Code manufactured home park.
- (k) Recreational Vehicles may be permitted in a HUD Code Manufactured Home Park. Recreational vehicles must conform to all rules, policies and regulations pertaining to HUD Code manufactured homes, such as spacing, single hook-up to water and sewer (no multiple hook-up to single sewer or water). One Recreational Vehicle per plot of ground within an approved HUD Code Manufactured Home Park designated for accommodation of (1) HUD Code Manufactured Home, together with such open space as required by this ordinance.

7. Penalty provision.

Any person, firm or corporation violating this Ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined no more than five hundred dollars (\$500.00), and each day that such violation continues shall be considered a separate offense punishable accordingly.

8. Conflicting Ordinances.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Riesel providing for the use and occupancy of HUD-Code Manufactured Homes, and shall not operate to repeal or affect any such ordinance or ordinances except insofar as the

provision of such ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances such conflicting provisions in said other ordinance or ordinances shall be and are hereby repealed.

10. Severability Clause

Should any section, part, paragraph of this ordinance be declared invalid or unconstitutional for any reason it shall not invalidate or impair the validity force or effect or any other section or sections or part of a section or paragraph of this ordinance

11. Effective Date.

This Ordinance shall be effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 12th day of March, 2013.

CITY OF RIESEL, TEXAS

By: Roger Fitzpatrick
Mayor

ATTEST:

Alisha Hanary
City Secretary

