

ORDINANCE NO. 2001-37

MANUFACTURED HOMES NOT IN MANUFACTURED HOME PARK

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, REGULATING THE INSTALLATION OF MANUFACTURED HOMES NOT IN MANUFACTURED HOME PARK(S) WITHIN THE CITY OF TAYLOR; PRESCRIBING REGULATIONS FOR MANUFACTURED HOMES NOT IN MANUFACTURED HOME PARK(S); REQUIRING A PERMIT FOR MANUFACTURED HOMES; PRESCRIBING OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS; PROHIBITING MOBILE HOMES WITHIN THE CITY OF TAYLOR; CONTAINING PENALTIES NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is deemed in the best interest of the City of Taylor for the health, safety and welfare of its citizens that an ordinance be established to regulate manufactured homes within the City of Taylor, Texas, and that mobile homes be prohibited; and

WHEREAS, this Ordinance shall be known and cited as the “Manufactured Home Ordinance” of the City of Taylor, Texas. The provisions of this Ordinance shall apply to manufactured homes not in manufactured home parks.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish clear and unambiguous regulations pertaining to manufactured homes not in manufactured home parks in the City of Taylor and to promote thereby an attractive community.

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SECTION 2.0 DEFINITIONS

For the purpose of this Ordinance only, the following terms shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The legally designated inspection authority of the City or his/her authorized representative.

CITY. City of Taylor, Williamson County, Texas.

CITY OFFICIAL. The legally designated head of a City department or his/her authorized representative when acting in an official capacity.

FIRE CHIEF. The legally designated chief of the Fire Department of the City or his/her authorized representative.

MAIN ENTRANCE. The principal (most dominant) point of entry into a building that would be part of or directly connected to the main living area constructed as an integral part of the dwelling by use of similar building materials and techniques. A porch, covered or enclosed, or a foyer addition placed onto the side of a home for the purpose of redirecting the main entrance to the street does not constitute a main entrance, and will not be excepted.

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 (8) body feet or more in width or 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 including the plumbing, heating, air conditioning, and electrical systems. This term does not include a recreational vehicle.

MOBILE HOME. 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) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems.

PERSON. Any natural individual, firm, trust, partnership, association or corporation.

PLOT PLAN. Graphic representation, drawn to scale, in a horizontal plane delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

POLICE CHIEF. The legally designated Chief of the Police Department of the City or his/her authorized representative.

REPLACEMENT. The act of moving one manufactured home from its existing stand and replacing it with another manufactured home.

SITE PLAN. Same as Plot Plan.

SECTION 3.0 PERMITS

3.1 Mobile Homes

No permit shall be issued for the placement of a mobile home inside the City of Taylor and mobile homes are prohibited within the City of Taylor.

3.2 Manufactured Home Permits

All applications for permits shall be made upon standard forms provided by the Building Official and shall contain the following:

1. Name and address of the applicant.
2. Location and legal description of lot for manufactured home placement.
3. To the application shall be attached a copy of a site plan showing the location and orientation of the manufactured home, the required setbacks, and any other information specifically required herein or in the Zoning Ordinance of the City.

3.3 Permit Fee

Upon approval of an application request, a fee will be submitted to City in the amount described in the current Building Code fee schedule for single family dwelling unit.

3.4 Issuance of Permit

When upon review of the application, the Building Official is satisfied that the proposed plan meets the requirements of this Ordinance, a permit shall be issued.

3.4 Denial of Permit; Hearing

Any person whose application for a permit under this Ordinance has been denied may request a hearing on the matter.

SECTION 4.0 INSPECTION

4.1 Inspections Required

The Building Official, Building Inspector, the Fire Chief and the Police Chief are hereby authorized and directed to make such inspections as are necessary to determine compliance with this Ordinance.

4.2 Entry on Premises

The Building Official, Building Inspector, the Fire Chief, and the Police Chief shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

SECTION 5.0 NOTICES, HEARINGS, AND ORDERS

5.1 Notice of Violation; Requirements of Notice

Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this Ordinance, the Building Official shall give notice of such alleged violation to the owner as hereinafter provided. Such notice shall be:

1. in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time for the performance of the act it requires;
4. be served upon the owner, provided that the notice of order shall be deemed to have been properly served upon such owner when a copy thereof has been sent by certified mail to his last known address, or when he has been served with the notice by any method authorized or required by the laws of this state; and
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and the time necessary to effect compliance.

5.2 Appeal of Building Official's Denial of Permit

Any person affected by the refusal of the Building Official to issue a permit under the provisions of this Ordinance, may request and shall be granted a hearing on the matter before the Zoning Board of Adjustments (ZBA), provided that such person shall file within thirty (30) days after the permit was refused, in the office of the Building Official, a written petition requesting the hearing and setting forth a brief statement of the grounds therefor. Upon receipt of the petition, the Building Official shall place the request on the next regularly scheduled ZBA agenda allowing for proper notice to be sent to all property owners within a two hundred (200) foot radius of the property where appeal is requested.

5.3 Hearing Order

After an appeal hearing before the Zoning Board of Adjustments, the Building Official shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in Section 5.1(4). Upon failure to comply with an order by the Building Official sustaining or modifying a decision thereof, the occupancy affected by the order shall be revoked. The City shall then be entitled to seek all remedies provided by law to remedy the violation.

