

## ORDINANCE NO. 0-2022-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS AMENDING APPENDIX A “ZONING” OF THE CITY’S CODE OF ORDINANCES; SPECIFICALLY SECTION 13 “MH-1—MANUFACTURED HOME DISTRICT” REGULATING THE PLACEMENT AND INSTALLATION OF HUD-CODE MANUFACTURED HOMES, MOBILE HOMES, AND MODULAR HOMES IN THE CITY; PROVIDING FOR MANUFACTURED HOME COMMUNITIES; DEFINITIONS, INSTALLATION REQUIREMENTS; ABANDONMENT; OTHER REGULATIONS FOR MODULAR AND MANUFACTURED HOMES TO INCLUDE EXCEPTIONS; REPEAL PREVIOUS ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY CLAUSE; EFFECTIVE DATE AND OPEN MEETING CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CISCO THAT:**

Appendix A “Zoning”, Section 13 “MH-1 Manufactured Home Zone”, is amended to read as follows:

### **13.2 GENERAL**

The City of Cisco does permit the installation of a HUD-code manufactured homes that are no greater than ten years of age at installation for use as a dwelling within the city limits of Cisco in those areas zoned as Manufactured Home District (MH-1).

### **13.3 DEFINITIONS**

*Code* refers to the Texas Manufactured Housing Standards Code.

*HUD-code manufactured home* also referred to as "manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.S(g). The terms "single-wide" and "double-wide" are often used to describe the type of structure which is defined as: (i) A "single-wide home" square footage ranges from six hundred square feet up to 1,330 square feet. The width of a single-wide is eighteen feet or less and the length is ninety feet or less. Single-wide homes are shipped as one unit on one semi-trailer; (ii) A "double-wide home" square footage ranges from 1,067 square feet and up to 2,300 square feet. Double-wide homes have a width of twenty feet or more and their length is ninety feet or less. Double-wide homes are shipped as two separate units that are later joined together seamlessly to make a completed doublewide home.

*Label* means a device, decal or insignia issued to indicate compliance with the standards, rules, and regulations related to the types of dwellings, set forth as: (i) A "Red label" is affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, and serves as the manufacturer's certification that the home is built in

accordance to the standards set by the United States Department of Housing and Urban Development; (ii) A "Blue label" is affixed to modular homes signifying that the home is built to model code standards that comply with the International Residential Code and issued by the Texas Department of Licensing and Regulation.

*Mobile home* means a structure constructed before June 15, 1976; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

*Modular homes* also referred to as "industrialized homes" are structures designed for the occupancy of one or more families, that is constructed in one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the components are transported to the permanent site and erected or installed on a permanent foundations system.

*Recreational vehicle* means and refers to motor homes, travel trailers, house trailers, campers, trailer coaches, and all other structures which are required by state law to be registered as vehicles.

*Recreational vehicle park*, hereinafter referred to as "RV park," means any plot of ground upon which two or more recreational vehicles are occupied for dwelling or sleeping purposes on a temporary basis, located regardless of whether or not a charge is made for such accommodations.

*Uninhabitable* means, and is limited to, the deterioration to the manufactured home that has created a dangerous or unsafe situation or condition and is not structurally sound in accordance to the HUD-Code and the Standard Building Code as presently adopted by the city. Uninhabitable manufactured homes do not comply with this chapter. If one is found to be in the city, it is the sole role of the property owner to have the uninhabitable manufactured home removed from the city limits of the city as soon as possible.

### **13.4 RESTRICTED OR PROHIBITED AREAS**

13.4.1 Areas within the City of Cisco that are prohibited or restricted from the location of mobile homes or HUD-code Manufactured homes are any areas not so zoned as a Manufactured Home Zone (MH-1). Mobile homes and HUD-Code manufactured homes are not permitted in the areas identified in this section, nor shall any private or public utilities be connected or extended, except in the circumstance that the HUD-code manufactured home or Mobile home was legally in existence at such location as of the effective date of Ordinance No. 0-2017-14, in which case the dwelling shall be considered to be grandfathered and shall be permitted to be used at such location and in such manner.

