

Motion was made by Frankie Wade, seconded by Kenny Whittleman, that the following Ordinance be passed:

No. 244

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TO REGULATE MANUFACTURED HOMES FOR RESIDENTIAL AND BUSINESS USE IN THE CITY; REPLACING AND AMENDING CHAPTER 18, CODE OF ORDINANCES, CITY OF SHEPHERD IN EFFECT FOR THE REGULATION OF MANUFACTURED HOME TRAILER PARKS IN THE CITY OF SHEPHERD, TEXAS; DEFINING TERMS; IDENTIFYING THE PURPOSE OF THE ORDINANCE; PROVIDING GENERAL RESTRICTIONS AND REQUIREMENTS FOR MANUFACTURED HOMES AND MOBILE OFFICE UNITS; PROHIBITING PRE-1976 MOBILE HOMES; REGULATING THE LOCATION AND REPLACEMENT OF MANUFACTURED HOMES OUTSIDE MANUFACTURED HOME PARKS AND SUBDIVISIONS; ESTABLISHING A REQUIREMENT FOR A CONSTRUCTION PERMIT AND OTHER PERMIT FEES FOR MANUFACTURED HOMES PARKS; REQUIRING ANNUAL LICENSE APPLICATION AND FEES; REQUIRING CERTAIN INFORMATION TO BE PROVIDED BY MANUFACTURED HOME PARK OWNERS; REQUIRING A PARK PLAN, RECORD KEEPING, PARK RULES AND REGULATIONS, MAINTENANCE, AND ON-SITE MANAGEMENT AND SUPERVISION OF THE PARK; PROVIDING IN SOME CASES GRANDFATHER CLAUSE FOR CURRENT MANUFACTURED HOME PARKS; REQUIRING USE OF CITY WATER AND SEWAGE COLLECTION WITH A MASTER METER; REQUIRING REFUSE HANDLING AND FIRE PROTECTION; PERMITTING INSPECTION OF PARKS AT ANY AND ALL TIMES; ESTABLISHING PROCEDURES FOR SUSPENSION REVOCATION OF THE LICENSE OR PERMIT; PROVIDING REGULATIONS FOR MANUFACTURED HOME AND DE FACTO MANUFACTURED HOME SUBDIVISIONS; PROVIDING PENALTIES OF UP TO \$500.00 FOR EACH VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING A SAVINGS CLAUSE AND REPEALING CLAUSE; COMPLYING WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING THE PASSAGE OF THE ORDINANCE UPON PROPER PUBLICATION.

WHEREAS, the City Council of the City of Shepherd desires to regulate manufactured homes, mobile homes, and recreational vehicles in the City; and

WHEREAS, the City Council hereby replaces and amends Chapter 18, "Trailer Parks" of the Code of Ordinance for the City of Shepherd;

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS, THAT:

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MANUFACTURED HOME ORDINANCE

ARTICLE I MANUFACTURED HOUSING REGULATIONS

SECTION 1. DEFINITIONS

The following terms, phrases and words as used in this chapter shall have the following respective definitions:

Building Official means the City Mayor, his/her designee, a Building Inspector, or Code Enforcement Officer for the City of Shepherd, Texas.

City means the City of Shepherd, Texas.

Construction Permit means the permit required for the construction, alteration or extension of any manufactured home park in the City.

“De facto” Manufactured Home Subdivision means an area not located within a platted manufactured home subdivision but which has been substantially occupied with manufactured housing and which has been designated by the City Council as suitable for the installation of additional manufactured homes.

HUD means the United States Department of Housing and Urban Development.

Installation means, when used in reference to manufactured housing, the transporting of manufactured homes or manufactured homes components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air conditioning and minor adjustments.

Label means a metal inspection label or plate which has been permanently affixed by the manufacturer or by an approved testing agency to a manufactured home or recreation vehicle or to equipment used in connection therewith, and which contains a serial number if required, the specifications of the vehicle or the equipment to which it is attached, and refers to any standards that have been met in the construction of such vehicle or equipment. Units that do not possess this label shall not qualify for placement in a manufactured home park, or anywhere in the corporate limits of the City.

License or Permit means a manufactured home park operator's license which may be referred to as a permit issued by the City. Said license is not transferable to another person, firm, or corporation without prior approval by the City.

Licensee means the person to whom a manufactured home park operator's license has been issued by the City.

Manufacturer means the manufacturer of a manufactured home or a recreation vehicle.

Manufactured Home means a portable structure constructed on a chassis and which has been designed so that it may be occupied and used without a permanent foundation. For the purpose of this chapter, a manufactured home shall mean a single family dwelling unit suitable for year-round occupancy and which has provision for electrical and water connections and which provides for waste disposal in compliance with the City plumbing code requirements for dwellings. Such structure shall be constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development ("HUD").

Manufactured or Mobile Home Park (*the terms are interchangeable*) means a tract or parcel of land used for rental or lease occupancy by two or more manufactured homes for occupancy as residential dwellings or for the temporary occupancy of recreation vehicles.

Manufactured Home Space or Lot means that part of a manufactured home park, which has been improved for the placement of the manufactured home or recreation vehicle, including all required appurtenances and having provision for available utility connections.

Manufactured Home Subdivision means a legally platted subdivision of lots which is intended to serve as sites for the installation of manufactured homes for use and occupancy as residential dwellings.

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 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. (Except for those mobile homes already in the City on the date of this Ordinance, mobile homes as defined are no longer permitted in the City of Shepherd.)

Mobile Office Unit means a transportable, factory-assembled unit designed as temporary office facilities for construction projects or temporary offices associated with commercial, industrial, business or institutional activities

Occupant means the person or persons who occupy a manufactured home or recreation vehicle.

Operator means the manager of a manufactured home park who is responsible for its operation and/or maintenance.

