

**ORDINANCE NO. 006-11**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS REPEALING AND REPLACING CITY ORDINANCE NO. 009-03 AND CITY ORDINANCE NO. 013-04; ESTABLISHING AMENDED REGULATIONS REGARDING THE INSTALLATION AND REPLACEMENT OF HUD-CODE MANUFACTURED HOMES; PROHIBITING THE INSTALLATION OF MOBILE HOMES AND ESTABLISHING REGULATIONS FOR REPLACEMENT OF EXISTING MOBILE HOMES WITHIN THE CITY; REQUIRING INSTALLATION PERMITS AND USE AND OCCUPANCY PERMITS FOR HUD-CODE MANUFACTURED HOMES; PROVIDING FOR THE PERMITTING OF HUD-CODE MANUFACTURED HOME PARKS; ESTABLISHING CERTAIN FEES; CONTAINING A PENALTY PROVISION FOR THE VIOLATION OF THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE AND AN OPEN MEETINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of De Leon, Texas finds it to be in the best interest of the public safety, health and general welfare to regulate HUD-Code Manufactured Homes and Mobile Homes within the City; and

WHEREAS, the City Council of De Leon, Texas finds unpermitted and uninspected HUD-Code Manufactured Homes to create dangerous and hazardous conditions within the City;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF DE LEON, TEXAS:**

I. **Repeal.** That the following Ordinances of the City of De Leon are hereby repealed:

<u>Ordinance</u>	<u>Adoption Date</u>
009-03	00-00-2003
013-04	06-14-2004

II. **Enactment.** That the following provisions are hereby enacted and adopted as the HUD-Code Manufactured Housing Ordinance for the City of De Leon, replacing City Ordinances No. 009-03 and No. 013-04 in their entirety.

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**SECTION 1 -- DEFINITIONS.** The words and terms below shall be defined as follows when used in this Ordinance.

***Authorized Location*** – A location within the City limits of the City of De Leon, Texas where the City Council specifically authorizes the location, use, and occupancy of a HUD-Code Manufactured Home under the provisions of this Ordinance.

***Building Official*** – Designated inspection authority of the City or its authorized representative.

***Certificate of Occupancy*** – Certificate issued by the City for the use of a building, structure, and/or land, when it is determined by the City that the building, structure, and/or land complies with the provisions of applicable City Codes, Ordinances, and regulations.

***City Council*** – City Council of the City of De Leon, Texas.

***HUD-Code Manufactured Home or Manufactured Home (used interchangeably)*** – 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, is at least eight body feet or more in width or 40 body feet in length or, when erected on a site, is at least 320 or more square feet; and includes the plumbing, heating, air conditioning and electrical systems of the home; as defined by *Texas Occupations Code Sec. 1201.003* as it currently exists or as may amended. This does not include a travel trailer or a recreational vehicle as defined by *24 C.F.R. Sec. 3282.8(g)*.

***Mobile Home*** – A structure constructed before 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, is at least eight body feet in width or at least 40 body feet in length, or, when erected on a site, is at least 320 square feet; and includes the plumbing, heating, air conditioning and electrical systems of the home, as defined in *Texas Occupations Code Sec. 1201.003*.

***Permit*** – Written permit/certification issued by the City permitting the installation, alteration, replacement and use and occupancy of a HUD-Code Manufactured Home under the provisions of this Ordinance and the regulations established hereunder.

***Recreational Vehicle*** -- Buses, trucks, trailers and other motorized conveyances designed for mobile, temporary and recreational occupancy.

***Single-Family Dwelling*** -- A building designed for single family occupancy and constructed on-site as a permanent improvement to a legal lot.

***Travel Trailer*** -- A towable trailer designed for temporary or recreational single family occupancy, which is regulated City of De Leon Ordinance No. 007-07.