13.4.2 This exception does not extend to those Mobile homes or HUD-code manufactured homes that are determined to fall under the definitions of abandonment or determined to be a threat to public health or welfare as outlined in Section 13.8 of this ordinance.

13.4.3 If a grandfathered HUD-code manufactured home or Mobile home is abandoned or removed for any reason other than a one-time replacement as authorized in this ordinance (wherein a Mobile home may only be replaced with a HUD-code Manufactured home pursuant to Section 8(C) of this Ordinance}, neither a HUD-code manufactured home nor

a Mobile home is authorized on sites that are not permitted in the areas identified in this section.

### **13.5 HUD-CODE MANUFACTURED HOME ELIGIBLE AREAS**

HUD-code manufactured homes may, upon the issuance of a permit for a specific lot, in appropriate circumstances, be located, placed, and installed in those areas of the City zoned as Manufactured Home Zone (MH-1).

13.5.1 Area Regulations. The following shall be the minimum requirements for any lot, tract, or parcel of land to be eligible for any building permit for a HUD-code manufactured home.

1) Size of Yards.

a. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.

b. Side Yard. There shall be a side yard of not less than seven (7) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the rear lot line.

2) Size of Lot.

a. Lot Area. Lots served by the City wastewater collection system shall have a minimum of seven thousand (7,000) square feet; provided that, in such areas, the City Commission may by affirmative motion approve a HUD-code manufactured home subdivision in whole or in part in which not more than twenty-five percent (25 %) of the lots have less than 7,000 square feet but not less than six thousand (6,000) square feet. All lots not served by the City wastewater collection system shall have a minimum area of twelve thousand five hundred (12,500) square feet.

b. Lot Width. Lots with a minimum of seven thousand (7,000) square feet shall have a minimum width of fifty (50) feet at the applicable building line and for a distance of at least forty (40) feet behind the applicable building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty five percent [25 %] of the lots in a subdivision whether the subdivision is submitted in sections or as a whole, as granted by the City Commission in a written variance) shall have a minimum width of fifty (50) feet at the applicable building line and for a distance of at least forty (40) feet behind the applicable building line. Lots with a minimum area of twelve thousand five hundred (12,500) square feet shall have a minimum width of eighty (80) feet at the applicable building line and the average width shall not be less than eighty (80) feet.

c. Lot Depth. The average depth of the lot shall not be less than one hundred

twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.

13.5.2 Parking Regulations. Not less than three (3) off-street parking spaces shall be provided for each lot, tract, or parcel of land, for such land to be eligible for a building permit.

13.5.3 **Mod**ular Homes (Industrialized homes) are regulated by the Texas Department of Licensing and Regulation. This agency provides a modular home with the blue decal signifying that the home has been built to the model code standards required. Modular homes are designated as real property. Modular homes may be located within the city limits of Cisco, Texas, in any residential zone.

## **13.6 PROVISIONS OF INSTALLATION**

Regulations related to the installation of Mobile homes, HUD-code manufactured homes and Modular homes within the City Limits of Cisco, Texas.

The construction/installation of Mobile homes is not regulated by a state agency. Therefore, as of the date of this ordinance, the City of Cisco prohibits them completely.

13.6.1 The prohibition of the installation of a Mobile home for use as a dwelling in the City or Cisco is prospective and may not apply to a Mobile home previously legally permitted by and used as a dwelling in the municipality. If a Mobile home, due to the livability and/or condition of such dwelling, needs to be replaced, it must be replaced by a HUD-code manufactured home in the municipality, the municipality shall grant a permit for use of the HUD-code manufactured home as a dwelling in the municipality, so long as all HUD-code manufactured home requirements are met.

13.6.2 HUD-code manufactured homes are regulated by the Manufactured Housing Division of the Texas Department of Housing and Community Affairs. These manufactured homes are provided with a (red) label certifying the structure meets the standards specified by the Texas Department of Housing and Community Affairs.