Owner means the owner or lessee, whether one or more, of the premises on which a manufactured home park or manufactured home space is operated when such person is not a licensee.

Permitee means the person to whom the City has issued an occupancy permit for a manufactured home installed or relocated in the City as authorized by Section 4 of this article.

Person means a natural person, his/her heirs, executors, administrators or assigns, and shall also include a firm, partnership, joint venture, or corporation, its successors or assigns or the agent of the aforesaid.

Permanent Foundation means a foundation which meets the requirements of §80.21 of Title 10, Part 1, Chapter 80 of the Texas Administrative Code (relating to Requirements of the Installation of Manufactured Homes) and is constructed according to drawings, as required by that section, which state that the foundation is a permanent foundation for a manufactured home. (**See Exhibit "C"**)

Recreation Vehicle means a portable vehicle built on a chassis and designed as a temporary dwelling for travel, recreation and vacation use, and which has been permanently identified by the manufacturer when such a vehicle has been equipped by the manufacturer for travel on public streets and highways, the body of such vehicle shall not exceed eight feet (8') in width but may be of any length, or a recreation vehicle may be of any height. The term *recreation vehicle* shall also be deemed to include all other portable contrivances other than manufactured homes used or intended to be used generally for living and sleeping quarters and which may be moved under its own power, towed, or transported by another vehicle.

Residential Subdivision means a tract of land which has been divided for sale into two or more lots or smaller tracts of land for single-family houses.

Service Building means a structure housing toilet facilities, lavatories, laundries, storage facilities, bathing facilities, and such other facilities as may be required or permitted under the provisions of this chapter and which is used in connection with the operation of a manufactured home park.

Sewer Connection means the connection consisting of the pipes, fittings and

appurtenances from the drain outlet of the manufactured home or recreation vehicle to the inlet of the corresponding sewer riser pipe of the sewer system serving the manufactured home park.

Sewer Riser means that portion of the pipe of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured home space.

Utilities mean the sewer collection, water, gas, telephone, cable, or electrical distribution system, which are available for connection to manufactured homes or recreation vehicles in manufactured home parks.

Utility Connection means the connection of available utilities to a manufactured home or recreation vehicle placed at a manufactured home space in a manufactured home park.

Water Connection means the connection of the pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe for the water distribution system of a manufactured home or recreation vehicle.

SECTION 2. PURPOSE AND INTENT OF ORDINANCE

The purpose and intent of this Ordinance is:

- A.** To provide certain minimum standards, provision, and requirements for safe, sanitary and suitable methods of construction and operation of present and future manufactured home parks within the City.
- B.** To assure that manufactured home parks shall not become a menace to public health, safety or welfare, nor a detriment to the property values of the neighborhood.
- C.** To provide proper locations, sanitary and healthful conditions and facilities for manufactured homes and recreation vehicles within the City.

SECTION 3. GENERAL RESTRICTIONS

A. New installation of mobile homes prohibited

- (1) No mobile home may be installed for use or occupancy as a residential dwelling within the City after the date of this Ordinance. No manufactured housing other than HUD-code manufactured homes may be installed for use or occupancy as a residential dwellings within the City after the date of this Ordinance.

- (2) **Grandfather Clause:** Mobile homes and manufactured homes in place prior to the time of the adoption of this Ordinance may remain where they are (“grandfathered” in). However, after the date of this Ordinance, if and when the owner of record sells or conveys ownership of the mobile home, or sells or conveys ownership of the property on which the mobile home is located, then the new owner of the mobile home may no longer claim “grandfather” status unless the mobile home passes a City-approved inspection. If at that time it fails to pass a City-approved inspection, the mobile home will no longer be permitted to remain in the City.

B. Restrictions for manufactured homes

1. All manufactured homes shall be installed in approved manufactured home parks, manufactured home subdivisions, or *de facto* manufactured home subdivisions. Unless otherwise provided in this chapter, no manufactured home may be used as a commercial building or for business purposes.

2. Exceptions:

- a. Any new manufactured home, or used manufactured home which has passed an inspection by a licensed inspector, that will be installed on a tract of property of 2 acres or more in size outside of a residential subdivision is exempt from the above restriction.
- b. The City Council may grant a **variance** to the restriction in Paragraph B (1) above whenever it believes that the proposed manufactured home will have a median taxable value equal to or greater than other single-family homes within 500 feet of the property on which the manufactured home will be located, as determined by the most recent certified tax appraisal for San Jacinto County.

C. Existing manufactured homes

An existing manufactured home located outside of a manufactured home park or manufactured home subdivision and occupied as a residence as of the date of this Ordinance will be allowed to remain on its existing site until the condition of the manufactured home violates the City codes. When the condition of the manufactured home violates City codes, the Building Official shall require the owner to repair it, move the manufactured home out of the City, or demolish it. Within a period of 90 days, or in the case of a fire or natural disaster, a period of 180 days, the

owner may replace the manufactured home with another manufactured home one time only, which passed a "Property Inspection Report" or similar HUD-approved inspection report submitted by a licensed inspector and complies with Subsection D below. If the unit is not in conformance with building standards, it shall be denied an occupancy permit, and utilities shall not be connected to it.

D. Any replacement manufactured home shall:

(1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the replacement manufactured home will be located, as determined by the most recent certified tax appraisal for San Jacinto County;

(2) have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the manufactured home will be located;

(3) comply with City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to other single-family dwellings in the neighborhood; and

(4) be securely fixed to a permanent foundation by a licensed installer in accordance with §80.21 of Title 10, Part 1, Chapter 80 of the Texas Administrative Code. (**See** Exhibit "C")

(5) For purposes of this subsection, "value" means the taxable value of the manufactured home and lot before the installation of the manufactured home on the lot.