5.4 Order Without Notice

Whenever the Building Official finds that an emergency exists which requires immediate action to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this Ordinance, the order shall be effective immediately. Any person to whom an order is directed shall comply therewith immediately, but upon written petition to the Building Official shall be afforded a hearing as soon as possible.

SECTION 6.0 SITE PLAN/REQUIREMENTS

6.1 The site plan shall be filed as required and shall address the information that is required by this Ordinance and the Zoning Ordinance. In no event shall a site plan be approved if:

1. more than one manufactured home is located on the lot; or
2. the manufactured home is located on a lot upon which another structure is occupied or which could be occupied as a residential dwelling.

6.2 Plans for the foundation and anchoring system shall be sealed by a State of Texas Registered Engineer or clearly demonstrate that the submitted system meets or exceeds all the applicable standards set forth by the Texas Department of Housing and Community Affairs and the City of Taylor Building Code.

6.3 The site shall be located on a well-drained, properly graded lot with an elevated pad where the home is to be located, to insure rapid drainage and freedom from stagnant pools of water.

6.4 The site shall be of adequate size to insure compliance with parking requirements in the Zoning Ordinance for single family dwelling.

6.5 The site shall be of adequate size to insure compliance with the main entry requirements in the Zoning Ordinance for single family dwelling.

SECTION 7.0 PLUMBING AND GAS SYSTEMS

The installation of plumbing and gas systems that connect the home to utilities and replacement of an existing system or additions to the system shall comply with City's Plumbing and Gas Code. Fees and inspections as per code requirements.

SECTION 8.0 ELECTRICAL

The installation of electrical systems that connect the home to utilities and replacement of an existing system or additions to the system shall comply with City's Electrical Code. Fees and inspections as per code requirements.

SECTION 9.0 MECHANICAL SYSTEMS

The installation of mechanical systems that connect the home to utilities and replacement of an existing system or additions to the system shall comply with City's Mechanical Code. Fees and inspections as per code requirements.

SECTION 10.0 ANCHORAGE REQUIREMENTS

Anchoring systems shall be sealed by a State of Texas Registered Engineer or clearly demonstrate that the submitted system meets or exceeds all the applicable standards set forth by the Texas Department of Housing and Community Affairs and the City's Building Code.

SECTION 11.0 MANUFACTURED HOMES PROVISIONS

11.1 All requirements of the zone in which application is made shall be adhered to, including but not limited to, lot size, yard requirements, height limitations and parking standards unless otherwise required herein.

11.2 Each manufactured home shall be required to install view obstruction skirting with the necessary vents, screens, and/or openings around the base before utilities are released for connection. The exception is if a copy of their contract can be provided showing the skirting is part of an installation package or that it has already been paid for with a reasonable completion date stated on the receipt.

11.3 The occupant shall comply with all requirements of this Ordinance and shall maintain his/her manufactured home, its facilities and its equipment in good repair and in a clean and sanitary condition.

11.4 The occupant shall be responsible for proper placement of his/her manufactured home in its stand and proper installation of all utility connections in accordance with this Ordinance and regulations pertaining thereto and the appropriate City officials.

11.5 Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions:

1. the storage area shall have a base of impervious material, and
2. stored items shall not interfere with the underneath inspection of the manufactured home.

11.6 Only one manufactured home shall be located on a lot and a manufactured home shall not be located on any lot having another dwelling occupied or which could be occupied as a residency.

11.7 All manufactured homes located on lots in the City shall comply with yard setbacks as required in the Zoning Ordinance. A front lot line shall be deemed the lot line located on a public right-a-way. In the event a manufactured home is located on a corner lot, the front lot line shall be the lot line facing the main entrance of the manufactured home.

11.8 All manufactured homes, if unoccupied or if utility services to them are disconnected for six (6) months or more, shall require City inspection to determine compliance with City Code and City ordinances before occupation or utility restoration.

SECTION 12.0 OCCUPANCY

12.1 No more than one (1) family unit shall occupy any manufactured home and shall not be used as multi-family dwellings.

12.2 Recreational vehicles shall not be included in the definition of manufactured homes.

SECTION 13.0 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City shall be subject to a fine not to exceed Two Thousand (\$2,000.00) dollars for each offense, except however, where a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law; and each and every day said violation is continued shall constitute a separate offense.

SECTION 14.0 REPEALING CLAUSE

All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 15.0 SEVERABILITY CLAUSE

Any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect..

SECTION 16.0 PUBLICATION

The City Clerk is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION 17.0 INTRODUCTION

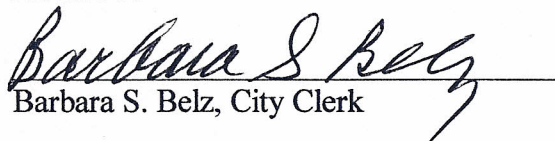
In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council on the 28th day of August, 2001.

PASSED, APPROVED and ADOPTED on the 13th day of December, 2001.



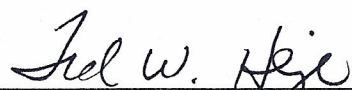
Jeffrey M. Berger, Mayor
City of Taylor, Texas

ATTEST:



Barbara S. Belz, City Clerk

APPROVED AS TO FORM:



Ted W. Hejl, City Attorney