- 1) The installation of a HUD-code manufactured home may be approved on a single lot or tract of land, or a manufactured housing community (or park). However, an approved permit does not affect the validity of an otherwise valid deed restriction.
- 2) The tires, wheels, and suspension components comprised of axles, shackles, springs, tongue and other protrusions beneath the frame must be removed and the HUD-code manufactured home must be permanently attached to a foundation that conforms to the requirements of the state department of housing and community affairs or is sealed by a registered professional engineer and/or as required by insurance regulations.
- 3) Handrails and guardrails?
- 4) In the event that a HUD-code manufactured home occupies a lot in a municipality, the owner of the HUD-code manufactured home may remove the HUD-code manufactured home from its location and place another HUD-code

manufactured home on the same property, provided that the replacement is a newer HUD-code manufactured home and is at least as large in living space as the prior HUD-code manufactured home. An owner's ability to replace the home as a result of a fire or natural disaster cannot be restricted. Other than in the case of a fire or natural disaster, an owner is restricted to a single replacement of the home.

- 5) The owner of a HUD-code manufactured home may, upon receipt of a permit, move the HUD-code manufactured home from its current location to another location within the city that meets the requirements outlined in this ordinance. This relocation does not authorize the owner to bring in a second HUD-code manufactured home to the original location under the single replacement option in the paragraph above.

13.6.5 Notwithstanding anything stated in this Ordinance to the contrary, no less than one (1) lot, minimum 50 feet wide and 100 feet deep, shall be used for a Site Plan for location of the manufactured home.

13.6.6 No permit shall be issued until the owner/applicant is able to provide proof that the site intended for such HUD-code manufactured home is a well-drained lot properly graded to insure rapid drainage and freedom from stagnant pools of water.

13.6.7 The Building Official shall approve, approve with conditions, or disapprove a permit and site plan within 30 days after the date the permit and plan is filed.

### **13.7 PARKING ON STREET OR OTHER PUBLIC PLACE**

It shall be unlawful for any person to park any HUD-code manufactured home or mobilehome on any public street, alley, highway, or other public place within the limits of the city for any of the following purposes:

- 1) Human occupancy at any time;
- 2) Storage for more than 24 hours; or
- 3) Any other purpose for more than 48 hours.

### **13.8 UNOCCUPIED AND UNSAFE MOBILE HOME AND MANUFACTURED HOMES**

13.8.1 The City of Cisco has the authority to regulate all structures within the City limits for threats to public health and safety. If the City decides that a Mobile home or HUD-Code manufactured home poses a threat to public health and welfare, the City is within its power to regulate such homes as a public nuisance for health, safety and/or welfare issues.

13.8.2 The disuse of a Mobile home or HUD-Code manufactured home for a period of one hundred eighty (180) days will constitute abandonment of the nonconforming use and the unit must be removed within 30 days. For a Mobile home or HUD-code manufactured home to be considered under the rules of abandonment, the dwelling must not have been connected to or have maintained active utility accounts for the dwelling during that period of time.

Abandonment includes the intent to abandon; and the overt act or failure to act which carries the implication of abandonment.