E. If any manufactured home located in a manufactured home park or subdivision violates a City code, it shall be replaced with a manufactured home that has passed inspection by a licensed inspector, and be subject to the provisions of subsection (A) above.

F. Variance. Any person who seeks an exception or variance to this chapter may submit his/her request in writing to the City Secretary who shall present the request to the City Council for its consideration. The City Council may grant a variance to this chapter if it finds that granting the requested variance promotes fairness, does not reward self-created hardships, does not provide special favors, and is clearly in the best interest of the public and the neighborhood in which it may be placed. Each variance request shall be considered on its own merits on a case-by-case basis, and shall not be construed to set a precedent for future requests.

SECTION 4. MANUFACTURED HOME USE AND OCCUPANCY PERMIT

- A.** No manufactured homes may be used or occupied as a residential dwelling within the City unless a permit for such use and occupancy has first been issued by the Building Official through the City Secretary. Any manufactured home that is located in the City which is subsequently relocated to another lot within the City must be issued a new occupancy permit. All pre-owned manufactured homes must pass a Property Inspection Report, a copy of which is attached as Exhibit "B", or similar HUD-approved inspection report prepared by a licensed inspector before an occupancy permit will be issued. The completed inspection report must be submitted at the time the application for occupancy permit is submitted.
- B.** Unless the Building Official denies an application to install a HUD-code manufactured home for use and occupancy as a residential dwelling within 45 days from the receipt of the application, the application is deemed approved and granted. The Building Official shall send the applicant a written denial of the application with the reasons for the denial.
- C.** It shall be a condition of each manufactured home's use and occupancy permit that the home be installed in accordance with all applicable federal and state regulations, specifically including the requirements of §80.21 of Title 10, Part 1, Chapter 80 of the Texas Administrative Code (relating to Requirements of the Installation of Manufactured Homes) and is constructed according to drawings, as required by that section, which state that the foundation is a permanent foundation for a manufactured home. (**See** Exhibit "C")
- D.** Outside of manufactured home parks, it shall be an additional condition of each manufactured home's use and occupancy permit that:
- (1) Each manufactured home be skirted to conceal view of the undercarriage from all sides; and
 - (2) Each manufactured home shall be accompanied by an accessory building providing not less than 400 cubic feet of storage space.
- E.** A manufactured home's use and occupancy permit shall be of indefinite duration and shall remain in effect for so long as the manufactured home is not relocated and is maintained in accordance with the applicable requirements of this chapter.
- F.** A manufactured home's use and occupancy permit may be revoked if:
- (1) The manufactured home is not connected to City utilities when available; or is disconnected from water, sewer, or electrical supply for failure to pay any for such utilities after reasonable notice,

unless the failure to pay is not the fault of the Permittee of the manufactured home.

- (2) The manufactured home becomes unsafe or uninhabitable; or
- (3) The license of the manufactured home park within which the home is located is revoked.

G. Each application for issuance of a manufactured home use and occupancy permit must be on the form prescribed by the City Council and must be accompanied by an application fee in the amount as set out in Exhibit "A".

H. The application must include:

- (1) The applicant's name, address and telephone number;
- (2) The make, model and year of manufacturer of the manufactured home;
- (3) The number of each label attached to all separate transportable sections of the manufactured home attesting that the section has been manufactured and inspected in accordance with the applicable requirements of the Department of Housing and Urban Development; and
- (4) The location at which the manufactured home is to be installed, including as appropriate:
 - (a) The name and address of the licensed manufactured home park and the space in which the home will be installed; or
 - (b) The street address and lot and block location within a manufactured home subdivision where the home will be installed, as well as the name and address of the lot owner if different from the applicant.

SECTION 5. ADMINISTRATION OF PERMITS, REVOCATION

A. The Mayor or a designated official acting under the supervision of the Mayor shall be responsible for administration of the provisions of this chapter, including those relating to the issuance and revocation of permits.

B. Whenever any manufactured home or manufactured home park is operated or maintained in a manner in violation of the conditions of a license, permit or certificate of occupancy issued under this chapter, the Building Official shall give written notice by certified mail and/or personal hand delivery to the interested party of the nature of the violation and of any required remedial action. The notice shall direct the person to remedy the violation within 30 days from the date of the notice, or appeal the citation to the City Council at its next meeting. The notice shall be deemed sufficient if mailed to the address of the person as indicated upon the face of the permit or license application.

- C. Should any person fail to remedy a violation after notice provided by subsection (B) of this section or appeal to the City Council after the expiration of 30 days from the date of the notice, the Mayor may revoke the license, permit or certificate of occupancy, and order the disconnection of City utilities.

SECTION 6. APPEALS FROM DECISION OF MAYOR OR BUILDING OFFICIAL

- A. Any person whose application for a license or permit has been denied by the Mayor shall have the right to appeal such decision to the City Council by filing a written appeal to the City Secretary within five (5) business days of receiving written notice.
- B. Any license revocation or suspension, or any order for a utility disconnection, or any decision, order or action taken by the Mayor or a Building Official, may be appealed to the City Council by any person affected by the decision by filing a written appeal to the City Secretary within five (5) business days of receiving written notice.
- C. Any such appeal shall be heard and determined by the City Council within 30 days of the filing of the notice of appeal to the City Secretary.

