

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY OF RIESEL, TEXAS SETTING FORTH THE REQUIREMENTS FOR THE USE AND OCCUPANCY OF HUD CODE MANUFACTURED HOMES WITHIN THE CITY OF RIESEL; RESTRICTING THE USE AND/OR OCCUPANCY OF A HUD CODE MANUFACTURED HOME WITHIN THE CITY OF RIESEL TO HUD CODE MANUFACTURED HOME PARKS WITH STATED EXCEPTIONS; PROVIDING DEFINITIONS; PROHIBITING THE PROSPECTIVE INSTALLATION OF MOBILE HOMES WITHIN THE CITY OF RIESEL; PROVIDING FOR NONCONFORMING HUD CODE MANUFACTURED HOMES; PROVIDING FOR REGULATIONS AND PERMITTING FOR HUD CODE MANUFACTURED HOMES; 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 growth and development of the City in the manner envisioned by the City Counsel requires the regulation of HUD CODE Manufactured Homes and mobile homes; and

WHEREAS, the planned and orderly growth of the City would be served by such regulations.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS:

Section 1. DEFINITIONS. For the purpose of this Ordinance, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

(A) **Anchoring:** The anchoring system shall be made and installed according to the Texas Department of Housing and Community Affairs Rules in effect as of the date the HUD-Code Manufactured Home is installed including but not limited the Rules that apply to ground anchors, over-the top straps, and both vertical and diagonal ties as part of the anchoring system. HUD-Code Manufactured Homes installed in the City of Riesel are subject to

Wind Zone I standards as set out in the Texas Department of Housing and Community Affairs Rules.

(B) City: As used herein, reference to the City shall mean the City of Riesel, McLennan County, Texas.

(C) City Council: City Council of Riesel, Texas.

(D) 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 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.

(E) HUD-Code Manufactured Home: A structure that was 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 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).

(G) HUD-Code Manufactured Home Park: A parcel of land under single entity ownership which has been platted and improved for the placement of HUD-Code Manufactured Homes and holds a permit from the city or is operating as an allowed non-conforming use.

(H) HUD-Code Manufactured Home Space: Plot of ground designated for accommodation of one HUD-Code Manufactured Home, together with such open space as required by this Ordinance and other applicable regulations. Term includes “lot,” “site,” and “space.”

(I) Foundation: Construction of concrete, metal, treated lumber or wood, masonry, or other material conforming to nationally recognized standards which is designed to be permanent, to aid the attached structure in resisting being overturned due to wind, to stabilize the attached structure without the towing hitch, axles, brakes, wheels and other parts of the chassis that operate only during transportation, and to resist damage due to decay, insects, and condensation. Term includes “pad.”

(J) Permit: Written permit/certification issued by the City of Riesel permitting the use and/or occupancy of a HUD-Code Manufactured Home under the provisions of this Ordinance and regulations issued hereunder.

(L) Person: Any natural individual, firm, trust, partnership, association or corporation.

(M) Sewer Connection: Connection consisting of pipes, fittings and appurtenances from the drain outlet of a HUD-Code Manufactured Home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the HUD-Code Manufactured Home.

(N) Sewer Service Riser Pipe: That portion of sewer service which extends vertically to the ground elevation and terminates at a HUD-Code Manufactured Home space.

(O) Skirting: A framework of lumber or other suitable material which is sufficiently rigid to adequately support a paneling system, which is to be fastened to the

framework and shall extend from the underside of the HUD-Code Manufactured Home to the ground around the entire perimeter of the structure. All joints shall be sufficiently tight to assure the entire assembly is substantially rodent proof. The paneling material shall consist of a durable material that is substantially decay-resistant and such material shall be color coordinated with the exterior of the manufactured home. All material shall be installed in a neat and workmanlike manner. In lieu of the framework/paneling system described above, a skirting system may consist of a veneer of masonry. Such masonry need not be load-bearing or reinforced, but shall extend from the underside of the HUD-Code Manufactured Home to the ground around the entire perimeter of the structure. Such masonry shall consist of brick, stone, ashlar, or CMU block. When used, the first level of the masonry shall be laid upon a level concrete footing that is at least as wide as the wall itself.