- 13.8.3 The owner of real property on which a mobile home or HUD-code manufactured home owned by another is located may declare the home abandoned as provided by this section if:
- 1) the home has been continuously unoccupied for at least four (4) months; and
  - 2) any indebtedness secured by the home or related to a lease agreement between the owner of the real property and the owner of the home is considered delinquent.
- 13.8.4 Before declaring a mobile home or manufactured home abandoned, the owner of real property on which the home is located must send a notice of intent to declare the home abandoned to the record owner of the home, all lienholders at the addresses listed on the home's statement of ownership on file with the department, the tax collector for each taxing unit that imposes ad valorem taxes on the real property where the home is located, and any intervening owners of liens or equitable interests. The notice must include the address where the home is currently located. If the person giving such notice knows that a person to whom the notice is given no longer resides and is no longer receiving mail at a known address, a reasonable effort shall be made to locate the person and give the person notice at an address where the person is receiving mail. Mailing of the notice by both regular and certified mail, return receipt requested, postage prepaid, to the persons required to be notified by this subsection constitutes conclusive proof of compliance with this subsection.
- 13.8.5 On receipt of a notice of intent to declare a mobile home or HUD-code manufactured home abandoned, the record owner of the home, a lienholder, a tax assessor-collector for a taxing unit that imposes ad valorem taxes on the real property on which the home is located, or an intervening owner of a lien or equitable interest may contact the owner of the real property on which the home is located to remove the home and provide proof of such rights of access and/or interest to the mobile home or HUD-code manufactured home. Thereafter, the real property owner must disclose to the record owner, lienholder, tax assessor-collector, or intervening owner seeking to remove the home the location of the home and grant the person reasonable access to the home. A person removing a home is responsible to the real property owner for any damage to the real property resulting from the removal of the home.
- 13.8.6 If the mobile home or HUD-code manufactured home remains on the real property for at least forty-five (45) days after the date the notice is postmarked:
- 1) all liens on the home are extinguished; and
  - 2) the real property owner may declare the home abandoned and may apply to the department for a statement of ownership listing the real property owner as the owner of the manufactured home.
  - 3) When applying for a statement of ownership under this section, the real property owner shall include with the application an affidavit stating that:
    - a. the person owns the real property where the manufactured home is located; and
    - b. the name of the person to whom title to the home will be transferred

under this section is the same name that is listed in the real property or taxrecords indicating the current ownership of the real property.

13.8.7 A new statement of ownership issued by the department under this section transfers, free of any liens, if there is evidence of United States Postal Service return receipt from all lienholders, title to the manufactured home to the real property owner.

13.8.8 This section does not apply if the person who owns the real property on which the mobile home or HUD-code manufactured home is located and who is declaring that the home is abandoned, or any person who is related to or affiliated with that person, has now, or has ever owned, an interest in the home.

13.8.9 Notwithstanding Subsection (f), an owner of real property on which a mobile home or HUD-code manufactured home has been abandoned may apply for a new statement of ownership with respect to a home that was previously declared abandoned and then resold and abandoned again.

### **13.9 HUD-CODE MANUFACTURED HOME REQUIREMENTS**

13.9.1 **Permit** required. A person must apply for a permit from the city for the installation of a HUD-code manufactured home on a single municipal lot or tract of land at least five business days prior to the time of placement or replacement. The applicant will be charged a nonrefundable fee, in accordance with the City of Cisco Master Fee Schedule, in order to submit an application for a permit. Applications shall be in a form prescribed and used by the city and shall be signed by the applicant.

13.9.2 Tie-Downs. For units built on or after September 1, 1997, the unit installation must follow the State guidance that outlines directions on manufactured homes and for the Wind Zone in which it is to be installed and must follow all applicable installation instructions for that Wind Zone.

#### 1) Material Specifications:

a. Strapping shall be Type 1, Finish B, Grade 1 steel strapping, 1.25 inches wide and 0.035 inches in thickness, certified by a licensed professional engineer or architect as conforming with the American Society for Testing and Materials (ASTM) Standard Specification D3953 91, Standard Specification for Strapping, Flat Steel, and Seals. Strapping shall be marked at least every five feet, or as applicable, described by the certifying engineer or architect.

b. Tie materials shall be capable of resisting an allowable working load of 3,150 pounds with no more than 2% elongation and shall withstand a 50% overload (4,725 pounds total). Ties shall have a resistance to weather deterioration at least equivalent to that provided by coating of zinc on steel of not less than 0.30 ounces per square foot on each side of the surface coated (0.0005 inches thick), as determined by ASTM Standards Methods of Test for Weight of Coating on Zinc-coated (galvanized) Iron or Steel Articles (ASTM A 90-81). Slit or cut edges of zinc-coated steel strapping are not required to be zinc coated. Ties shall be designed and installed to prevent self-disconnection when the ties are slack.