## SECTION 2 – RESPONSIBILITY OF CITY OFFICIALS

- A. **Building Official.** The Code Enforcement Officer for the City is designated as the Building Official. This person is responsible for conducting inspections and certifying requirements for installation, replacement, use and occupancy, and continued use and occupancy, of Manufactured Homes and Mobile Homes within the City. When, in the judgment of the Building Official, an applicant has met the requirements for an Installation or Use an Occupancy Permit under this Ordinance, the Building Official will present the application to the City Council for final approval.
- B. **Permit Clerk.** This person will issue permits authorized by this Ordinance.
- C. **City Administrator.** The City Administrator at the direction of the Mayor will insure compliance with this Ordinance by citizens and City employees.
- D. **City Council.** The City Council shall be the final authority on all matters relating to this Ordinance.

## SECTION 3 – HUD-CODE MANUFACTURED HOMES

- A. **Authorized Locations.** HUD-Code Manufactured Homes are permitted only in those locations within the City which have been approved as an Authorized Location by official action of the City Council, as provided in this Ordinance and for which a Permit has been issued under this Ordinance.
- B. **Exception: Legal-Nonconforming Use.** Any HUD-Code Manufactured Home occupied as a residential dwelling in the City on May 26, 2011 and located in an area other than an Authorized Location, as defined above, shall be considered a legal-nonconforming use under that Code and is permitted under this Ordinance for so long as it remains on the property on which it was located on that date.
- C. **Replacement.** A HUD-Code Manufactured Home located in an Authorized Location may be replaced with another HUD-Code Manufactured Home. Any replacement home shall be a newer HUD-Code Manufactured Home in good and livable condition; in compliance with all requirements of this Ordinance and all other applicable City Codes and Ordinances; and shall be installed according to the provisions of this Ordinance. A replacement home shall be located on the same property as the removed or destroyed home, and a Permit is required for installation.

If a legal-nonconforming HUD-Code Manufactured Home is removed or destroyed, it may be replaced one time only with another HUD-Code Manufactured Home, unless the removal or destruction is due to fire or natural disaster, in which case the replacement will not be counted as a replacement. Any replacement home shall be a newer HUD-Code Manufactured Home and in good and livable condition; in compliance with all requirements of this Ordinance and all other applicable City Codes and Ordinances; and shall be installed according to the provisions of this Ordinance. A replacement home

shall be located on the same property as the removed or destroyed home, and a Permit is required for installation.

- D. **Compliance and Inspection.** After installation, all Manufactured Homes in the City must be maintained in compliance with the standards established in this Ordinance and the City Buildings Ordinance.

#### **SECTION 4 -- MOBILE HOMES**

- A. **Prohibited.** The installation of Mobile Homes for use and occupancy in the City is prohibited, and Mobile Homes are excluded from installation at any and all locations within the City limits, having been prohibited by ordinance since June 14, 2004.
- B. **Exceptions: Legal Nonconforming Use.** Section 4. A., above, shall not apply to any Mobile Home used and occupied as a residential dwelling in the City on June 14, 2004, so long as the Mobile Home remains on the property on which it was located on that date, the installation of such structures having been prohibited by City Ordinance No. 013-04 from that date.
- C. **Replacement.** If a legal-nonconforming Mobile Home is removed or destroyed, it may be replaced one time only with a HUD-Code Manufactured Home, unless the removal or destruction is due to fire or natural disaster, in which case the replacement will not be counted as a replacement. A replacement HUD-Code Manufactured Home shall be located on the same property as the removed or destroyed Mobile Home after issuance of a Permit under this Ordinance. Any replacement home shall be a HUD-Code Manufactured Home and in good and livable condition; in compliance with all requirements of this Ordinance and all other applicable City Codes and Ordinances; and shall be installed according to the provisions of this Ordinance, including issuance of a Permit.
- D. **Compliance and Inspection.** All legal-nonconforming Mobile Homes in the City must be maintained in compliance with the standards established in this Ordinance and the City Buildings Ordinance.

#### **SECTION 5 – PERMITS AND PERMITTING PROCESS**

- A. **Application.** Permit seekers must apply for all permits with the Permit Clerk. The Permit Clerk will provide a copy of this Ordinance to the applicant and any forms or other information developed for use in this process. The completed application will be delivered to the Building Official for review.
- B. **Permit Time Limits.** The City will make every effort to approve a permit request in a timely manner.