SECTION 7. MISCELLANEOUS MANUFACTURED HOME AND RECREATION VEHICLE REQUIREMENTS

- A. Each manufactured home in the City shall have two (2) exit doors. Such doors shall be located remote from each other. Screen doors shall be of the hinged type, opening outwardly from the inside.
- B. Each manufactured home in the City must meet the definition of a manufactured home as given in Section 1 of this Chapter and have a permanent label affixed to it which certifies it as meeting the definition. Existing manufactured homes in the City as of the date of this Ordinance are exempt from this requirement.
- C. Each recreation vehicle in a manufactured home park must meet the definition of a recreation vehicle as given in Section 1 of this Chapter and have a permanent label affixed to it which certifies it as meeting the definition. All recreation vehicles must maintain applicable current state registration. Existing recreation vehicles as of the date of this Ordinance and recreation vehicles not located in a manufactured home park, and not occupied as a full-time residence, are exempt from this requirement.
- D. Each manufactured home in the City shall have a skirt that will conceal from view the undercarriage on all sides of the manufactured home. Acceptable skirting material includes polyvinyl or other material that shall

be approved in writing by the Building Official. Because polyvinyl will deteriorate when exposed to the sun, skirting of this material must be properly maintained and or replaced if and when it becomes unsightly.

SECTION 8. MOBILE OFFICE UNITS.

- A. Temporary Construction Facilities.** A mobile office unit may be used as a temporary facility for any construction project in the City, provided that a valid building permit has been issued for such project by the Building Official with the applicable fee set out in Exhibit "A".
- B. Temporary Offices.** A mobile office unit may be used to house temporary offices, provided that the following conditions are met:
- (1). The proposed office use and location conforms to the City regulations.
 - (2) Any such mobile office unit has documentation certifying that it has been manufactured in accordance with nationally recognized standards.
 - (3) All installation standards of this chapter are met and an installation permit as specified in this chapter is obtained for any such mobile office unit.
 - (4) Any such unit is anchored to be ground as specified in this chapter.
 - (5) All utility connections are inspected as provided in this Chapter, and comply with requirements of this chapter.
 - (6) Any such mobile office unit complies with the City building codes regarding exits and handicapped accessibility.
 - (7) Any such unit is inspected and a certificate of inspection issued therefore as prescribed in this chapter prior to occupancy.
 - 8) Any such unit shall be limited to use as a temporary office or commercial space for a period of one (1) year from the date of the certificate of inspection. Manufactured units may be used to allow a new commercial business to get started, however within a period not to exceed 365 calendar days, a permanent structure must be in place for long term use, with all the applicable permits issued and fees paid.
 - (9) Any such unit shall be provided with fire protection water supply, fire hydrants and fire department access as specified in the City fire code.
- C. Right-of-Way Encroachment.** No mobile office shall be placed on or encroach into the public right-of-way without specific written permission for such encroachment from the Building Official.

SECTION 9. TERRITORIAL APPLICATION

The provisions of this chapter shall apply throughout the corporate limits of the City. The provisions of this chapter applicable to the design, construction and operation of manufactured home parks and subdivisions shall also be applicable

to any manufactured home park or manufactured home subdivision located outside the City which is connected to City water or sewer utility service.

ARTICLE II
MANUFACTURED HOME PARKS

SECTION 10. CONSTRUCTION PERMIT REQUIRED FOR MANUFACTURED HOME PARKS

- A.** It shall be unlawful for any person or persons to construct, alter or extend any manufactured home park within the corporate limits of the City without obtaining a manufactured home park construction permit approved by the City.
- B.** Application for a construction permit shall be made to the City Secretary and the following information and items shall be furnished:
- (1) Name and address of applicant.
 - (2) Identity of all persons who hold any financial interest or security interest in the manufactured home park.
 - (3) Location and legal description of the manufactured home park.
 - (4) Complete plans and specifications prepared by a registered professional engineer for the proposed park showing:
 - (a) Topographic contours of not more than two (2) foot intervals.
 - (b) Title or name of the manufactured home park.
 - (c) Names and addresses of persons or firms preparing plans and specifications.
 - (d) North point and scale.
 - (e) Key map showing location of the manufactured home park in relation to any existing streets and highways and original survey lines.
 - (f) The area and dimensions of the tract of land.
 - (g) A plat or map of the proposed manufactured home park showing the number, location and size of all manufactured home sites, spaces, locations and widths of roadways and walkways, service buildings and other proposed structures.
 - (h) The location of water and sewer lines and riser pipes.
 - (i) Plans and specifications for the water system, sewer system, gas lines (if any), and refuse disposal facilities.
 - (j) Plans and specifications for all buildings to be constructed within the manufactured home park.
 - (k) The location and details of lighting and electrical systems.

- (l) Five copies of the plans and specifications shall be submitted to the Mayor for review, who may refer the park plans to the City engineer for review.
 - (m) The Mayor present the plans to the City of Shepherd Planning Commission for its review and recommendations to the City Council regarding the approval or denial of the application when the plans and specifications are completed in accordance with this Ordinance.
 - (n) After approval by the City Council, two final approved copies of the plans and specifications shall be submitted to the City Secretary for records retention before a construction permit is issued.
- C.** A separate permit shall be required for the building, electrical, plumbing, driveways, sidewalks and other permits when required by City codes.
- D.** A non-refundable construction permit fee shall be submitted with the permit application. The amount of the permit application fee and any engineering review fees shall be set out in a separate fee schedule.

SECTION 11. MANUFACTURED HOME PARK OPERATOR'S LICENSE REQUIRED

- A.** It shall be unlawful to establish, maintain or operate a manufactured home park without first securing a manufactured home park license. All manufactured home parks in existence upon the effective date of this Ordinance shall comply fully with the requirements of this chapter, except where grandfathered by this chapter.
- B.** Licenses shall be valid for a period of one year beginning on the date the license is approved, and shall be renewable annually thereafter on the anniversary date. A nonrefundable license application fee shall accompany each application for a license and license renewal. The City Council shall determine the license and annual license renewal fees. The amount of these fees shall be set out in a separate fee schedule.
- C.** To receive a license renewal, the manufactured home park operator must provide a park plat or map and a park inventory to the City in a format approved by the City Council at the time the annual permit fee is renewed each year.
- (1) The plat or map of the park must show the number, location and size of all manufactured home spaces, sites, locations and widths of roadways and walkways, service buildings and other proposed structures.