13.9.3 Drainage. Drainage prevents water build-up under the home. Water build-up may cause shifting or settling of the foundation, dampness in the home, damage to siding

and bottom board, buckling of walls and floors, delamination of floor decking and problems with the operation of windows and doors. The owner is responsible for proper site drainage where a used manufactured home is to be installed unless the home is installed in a rental community. The Installer is responsible for proper site drainage where a new HUD-code manufactured home is to be installed.

13.9.4 Standards for Moisture and Ground Vapor Controls. If a used manufactured home is installed according to the state's generic standards and the space under the home is to be enclosed with skirting and/or other materials provided by the retailer and/or installer, the enclosure must meet the following requirements:

- 1) At least one access opening that does not require the use of tools to gain access shall not be less than 18 inches in any dimension and not less than three square feet in area shall be provided by the installer. The access opening shall be located so as to enable, to the extent reasonably possible, the visual inspection of water supply and sewer drain connections.
- 2) If a clothes dryer exhaust duct, air conditioning condensation drain, or combustion air inlet is present, the installer must pass it through the skirting to the outside. All air conditioning condensation lines must be installed in such manner that prevents ponding within five feet of the foundation.
- 3) Crawl space ventilation must be provided at the rate of minimum one square foot of net free area, for each one hundred fifty square feet of floor area.
- 4) At least six openings shall be provided, one at each end of the home and two on each side of the home. There must be a ventilation within three feet of each corner. The openings shall be screened or otherwise covered to prevent entrance of rodents (note: screening will reduce net free area). For example, a 16'x76' single section home has 1216 square feet of floor area. This 1216 square feet divided by 150 equals 8.1 square feet or 1166 square inches of net free area crawl space ventilation.

13.9.5 All HUD-code manufactured homes shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior material of the primary structure. Skirting shall include the necessary vents, screens and/or openings, shall be installed within thirty (30) days after the placement of the manufactured home, and shall be maintained in good repair.

13.9.6 The generic ground vapor control measure shall consist of a ground vapor retarder that is minimum six mil polyethylene sheeting or its equivalent, installed so that the area under the home is covered with sheeting and overlapped twelve inches at all joints. Any tear larger than eighteen inches long or wide must be taped using a material appropriate for the sheeting used. The laps should be weighted down to prevent movement. Any small tears and/or voids around construction (footings, anchor heads, etc.) are acceptable.

13.9.7 Standards for Footers and Piers. Proper sizing of footings depends on the load carrying capacity of both the piers and the soil. To determine the load bearing capacity of the soil, the installer may use any of the following methods: Using a pocket penetrometer or Soil surveys from the U.S. Department of Agriculture. The footing must be placed on firm, undisturbed soil, or fill compacted to at least 90% of its maximum relative density is required and must be verified every 6" - 8" vertically on the build-up. Installation on loose,



noncompacted fill may result in settlement/movement of the home. Guidance on standards for footing types and requirements based on soil type are available in State guidance.

#### 13.9.8 Electrical testing.

- 1) At the time of installation, the following tests must be performed on all new manufactured homes:
  - a. All site installed or shipped loose fixtures shall be subjected to a polarity test to determine that the connections have been properly made;
  - b. All grounding and bonding conductors installed or connected during the home installation shall be tested for continuity; and
  - c. All electrical lights, equipment, ground fault circuit interrupters and appliances shall be subjected to an operational test to demonstrate that all equipment is connected and functioning properly.
- 2) When installing a manufactured home, the completion of a continuity test, a polarity test, and an operational test is required. This applies to both new and used homes.
- 3) The electrical testing does not have to be completed by a licensed electrician but must be completed once the electricity is activated or by using a generator. The home cannot be occupied until all installation requirements have been met and the installation is complete.