C. Authorized and Required Permits/Fees.

1. **Installation Permit** – \$100.00 – The City will issue Installation Permits only to installers who hold a current State of Texas Department of Housing and Community Affairs permit to install HUD-Code Manufactured Homes. The City requires a copy of the license to be on file with the Permit Clerk. Property Owners may request the Installation Permit with written permission from the installer. Written permission must include the license number of the installer. Permit seekers when signing the permit request, acknowledge the requirements for passing inspection under this permit request before any permits are issued or utilities are connected. Installation Permits will be issued only when the requirements of this Ordinance are met. An Installation Permit is also required for moving a HUD-Manufactured Home from one authorized location to another with the City, in addition to a Permit for Moving Buildings as authorized under City Ordinance No. 003-99. An Installation Permit will be issued only after utility tap fees, utility deposits, and the cost of drainage culverts (if required) have been paid or arrangements made with the Utility Billing Clerk.
2. **Use and Occupancy Permit**- \$0.00 – After installation, a Manufactured Home cannot be occupied or utilities connected prior to the issuance of a Use and Occupancy Permit. Upon Notice of completion of installation of a Manufactured Home pursuant to an Installation Permit, the Building Official will inspect the property to determine whether all of the requirements of this Ordinance for installation of the structure have been met. The City Administrator will consider and approve the issuance of a Use and Occupancy Permit upon the recommendation of the Building Official.
3. **Re-Inspection Request** - \$55.00 – A re-inspection fee must be paid before the Building Official will conduct a use and occupancy re-inspection after a failed inspection following installation or when a violation has occurred at an existing structure. This fee shall be paid after each subsequent failure before another inspection will be conducted.
4. **Moving Permit** – Application to move a HUD-Code Manufactured Home from one site to another within the City shall be made under the provisions of City Ordinance No. 003-99.

D. Permit Application Procedure.

1. **Form of Application** - Any person applying for an Installation Permit under this Ordinance must file a written application accompanied by a site plan which will include: a) a plat or detailed drawing defining the location of the structure on the property; b) sufficient descriptive detail to evidence compliance with all of the requirements described in Section 6, below; c) photographs of the structure; and d) certified documentation of the date of manufacture and HUD-compliant construction. The site plan is not required to be prepared by an engineer.

2. **Site Plan** - The site plan shall provide the following information and along with the application, will become a part of Installation Permit, if approved.
  - a. Data describing the processes and activities proposed and involved in the proposed use, and the type and manufacture date of HUD-Code Manufactured Home and any accessory structures being installed.
  - b. Boundaries of the area covered by the site plan;
  - c. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits;
  - d. The location of existing drainage ways and significant natural features;
  - e. The location and dimensions of all curb cuts, public and private streets, parking and loading areas pedestrian walks, lighting facilities, and outside trash storage facilities;
  - f. The location, height, and type of each wall, fence, and all other types of screening; and
  - g. The location of driveways and off-street parking.

## **SECTION 6 – REQUIREMENTS FOR INSTALLATION**

### **A. General Requirements**

1. No Manufactured Home with less than six hundred (600) square feet will be permitted to be installed in the City. Structures located in the City prior to the adoption of this Ordinance that do not comply with this requirement are exempt from this requirement.
2. A Manufactured Home must be skirted within thirty (30) days from the date it is placed on a lot. Existing homes must be skirted within thirty (30) days of notice from the Building Official.
3. Manufactured Homes must be tied down securely and in compliance with applicable state and federal regulations prior to occupancy.
4. All Manufactured Homes must be connected to city wastewater collection system and water system.
5. No more than one HUD-Code Manufactured Home may be placed on one lot as platted and recorded. Two Manufactured Homes or one Manufactured Home sharing a lot with a permanent habitable structure are prohibited. HUD-Code

Manufactured Home Parks are exempt from this requirement. If a property is designated by the City Council as a Manufactured Home Park, the owner may locate Manufactured Homes within the Manufactured Home Park as approved by the City Council.

B. **Area Requirements.** The following shall be the minimum area requirements for any lot, tract or parcel of land to be eligible for an Installation Permit or a Use and Occupancy Permit for a HUD-Code Manufactured Home.