(2) This inventory shall include, but shall not be limited to, the following information about each manufactured home or recreation vehicle: owner's name and address, size, manufacturer, move-in date and current condition.

- D. A license may not be renewed if the manufactured home park operator does not correct violations of this chapter cited by the Building Official. As directed by the Building Official, a period of up to ninety (90) days shall be allowed to correct the noted violations. After that time, the Building Official, after reasonable notice to the operator, may suspend or revoke the park license if the violations have not been corrected, and the operator shall be forced to close the manufactured home park.

SECTION 12. MANUFACTURED HOME OR RECREATION VEHICLE CONNECTED TO UTILITIES

It shall be unlawful for any person to occupy a manufactured home or recreation vehicle in a manufactured home park unless such manufactured home or recreation vehicle has first been connected to the utilities available in such park.

SECTION 13. INSPECTION OF A MANUFACTURED HOME PARK

- A. The Building Official, or his/her designee, shall make such inspections as are necessary to insure compliance with the provisions of this chapter.
- B. By the accepting the license, the licensee shall be deemed to authorize the inspection of a manufactured home park at all reasonable hours, which shall usually be during normal working hours. Failure to permit an inspection shall be grounds for suspension or revocation of the license. Where there is reason to believe a violation may exist before or after the hours of normal inspection, the Building Official may authorize special inspections at any time.
- C. Failure or refusal of a manufactured home park occupant to permit inspection by the Building Official or designee, or to permit the licensee to make necessary repairs or alterations in compliance with the requirements of the Building Official, shall constitute grounds for disconnection of the utilities serving such manufactured home. The manufactured home occupant shall have the right to appeal any decision, order or action of the Building Official by following the same procedure provided for appeals from license denials, suspensions or revocations by the Building Official found in Section 6 of this chapter.

SECTION 14. MAINTENANCE OF PARK RECORDS

All operators of manufactured home parks in the City shall keep and maintain a register of the manufactured home and recreation vehicle units located therein, identifying the name of said owner, date of arrival, make, model, and year of the manufactured home unit, state certificate, the state issuing the certificate, location of the unit in the park, and departure date. The register records shall not be destroyed for a period of three (3) years following the date of registration.

SECTION 15. SUSPENSIONS, REVOCATIONS AND DISCONNECTIONS

- A.** The Mayor shall have authority to suspend or revoke a license or to order utility disconnections for the following violations of the provisions of this chapter:
- (1) A license may be suspended for any period of time up to twelve (12) months for a violation affecting the health, safety or welfare of occupants of a manufactured home or of other persons or property.
 - (2) A license may be revoked for a condition which is dangerous to life or property.
 - (3) For a violation of the provisions of this chapter deemed to require a license suspension or revocation, the utility connection servicing any space or any structure in a manufactured home park may be disconnected or caused to be disconnected; provided a utility disconnection may be ordered in connection with a license suspension or revocation as to all or any part of a manufactured home park if necessary to protect life or property.
 - (4) No license shall be suspended or revoked by the Mayor until written notice is served on the manufactured home park operator, and the operator is given five (5) business days to file a written appeal to the City Council as provided in Section 6 above.
- B.** The following procedures shall apply to a suspended or a revoked license:
- (1) After the period of suspension, a suspended license will be reinstated by the Mayor upon a showing of ability and willingness by the licensee to comply with the provisions of this chapter.
 - (2) A person whose license has been revoked may apply for a new license by making a new application and paying the required fee. Before granting a new license, the Mayor shall require the applicant to show ability and willingness to comply with the provisions of this chapter.

- (3) No sale, transfer or assignment of a suspended or revoked license will be recognized by the City; provided a person whose license has been suspended or revoked may sell, transfer or assign his interest in the premises, if any, to another person who may then submit an application for a license to operate the manufactured home park. If it is shown by the applicant that he/she has had no previous responsible connection with the manufactured home park, he/she will be eligible for a new license. If a new license is granted, the new licensee may commence to operate the manufactured home park upon issuance of the license.
 - (4) Where a person whose license has been suspended or revoked has no interest in the premises other than by agreement with the owner of the premises, such person may advise the City in writing of his withdrawal from any further connection with the manufactured home park. In this event, and if it be shown that the owner or owners had no responsible connection with the actual operation and maintenance of the manufactured home park, a new application may be made by any person other than the person whose license was suspended or revoked. If the new license is granted, the new licensee may commence to operate the manufactured home park upon issuance of the license.
- C. In addition to suspension or revocation of a license, the City may pursue criminal penalties and civil remedies against any person or entity which violates this chapter.

SECTION 16. CONSTRUCTION, ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS OF MANUFACTURED HOME PARKS

- A. No construction or permit license may be issued on a new manufactured home park until the park plat is reviewed and approved by the Mayor and City Council. All engineering fees for review shall be paid by the applicant.
- B. All permits will be issued based upon the availability of City water and sewage treatment capacity as determined by the Mayor.
- C. **General Requirements.** The minimum size of a manufactured home park shall be five (5) acres. Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to dangerous conditions or subject to unpredictable and/or sudden flooding, subsidence or erosion.