#### 13.9.9 Fuel Gas Piping Systems:

- 1) Crossover Connections: All underfloor fuel gas pipe crossover connections shall be accessible and be made with the connectors supplied by the home manufacturer, or, if not available, with flexible connectors listed for exterior use and a listed quick disconnect, or a shut-off valve. When a shut-off valve is used, it must be installed on the supply side of the gas piping system. The crossover connector must have a capacity rating (BTUH) of at least the total BTUH's of all appliances it serves.
- 2) Testing: The fuel gas piping system shall be subjected to an air pressure test of no less than 6 ounces and no more than eight ounces. While the gas piping system is pressurized with air, the appliance and crossover connections shall be tested for leakage with soapy water or bubble solution. This test is required of the person connecting the gas supply to the home but may also be performed by the gas utility or supply company.
- 3) The gas system must be inspected and tested for leaks after completion at the site.

13.9.10 It shall be unlawful for any person occupying a manufactured home outside of a community, or operating a community, to construct or permit to be constructed in such community, or in connection with such manufactured home, any additional structure, building or shelter in connection with or attached to a manufactured home, except that awnings of canvas or metal, suitably constructed, may be attached to a manufactured home if they meet the following requirements:

- 1) Capable of being dismantled or moved;
- 2) Finish and appearance to be compatible to the manufactured home to which it

is an accessory;

- 3) The length must not exceed the length of the manufactured home to which it is an accessory;
- 4) Only one such structure per manufactured home shall be permitted.

### **13.10 MANUFACTURED HOUSING COMMUNITIES.**

13.10.1 Permit required. If a person wants to improve or subdivide a lot for the purpose of creating a manufactured housing community, the person must apply for a permit from the city.

13.10.2 Application for permit. Applications for a manufactured housing community permit can be obtained from and shall be filed with the city secretary. Applications shall be in writing, and signed by the applicant, and shall be accompanied by the following:

- 1) The name and address of the applicant.
- 2) The location and legal description of the manufactured housing community.
- 3) A manufactured housing community plan as required by this section.
- 4) Plans and specifications of all buildings and other improvements to be constructed within the manufactured housing community in accordance with all existing applicable state laws and city ordinances.
- 5) Such further information as may be requested by the city to determine if the manufactured housing community will comply with the legal requirements.

13.10.3 Design standards and/or community plan. The manufactured housing community shall be constructed in accordance with a community plan that conforms to the following requirements:

- 1) The community shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. The City of Cisco has the option to establish zoning guidelines for the manufactured housing community.
- 2) Spaces for HUD-code manufactured homes shall be provided consisting of a minimum of 1,000 square feet for each space, which shall be at least twenty-five feet wide and clearly defined. HUD-code manufactured homes shall be placed on each space so that there shall be at least twenty feet clearance between homes; provided, however, that in respect to HUD-code manufactured homes parked end to end, clearance between homes may be less than 20 feet but shall not be less than 15 feet from any building within the community or from any property line bounding the community.
- 3) The community plan must be submitted to the city prior to the installation of any HUD-code manufactured homes and shall comply with the city's subdivision ordinance, where applicable. The community plan shall provide a legal description and map clearly setting out the following information:
  - a. Identification of areas to be used for all residents of the community;

- b. Identification of driveways at entrances, exits, roadways, and walkways;
- c. Location of sites for HUD-code manufactured homes;
  - d. Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms;
  - e. Method and plan of sewage disposal;
  - f. Method and plan of garbage removal;
  - g. Plan of water supply;
  - h. Plan of electric lighting, and electric service to HUD-code manufactured home sites;
  - i. Plan of parking requirements; and
  - j. Such further information as may be requested by the city.
- 4) Every HUD-code manufactured housing community shall have city water connections furnishing an ample and adequate supply of water, shall have connection to electricity, and shall either be connected with the sanitary sewer or to a septic system in accordance with the community plan required above.

13.10.4 Issuance of permit. If the applicant and the application are in compliance with all provisions of this section and all other applicable ordinances or statutes, the city secretary shall issue the permit after the application has been approved by the city manager and/or the City Commission, as applicable. The permit can be made contingent upon completion of the community according to the plans and specifications submitted with the application.

13.10.5 Revocation of Permit. The city may revoke a permit to construct a HUD-code manufactured housing community, and may issue a stop work order, for any violation of this section. After such revocation and order, the permit may be reissued if the city manager determines that the circumstances leading to the revocation have been remedied and the community is being constructed in full compliance with the law and the provisions of this section.