Section 3. PERMITS.

(A) Permit Required – It shall be unlawful for any owner of a HUD-Code Manufactured Home to use and/or occupy or allow the use or occupancy of the HUD-Code Manufactured Home within the limits of the City of Riesel without a valid permit issued by the City of Riesel in the name of such person for the specific use or occupancy proposed.

(B) Application Requirements – All applications for permits shall be made upon standard forms provided by the City of Riesel and shall contain the following:

- (1) Name and address of the applicant.
- (2) Location and description of the HUD-Code Manufactured Home.
- (3) Signed statement that applicant has read and is willing to comply with the Requirements for the use and occupancy of the HUD-Code Manufactured Home as set out in Section 8.

(C) Permit Fee – All applications must be submitted to the city secretary and shall be accompanied by a fee of Fifty Dollars (\$50.00) for inspection. If any additional inspections are required, such as to check corrective work to address deficiencies found by a prior inspection, an additional inspection fee of Fifty Dollars (\$50.00) will be charged per required inspection.

(D) Issuance of Permit – The permit will be issued only if the HUD CODE Manufactured Home is to be located within a HUD CODE Manufactured Home Park and meets the other applicable requirements or fits within the limited location exceptions and meets the other applicable requirements. The permit is issued by the official designated by the city council to review and act on such applications.

(E) Denial of Permit/Hearing – Any person whose application for a permit under the Ordinance has been denied, may request in writing a hearing on the matter, and such hearing shall be provided by the city council where additional evidence may be offered if desired. The city council may uphold the designated official's decision, grant the permit, or conditionally grant the permit.

(F) Permits Deemed Granted – Any person who makes application to use or occupy a new HUD-Code Manufactured Home as a residential dwelling is deemed approved and granted as to such application and subsequent permit unless the city denies the application in writing within 45 days from receipt of the application setting forth the reasons for such denial.

(G) Transfer of Permit – Every person holding a permit shall give notice in writing to the city within fifteen (15) days after having sold, transferred, given away or otherwise disposed of interest in or control of any HUD-Code Manufactured Home so that the permit may be amended to show the new owner as the permittee.

Section 4. INSPECTION.

Any duly authorized official of the city shall be permitted to make reasonable inspections of any HUD-Code Manufactured Home to determine compliance with this Ordinance.

Section 5. NOTICES, HEARINGS AND REVOCATION OF PERMITS.

(A) Whenever it is brought to the attention of the city's representative that there has been a violation of any provisions of this Ordinance, the representative shall give notice of such alleged violation to the Permittee or Permittee's agent, as provided heretofore.

(B) The notice shall:

- i. be in writing;
- ii. include a statement of the reasons for its issuance;
- iii. allow a reasonable time of not less than thirty (30) days nor more than one (1) year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the act it requires;
- iv. be served upon the Permittee or Permittee's agent; provided that the notice or order shall be deemed to have been properly served upon the Permittee or the Permittee's agent when a copy thereof has been sent by mail to the Permittee's or the Permittee's agent's last known address, or when the Permittee or Permittee's agent has been served with the notice by any method authorized or required by the laws of this State; and
- v. contain an outline of remedial action when if taken, will effect compliance with the provisions of this Ordinance.

(C) If the Permittee fails to comply with the notice and the violation continues, the city council shall serve the Permittee with notice of the date and time for a hearing whereupon the Permittee or the Permittee's agent may present evidence to be considered by the city council in contemplation of the revocation of the permit. The notice must be served on the Permittee or the Permittee's agent by U.S. mail, certified/return receipt requested, at least ten (10) days prior to the hearing specified in the notice.

(D) If the violation is not remedied in accordance with the Notice and a breach of the Ordinance continues, then, after the hearing as set forth above, the council may revoke any permits issued in addition to any punishment provided in Section 10 hereof.