1. **Lot Area** - Lots served through the City wastewater collection system shall have a minimum of seven thousand two hundred (7,200) square feet; provided that, in such areas, the City Council may by affirmative motion approve a manufactured home subdivision in whole or in part in which not more than twenty-five percent (25%) of the lots have less than 7,200 square feet but not less than six thousand (6,000) square feet.
2. **Lot Width** - Lots with a minimum of seven thousand two hundred (7,200) square feet shall have a minimum width of sixty (60) feet at the building line and for a distance of at least forty (40) feet behind the 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 is submitted in sections or as a whole, as granted by the City Council in a written variance) shall have a minimum width of fifty (50) feet at the building line and for a distance of at least (40) feet behind the building line and the average width shall not be less than eighty (80) feet.
3. **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 (90) feet.
4. **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 depth shall be provided on both streets.
5. **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 twenty-five (25) feet.
6. **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.

C. **Structural and System Standards.** The installation, occupancy and maintenance of Manufactured Homes in the City shall be subject to the following standards:

1. No outside horizontal dimension of the structure shall be less than fourteen (14) feet, except for original extensions containing less than fifty (50%) percent of the total enclosed floor area.
2. The exterior siding material, excluding skirting, shall be nonmetallic.
3. The structure shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal HUD-Manufacture Housing Construction and Safety Standards and shall meet the following requirements to be accepted as safe and quality construction.
4. All electrical materials, devices, appliances, and equipment must be in sound and safe condition. Aluminum conductors are not acceptable.
5. All mechanical systems, including space and water heating, are in sound and safe condition. HVAC condensing units shall be installed prior to a use and occupancy inspection if electrical power for condensing units and/or disconnect are provided by outside disconnect and whip
6. All plumbing, gas piping, and wastewater systems must be in sound and safe condition.
7. The Manufactured Home is in sound and safe structural condition; uncompressed finished floorings greater than 1/8 inch in thickness beneath load-bearing walls that are fastened to the floor structure are not acceptable.
8. Any such structure that shows signs of fire damage will not be issued an Installation or Use and Occupancy Permit.

D. **Installation Requirements.** Manufactured Homes shall be installed in accordance with the following criteria:

1. The frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of eight-inch grout filled concrete block piers spaced no more than eight (8) feet on center and bearing on 12" x 12" solid concrete footing. A tie-down and anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.
2. Axle and hitch assemblies shall be removed at the time of placement on the foundation.
3. Each Manufactured Home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material which is compatible with the



design and exterior materials of the primary structure. This shall be installed to protect pipes and prevent rodents from entering the home.

4. The electrical power supply shall be made from a meter installation on the Manufactured Home or from a permanent meter pedestal.
5. Patio and porch covers are permitted, provided any such structure covers an improved patio, deck, or porch, and meets the minimum building setback requirements established in this Ordinance.
6. Living area additions are permitted, provided any such addition meets the minimum building setback requirements established in this Ordinance, has a roof and siding material that is compatible with the primary structure, and complies with the same structural standards as the primary structure.

- E. **Compliance with City Building Codes and Ordinances.** All HUD-Code Manufactured Homes and Mobile Homes in the City are subject to and must be maintained in compliance with this Ordinance and the City Buildings Ordinance whether installed in the City under this Ordinance or prior to this the passage of this Ordinance.