- D. Two Entrances.** All manufactured home parks with five (5) or more manufactured homes or recreation vehicles shall have two (2) entrances into the park for health and safety purposes. Emergency vehicles must be able to enter and exit without having to back up.
- E. Soil and Ground Cover Requirements.** Exposed ground surfaces in all areas of every manufactured home park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- F. Site Drainage Requirements.** The ground surface in all areas of every manufactured home park shall be graded and equipped to drain all surface water in a safe efficient manner. The following shall be shown on the plans and specifications prepared by a registered professional engineer:
- (1) Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch, storm sewer or detention pond is proposed, calculations shall be submitted showing the basis for design.
 - (2) When a drainage channel, storm sewer, or detention pond is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.
 - (3) When conditions upstream or downstream from a proposed detention pond, drainage channel or storm sewer do not permit maximum design flow, high water marks based on five (5) year frequency shall be indicated based on existing conditions.
- G. Required Separation Between Manufactured Homes in Manufactured Home Parks.**
- (1) Manufactured homes shall be separated from each other and from buildings and structures by at least fifteen (15) feet on the sides and end-to-end clearance of ten (10) feet. Existing manufactured homes in manufactured home parks as of the date of this Ordinance are exempt from this requirement.
 - (2) An accessory structure which has a horizontal area exceeding twenty-five (25) square feet and is attached to a manufactured home or located within ten (10) feet shall, for purposes of all separation requirements, be considered to be part of the manufactured home.

H. Required Recreation Areas.

- (1) In all manufactured home parks accommodating or designed to accommodate twenty-five (25) or more manufactured homes, there shall be not less than one recreation area which shall be easily accessible to all park residents.
- (2) The size of such recreation areas shall be based upon a minimum of one hundred (100) square feet for each manufactured home space. No outdoor recreation area shall contain less than 2,500 square feet.
- (3) Recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.

I. Required Setbacks, Buffer Strips and Screening in Manufactured Home Parks.

- (1) Any manufactured home park constructed after the date of this Ordinance shall be located one hundred (100) feet or more from an existing residential area, church or retail business. All existing manufactured home parks as of the date of this Ordinance are not required to meet the aforementioned requirement unless a manufactured home park has not had its license renewed for a period of two years. At such time, the Mayor shall require the manufactured home park to be one hundred (100) feet or more from an existing residential area, church or retail business.
- (2) All manufactured homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway and at least five (5) feet from an interior property boundary line.
- (3) All manufactured home parks shall be screened with a vegetation barrier that will grow to a minimum six (6) feet high along the rear and side property boundary lines surrounding the entire park. One front and rear entrance to the park shall be the only allowed openings in the barrier. The barrier shall comply with the City codes and shall be inspected for proper maintenance by the Building Official during the annual inspection of the park. Existing manufactured home parks in the City as of the date of this Ordinance will have one year to comply with this requirement.

J. Park Street System

- (1) **Street Construction and Design Standards.** Street construction and design with a manufactured home park, whether the street system is intended to be public or private, shall conform to the minimum standards for improvement of streets and roads found in those sections pertaining to public and or private streets in the City of Shepherd Subdivision Ordinance.
- (2) **Required Illumination of Park Street Systems.** All manufactured home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.
 - (a) All parts of the park street system shall have a minimum of 175 watts of mercury or sodium vapor illumination every 200 feet.
 - (b) Potentially hazardous locations, such as major street intersections and steps or stepped ramps, shall be individually illuminated.

K. Required Off-Street Parking Areas.

- (1) Off-street parking areas shall be provided in all manufactured home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of not less than two (2) spaces for each manufactured home space, each parking space to be accessible without moving another car. Each space shall be at least nine (9) feet width by twenty-six (26) feet long.
- (2) Required car parking spaces shall be so located as to provide convenient access to the manufactured home, but shall not exceed a distance of two hundred (200) feet from the manufactured home that it is intended to serve.

L. Manufactured Home and Recreational Vehicle Spaces.

- (1) Each manufactured home or recreation vehicle space shall be improved to provide an adequate poured concrete foundation that conforms to the Administrative Rules of the Texas Department of Community Affairs, Title 10, Texas Administrative Code, Chapter 80 which had an effective date of January 10, 2006, a copy of which is attached as Exhibit "C" to this Ordinance.

- (2) The manufactured home space shall not lean, shift or settle unevenly under the weight of the manufactured home due to inadequate drainage, vibration or other forces acting on the superstructure.

M. Grandfather Clause.

Except as provided herein, manufactured home parks permitted by the City and in compliance with City ordinances at the date of this Ordinance are exempted and “grandfathered” from the requirements of Section 16. However in the event “grandfathered” park is ever in violation of a City ordinance, or fails to conform to all regulations otherwise stated herein, then before a new permit is issued, the “grandfathered” park must come into compliance with Section 16.

SECTION 17: WATER AND SEWER SYSTEM

A. Water System - General Requirements. A manufactured home park shall be connected to the City water system with a Master Meter. The City will bill the park licensee for water and sewer usage in the park.

B. Water Distribution System.

- (1) The water supply system serving the manufactured home park shall be connected by pipes or other approved material to all manufactured homes, buildings, and other facilities requiring water.
- (2) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with the requirements of City codes and shall be of a type and in locations approved by the Building Official.
- (3) The system shall be so designed and maintained as to provide a pressure of not less than forty-five (45) pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.
- (4) All manufactured home parks with over ten (10) spaces shall be required to have a TCEQ-certified Class “D” water operator available to operate the park water distribution facilities.

C. Individual Water-Riser Pipes and Connections.

- (1) Individual water riser pipes shall be located within the confined area of the manufactured home space at a point where the water connection will approximate a vertical position.
- (2) Water riser pipes shall extend at least four (4) inches above ground elevation. The pipe shall be not less than three-quarter (3/4) inches in

diameter. The water outlet shall be capped when a manufactured home does not occupy the space.

- (3) Adequate provision shall be made to prevent the freezing of service lines. Valves and riser pipes shall be protected from heaving and/or thawing actions of the ground. Surface drainage shall be diverted from the location of the riser pipe.
- (4) A shutoff valve shall be provided near the water riser on each manufactured home space.
- (5) Underground stop and waste valves shall not be installed on any water service line.

D. Sewer Collection System--General Requirements. A manufactured home park shall be connected to the City's centralized sewer collection system.

E. Sewer Lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water distribution system as provided by state law and City codes. Sewer lines shall be at a grade, which will insure adequate flow as delineated in the City codes. All sewer lines shall be constructed of approved materials, shall be adequately vented, and shall have watertight joints.