(E) Further if the city council finds that the anchoring and/or blocking of a HUD-Code Manufactured Home is not in compliance with this Ordinance, then the city council shall report these particular violations to the Texas Department of Housing and Community Affairs.

Section 6. MOBILE HOMES PROHIBITED IN THE CITY OF RIESEL. HUD CODE MANUFACTURED HOMES ONLY ALLOWED IN HUD CODE MANUFACTURED HOME PARKS WITH LIMITED EXCEPTIONS.

A. The installation of mobile homes for use or occupancy as a residential dwelling in the City of Riesel, Texas, is prohibited. This provision is prospective and shall not apply to any mobile home previously legally permitted and used or occupied as a residential dwelling in the city on the effective date of this Ordinance. Where a pre-existing mobile home is replaced by a HUD-Code Manufactured Home, the permit shall be granted to the applicant whether the HUD-Code Manufactured Home being placed on the lot previously occupied by the mobile home would otherwise qualify for a permit, except that the HUD-Code Manufactured Home must comply with the anchoring, skirting and water/sewerage connection requirements of this

Ordinance. The applicant must pay an inspection fee as set forth in this Ordinance to obtain inspection of these elements prior to issuance of the permit.

B. A HUD-Code Manufactured Home may only be located within a HUD CODE Manufactured Home Park that holds a permit from the city or is operating as an allowed non-conforming use, except that:

- 1) a HUD CODE Manufactured Home may be installed at a location where there is not a residence within 500 feet of where the a HUD CODE Manufactured Home would sit measured from the closest portion of the nearest residence structure to the closest portion of the HUD CODE Manufactured Home;
- 2) upon adoption of zoning districts by the city, a HUD CODE Manufactured Home may be located in a zoning district where it is an allowed use.

Section 7 PRE-EXISTING NONCONFORMING HUD-CODE MANUFACTURED HOMES.

Those HUD-Code Manufactured Homes in existence at the date of the adoption of this Ordinance and located outside of a HUD CODE Manufactured Home Park are exempt from the location requirements of this Ordinance.

Section 8. BASIC HUD-CODE MANUFACTURED HOME REQUIREMENTS.

(A) Height Requirements: In accordance with Texas Department of Housing and Community Affairs (“TDHCA”) Administrative Rule 10 TAC §80.54(a), there may be piers installed in accordance with the home installation instructions, the TDHCA generic standards, a custom designed stabilization system drawing, or another TDHCA approved stabilization system drawing. TDHCA Administrative Rule 10 TAC §80.54(d)(6) describes generic pier standards and states that for an interlocked double stack of open cell 8x8x16

concrete blocks, the maximum height is 60 inches as measured from the top of the footer to the tope of the last concrete block.

(B) Anchoring Requirements: Each HUD-Code Manufactured Home must be anchored in accordance with the Texas Manufactured Housing Standards Act and the TDHCA Administrative Rules.

(C) Skirting Requirements: All HUD-Code Manufactured Homes shall be skirted and anchored in accordance with the requirements set forth in the Texas Manufactured Housing Standards Act, the Texas Department of Housing and community Affairs Administrative Rules.

(D) Codes and Ordinances. A HUD CODE Manufactured Home located outside of a HUD CODE Manufactured Home Park as a non-conforming use predating this Ordinance still must comply with all applicable codes and ordinances of the city.

(E) Compliance with Park Requirements: All HUD-Code Manufactured Homes located within a HUD CODE Manufactured Home Park must be spaced, served, and located in compliance with the regulations of the city relating to HUD CODE Manufactured Home Parks.

Section 10. PENALTY PROVISIONS.

Any person, firm or corporation violating this Ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly.

Section 11. CONFLICTING ORDINANCES REPEALED

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.

Section 12. SEVERABILITY.

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

Section 13. 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
Roger Fitzpatrick, Mayor

ATTEST:

Alisha Flanary
Alisha Flanary, City Secretary