#### **SECTION 7 -- MANUFACTURED HOME PARKS**

- A. **Establishment of Manufactured Home Park.** Provision is hereby made for the City Council to authorize and approve the development of Manufactured Home Parks within the City. Property within the City shall not be used and occupied as a Manufactured Home Park, except as provided in this Ordinance. Property used for a Manufactured Home Park must be designated as an Authorized Location for a Manufacture Home Park by the City Council and a detailed site plan for Park must be approved by the City Council prior to issuance of an Installation Permit for any Manufactured Home to be installed in the Park. All Manufactured Home Parks must be established under the provisions of this Ordinance and an Installation Permit and a Use and Occupancy Permit must be issued for the installation and occupancy of each Manufactured Home in a Manufactured Home Park.
- B. **Notice Requirements and Hearing.** Manufactured Home Parks shall not be permitted within any area of the City except upon authorization by the City Council given after notice and public hearing held in compliance with this paragraph. The notification and public hearing process for the approval of a Manufactured Home Park under this section shall be as follows: (a) a public hearing shall be held by the City Council prior to the issuance of any such authorization; (b) a written notice of the application shall be sent by U.S. Mail to the last known owner and/or occupant of each property within two hundred feet (200') of the tract or parcel of land for which the specific use permit is requested; (c) such written notice shall be mailed at least fifteen (15) days prior to the date of a public hearing to be held with respect to the application; and (d) not more than thirty (30) nor less than ten (10) days prior to the date of the public hearing a notice shall be published in

the official newspaper giving notice of the application and the public hearing to be held with respect to such application.

C. **Additional Requirements.**

1. All of the requirements of Section 6, above, shall apply to installation of Manufactured Homes in a Manufactured Home Park.
2. Only one Manufactured Home may be installed on each approved space or lot. A Manufactured Home Park shall be for the explicit purpose of renting or leasing or Manufactured Home sites and shall not be construed to permit the sale of such spaces as lots.
3. Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the Manufactured Home Park may be constructed in the Manufactured Home Park if approved by the City Council.
4. One single-family dwelling unit on a six (6,000) thousand square foot or larger lot for use as the owner's or manager's residence and accessory buildings for use by the owner or manager of the Manufactured Home Park may be constructed in the Manufactured Home Park, if approved by the City Council.
5. A perimeter fence shall be required, unless waived for good cause by the City Council.
6. Curbs and gutters may be required and shall conform to the requirement for the City streets.
7. No through traffic shall be permitted in a Manufactured Home Park.
8. At no time may an existing Manufactured home or recreational vehicle park be converted to a Manufactured home or recreational vehicle subdivision without first meeting all requirements of the City subdivision Ordinance and receiving approval by the City Council.

**SECTION 8 – APPEALS**

Any person applying for an Installation Permit or a Use and Occupancy Permit under this Ordinance may appeal any determination or decision of the Building Official to deny such application or to not bring the application before the City Council for consideration and approval. Appeal may be made by filing a written request with the City Secretary, and a hearing before the City Council will be scheduled within 30 days of such request. The City Council shall make the final decision in all such cases.

**SECTION 9 – ENFORCEMENT, VIOLATION, AND PENALTY**

Any person violating any of the provisions of this Ordinance relating to the installation or maintenance of a Manufactured Home or a Mobile Home within the City shall be found guilty of a Class C misdemeanor, and, upon conviction, shall be subject to a fine of not more than five hundred dollars \$500.00 (Five Hundred Dollars), except in the case of health and safety violations, for which the offender may be fined not more than \$2,000.00 (Two Thousand Dollars). Each day such violation continues, or shall be permitted to continue, shall be a separate offense. Any Manufactured Home or Mobile Home installed on property within the City without meeting the requirements of this Ordinance may be declared a public nuisance pursuant to the City Buildings Ordinance and may be ordered removed from the City or removed by the City under the provisions of that Ordinance.

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**III. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

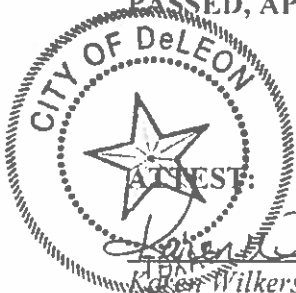
**IV. Notice and Publication.** It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Gov't. Code.*

**V. Publication.** The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption hereof together with the criminal penalty provisions for violation thereof.

**VI. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Council and publication as provided by *Local Gov't. Code Section 52.011* and shall remain in full force and effect from and after its final passage as herein provided.

PASSED AND APPROVED on first reading on this 26<sup>th</sup> day of May 2011.

PASSED, APPROVED AND ADOPTED on second reading on this 9<sup>th</sup> day of June 2011.



*[Signature]*  
K. Wilkerson  
City Administrator/Secy

*[Signature]*  
Mayor Danny Owen