F. Individual Sewer Connections.

- (1) Each manufactured home space shall be provided with at least one four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each space that the sewer connection to the manufactured home drain outlet will approximate a vertical position. Each manufactured home space shall be provided with a four (4) inch P-trap for the manufactured home sewer connection and be properly vented.
- (2) The sewer connection shall have an inside diameter not less than three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.
- (3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.

(4) Provision shall be made for capping the sewer riser pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above the ground elevation.

(5) Sewer lines shall conform to all City codes.

SECTION 18. ELECTRICAL SYSTEM

General Requirements. All manufactured home parks shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with City codes.

SECTION 19. REFUSE HANDLING

- A.** The storage, collection and disposal of refuse in the manufactured home park shall be conducted in a manner that will not create health hazards, rodent harborage, insect breeding areas, accidental fire hazards and/or air or water pollution.
- B.** Garbage and rubbish receptacles two (2) cubic yards or larger in capacity must be enclosed in a privacy fence, concealed from view and have a concrete foundation. All such receptacles shall be setback from the park driveway far enough for a garbage truck to operate along the driveway.
- C.** Garbage and rubbish will be placed in collection containers on a timely basis. No accumulation of garbage and rubbish is permitted within the manufactured home park.

SECTION 20. FUEL SUPPLY AND STORAGE

A. Natural Gas System.

- (1) Natural gas piping systems, if provided, shall be installed and maintained in accordance with the City codes and other regulations governing such systems.
- (2) Each manufactured home space provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

B. Liquefied Petroleum Gas Systems.

Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable laws, codes and regulations governing such

systems. Bulk storage and distribution system plans shall be submitted to the City for approval.

SECTION 21. FIRE PROTECTION

- A.** Manufactured home parks shall be kept free of litter, rubbish and other flammable materials.
- B.** Portable fire extinguishers of a type approved by the Building Official shall be kept in service buildings and all other locations designated by the Building Official. Such extinguisher shall be maintained in good operating condition.
- C.** Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

SECTION 22. MISCELLANEOUS PARK REQUIREMENTS

A. Responsibilities of the Manufactured Home Park Licensee.

- (1) The licensee of a manufactured home park shall be responsible for operation of such park in compliance with the provisions of this chapter and shall provide adequate supervision to maintain such park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The licensee shall be responsible for notifying park occupants of the applicable provisions of this chapter.
- (3) The licensee shall be responsible for supervising the placement of manufactured homes or recreation vehicles on manufactured home spaces within the manufactured home park. The licensee shall be responsible for maintaining a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park for the enforcement of this chapter or any other ordinances of the City.

B. Responsibilities of Park Occupants.

- (1) Manufactured home park occupants shall comply with all applicable provisions of this chapter, and each occupant shall maintain his/her manufactured home, manufactured home space, appurtenances and equipment in good repair and in a clean and sanitary condition.

- (2) Each manufactured home park occupant shall be responsible for the proper placement of his/her manufactured home or recreation vehicle on the manufactured home space and for proper installation of all utility connections.

C. Restrictions on Occupancy. A manufactured home or recreation vehicle shall not be occupied for dwelling purposes unless it is properly placed on a manufactured home space and properly connected to water, sewer, electrical and gas utilities, and other services that are required for the health and safety of the occupants.

D. Duties of Manufactured Home Park Licensee and Operator.

In addition to the above, it shall be the duty of the licensee, owner, his agent, representative or operator to comply with the following:

- (1) Permit regular inspection of water and sanitary conveniences.
- (2) Provide for the collection and removal of garbage and other waste material.
- (3) Prohibit the placing or storage of unsightly material or vehicles of any kind.
- (4) Provide for the regular cleaning, painting, repairing and disinfecting of all units as needed.
- (5) Take such other measures as may be deemed reasonably necessary by the City Council to preserve the health, comfort, and safety of all persons residing in the park and the general public.
- (6) Report immediately to a law enforcement officer of the City of Shepherd or San Jacinto County, Texas, all acts of disorderly conduct or other crimes committed by any person or persons inside the park.
- (7) See that the rules and regulations of the park and City are made known to residents of the park.
- (8) See that all manufactured homes are skirted to conceal the view of the undercarriage from all sides within sixty (60) days of arrival, with color coordinated metal, vinyl or other quality materials as approved in advance of installation by operator. Fiberglass, galvanized or corrugated metal, plastic, pressboard, plywood or lattice are not acceptable. Lattice around the bottom of decks is acceptable if color coordinated with the home.
- (9) No manufactured home may be moved into the park for refurbishing.
- (10) All manufactured homes shall provide safe access to the front and rear exits of the manufactured home, including adequate front and rear steps, pursuant to OSHA safety regulations.
- (11) No manufactured homes older than ten (10) years shall be moved into a manufactured home park unless it has been inspected and approved for safety by a state-licensed building inspector or the Building Official.
- (12) There shall be a 15 MPH speed limit sign posted at both entrances.

- (13) No vehicle parking shall be allowed on the driveway. EMERGENCY VEHICLES MUST BE ABLE TO DRIVE THROUGH AT ALL TIMES.
- (14) No unsightly, damaged, rundown, or inoperative vehicles, diesel rigs, large trucks, or large commercial vehicles (over 1½ tons) or equipment shall be allowed to park within the park.
- (15) No abandoned vehicles of unknown ownership elevated on jacks without wheels or with flat tires shall be allowed within the park.

SECTION 23. DENSITY REQUIREMENT

- A.** No more than eight (8) manufactured home spaces shall be situated per acre of unimproved land. Unimproved land means land upon which no roadways or sidewalks have been constructed as well as other types of improvements. Other space and distance requirements in this chapter shall not conflict with this requirement.
- B.** In the enforcement of this density requirement, the more restrictive of the standards shall be applied in any situation to determine compliance with this Section.