## 13.11 INSPECTIONS

13.11.1 The city building inspector, code enforcement officer, public health officer, chief of police, fire marshal and/or their respective authorized deputies, officers, inspectors and other representatives are hereby authorized to make such inspections as are necessary or desirable on manufactured homes or communities to determine satisfactory compliance with this chapter and all other applicable ordinances and laws. Such named officials shall present proper identification. The building inspector shall have authority to issue all necessary notices or orders to remove or abate illegal or unsafe conditions and to ensure compliance with all the requirements of this chapter for the safety, health and general welfare of the public.

13.11.2 The persons designated in [section 11](#), (under the direction of the city administrator), shall enforce the provisions of this chapter. Such persons may enter and inspect the manufactured home and/or the community during the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday, upon presentation of proper identification. In case

of any emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, such persons may enter the premises at any time. Such persons are hereby authorized to seek a search warrant as provided by law if denied admission to inspect such premises.

### **13.12 DEED RESTRICTION AFFIDAVIT**

13.12.1 Pursuant to this chapter, in addition to any other applicable requirements specified hereto, each person making application for a community license or for a placement permit appertaining to a manufactured home to be situated outside a community shall furnish to the building inspector an affidavit setting forth that the applicant is familiar with the title to the real property to which the requested permit appertains and that the applicant's intended use thereof will not violate any valid and applicable deed restrictions or covenants running with the land. The building inspector may not issue the requested permit or license unless such affidavit has been duly submitted.

13.12.2 All permits, licenses and approvals for occupancy issued pursuant to this chapter are hereby made expressly subject to applicable deed restrictions and covenants running with the land to which they appertain and no such permit, license or approvals for occupancy shall be construed as authorizing any violation thereof.

### **13.13 PROHIBITED USES**

13.13.1 A recreational vehicle shall not be used or occupied as a permanent dwelling. Limited temporary occupancy in excess of six months is permitted only in an approved Recreational Vehicle Park or with a Limited Use permit granted by the city planning and development commission and the approval of the city inspector.

13.13.2 Under the terms of the Manufactured Home Standards Housing Act, V.T.C.A., Occupations Code § 1201.001 et seq., the installation of single-wide or aluminum roofed dwellings will not be allowed if they fail to meet the standards specified by the United States Department of Housing and Urban Development.

### **13.14 APPLICABILITY**

13.14.1 All HUD-code manufactured homes must comply with the standards in this section or as required by State regulations which includes those identified by the Manufactured Housing Division (MHD) of the Texas Department of Housing and Community Affairs administers the Texas Manufactured Housing Standards Act. Final approval for the installation or location of a HUD-Code Manufacture Home is not complete until the requirements of this Section have been met.

13.14.2 This ordinance applies to the development or creation of new manufactured home communities. Manufactured homes lawfully placed in the city on the date of adoption of the ordinance from which this chapter is derived may continue to be occupied; however, any replacement of an existing manufactured home must be in accordance with the provisions of this chapter.

13.14.3 Communities existing on the date of adoption of the ordinance from which this chapter is derived may continue to operate so long as no actual hazard to health or safety is

caused thereby. An alteration, extension or expansion of the community is subject to the provisions of this chapter.

### **13.1. PENALTY**

Any person who violates or causes, allows, or permits another to violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or, in the case of a violation of a provision of this ordinance that governs fire safety or public health and sanitation a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this ordinance shall constitute a separate offense.

Each day on which any such violation of this ordinance occurs shall constitute a separate offense.

### **13.16 REPEAL**

All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

### **13.17 SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

### **13.18 PROPER NOTICE AND OPEN MEETINGS ACT**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required and that public notice, place, and purpose of said meeting was given as required by the open meetings act, chapter 551, Texas Government Code.

### **13.19 EFFECTIVE DATE**

This Ordinance shall be in full force and take effect upon its passage and publication as provided by law, and it is so ordained.