SECTION 24. ADDITIONAL CONSTRUCTION

It shall be unlawful for any person operating a manufactured home park or occupying a manufactured home therein, to construct or permit to be constructed in such park any additional structure, building or shelter in connection with or attached to a manufactured home unit; except, however, awnings or canvas or metal, storage sheds, fences, porches, carports, manufactured home skirts, antennas and all other improvements or other suitable construction which may be attached to said manufactured homes, provided same are first checked and approved in writing by the Building Official. Workmanship of all porches, skirting, awnings, and sheds must be of good quality as determined by the Building Official.

SECTION 25. SUPERVISION

A responsible attendant or caretaker, owner or operator shall be in charge at all times to keep the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition. This person shall be answerable, with the licensee for any violation of the provisions of this chapter.

ARTICLE III
MANUFACTURED HOME SUBDIVISIONS

SECTION 26. GENERAL PROVISIONS

Manufactured home subdivisions consist of developments which are exclusively designed for manufactured home occupancy. This class of development permits the use of lots which are of smaller width and area than standard residential development. Manufactured home subdivisions do not include manufactured home parks in which spaces are offered for lease only. Manufactured home parks need not be platted but must be approved, permitted and operated in accordance with the City's manufactured home park regulation. Manufactured home subdivisions must be platted in accordance with the provisions of the City of Shepherd Subdivision Ordinance.

SECTION 27. MINIMUM LOTS REQUIRED

Manufactured home subdivisions must include a minimum of 20 lots. The minimum of 20-lot requirement applies regardless of whether or not the lots are 5,000 square feet in area, or greater, and otherwise satisfy the requirements for standard residential development.

SECTION 28. MINIMUM WIDTH AREA

Manufactured home subdivision lots or spaces must have a minimum width of 40 feet and a minimum area of 4,200 square feet.

SECTION 29. COMPENSATING OPEN SPACES

Compensating open space in the amount of 250 square feet per lot is required for each manufactured home lot or space having an area of less than 5,000 square feet. Compensating open spaces must be configured and located so as to be generally accessible and conducive to use by the residents of the manufactured home subdivision. Compensating open spaces are not maintained by the City. Covenants filed of record and running with the land shall impose the responsibility for maintenance of the common space areas upon the manufactured home park operator or of the lot owners within the subdivision. Voluntary payments for public park improvements may be made in lieu of the reservation of onsite open spaces. Payments in lieu of open space reservations must be in an amount equal to the average predevelopment value of a like quantity of land within the development. Payments made in lieu of open space reservations shall be used exclusively for the acquisition or improvement of public works.

SECTION 30. STREETS, DRAINAGE, LIGHTING AND UTILITIES

Streets, drainage, lighting, and water and sewer service shall be provided in accordance with the provisions of the City Subdivision Ordinance.

SECTION 31. COMBINATION WITH OTHER HOUSING FORMS PROHIBITED
Manufactured home subdivisions must be devoted to the exclusive use of manufactured housing and may not be combined with other housing forms.

SECTION 32 “DEFACTO” MANUFACTURED HOME SUBDIVISIONS

When in the opinion of the City Council it is determined that subdivisions or areas within the city limits, but not included in permitted manufactured home parks, there is a preponderance of manufactured homes, not including mobile homes, where it will not create a negative influence or impact on the subdivision or neighborhood to place an additional HUD-code approved manufactured housing unit therein, the City Council may grant approval for placement of these units outside of an approved manufactured home park or manufactured home subdivision after it holds a public hearing.

ARTICLE IV
MISCELLANEOUS PROVISIONS

SECTION 33. FEES

- A. Fees for manufactured home parks and occupancy permits shall be determined by the City Council and shall be shown in a fee schedule attached to this Ordinance, or its amendments, as Exhibit “A”.
- B. The City Council shall have the right to change the fee schedule from time to time as necessary.

SECTION 34. CRIMINAL PENALTY

- A. A person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 for each act of violation, and each day or violation shall be considered a separate violation.
- B. In addition to proceeding under authority of subsection (A) of this Section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or ordinances against a person continuing to violate this chapter.

SECTION 35. REPEALING CLAUSE

Chapter 18, “Trailer Parks”, of the City Code or Ordinances is hereby repealed and replaced by this Ordinance, entitled Chapter 18, “Manufactured Homes”. All

other existing City Ordinances in conflict with provision of this Ordinance are repealed to the extent of the conflict.

SECTION 36. SAVINGS CLAUSE

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 37. TEXAS OPEN MEETINGS CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 38. EFFECTIVE DATE AFTER PUBLICATION

This Ordinance shall take effect and be in full force and effect from and after the date of its publication as provided by law.

PASSED AND APPROVED this 9th day of March 2009.

THE CITY OF SHEPHERD, TEXAS

Pat Lunsford, Mayor

ATTEST:

Donna Pitrucha, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

EXHIBITS:

Exhibit A:

Manufactured Home Fee Schedule

Manufactured Home Occupancy Permit.....	\$100 per unit
Construction Permit Fee	\$100.00, plus \$25.00 per space
Annual License Fee	\$15 per space
Engineering Review	\$300.00, plus \$15.00 per space & \$25.00 for common areas
Utility Inspections	\$300.00, plus \$15.00 per utility connection
Annual Inspection Fees	\$150.00 per park, plus \$10.00 per space
Re-Inspection Fees after a Violation	\$25.00 per inspection
Mobile Office License Fee	\$100.00 per unit

All fees must be paid prior to the City issuing a permit or license.

All utility connections must conform to the City's regulations governing installation.

Exhibit B:

Manufactured Home Inspection Report

Exhibit C:

Manufactured Housing Rules, effective January 10, 2006.