

City of Timpson, Texas, City Ordinance 2011/08/16/1 amending Section 4. of Ordinance 2009-09-15-4 Mobile/Manufactured Homes

An ordinance to protect the public health, safety, and welfare of the City of Timpson, Texas (Herein after referred to as City), by defining the requirements of mobile/manufactured homes or trailer houses and motor homes located or parked within the corporate City limits of Timpson, Texas and that area defined by State law as the City's extraterritorial jurisdiction outside the corporate limits; allowing for exceptions approved by the City Council, and by providing for a severability clause, repealing all ordinances in conflict herewith, removing personal liability for City officials and employees charged with enforcement of this ordinance and setting an effective date.

WHEREAS, the City Council of the City of Timpson, Texas finds it in the best interest of the City, City Council, it's citizens and visitors, to amend City of Timpson ordinances when necessary to ensure that they are accurate and encourage maximum safety

WHEREAS, it is deemed necessary by the City Council of the City of Timpson, Texas that this ordinance is passed and approved to protect the public health, safety, and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIMPSON, TEXAS;

SECTION 1. That the following definitions are hereby declared to be used for this ordinance;

- a.** ' Mobile/Manufactured home "means a HUD-code manufactured home or mobile home and collectively means and refer to both
- b.** "HUD-code manufactured home "means a structure on or after June 15th, 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 when in traveling mode, at least eight (8) body feet in width or at least forty(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 a home. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.38(g)
- c.** "Installation" means the temporary or permanent construction of the foundation system and the placement of a manufactured home or manufactured home component on the foundation. The term includes supporting, blocking, leveling, securing, anchoring, and properly connecting multiple or expandable sections or components and making minor adjustments.
- d.** "Manufactured home" or "manufactured housing" means a HUD-code manufactured home or mobile home.

- e. "Manufacturer" means a person who constructs or assembles manufactured housing for sale, exchange, or lease-purchase in this state.
- f. "Mobile Home" means a structure constructed before June 15th, 1976, built on a permanent chassis, designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and when in traveling mode, is at least eight(8) body feet in width or at least forty (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 a home.
- g. "Standards code" means the Texas Manufactured Housing Standards Code.
- h. "Travel trailer or Motor home" shall mean a portable vehicle built on a chassis and designed as a temporary dwelling for travel, recreation, and vacation use which has been permanently identified and equipped and identified by the manufacturer for use on public streets and highways. The term "travel trailer" shall also be deemed to include any other portable contrivance 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.
- i. "Vacant" means any structure, commercial or residential, that has been either unoccupied by the occupant for not less than sixty(60)days or without benefit of water for not less than ten(10)days.
- j. "Occupant" means any person(s) who legally reside in the mobile/manufactured home, travel trailer, or motor home
- k. "Person "means any natural individual, firm, trust, partnership, association or corporation
- l. "Permit" means written permit/certification issued by the City permitting the construction, alteration, or extension of a HUD-code Manufactured home under the provisions of this ordinance and regulations issued hereunder
- m. "Skirt" means concealment from view of the undercarriage on all sides of a Mobile/Manufactured Home

SECTION 2. That the installation of Mobile/Manufactured homes for use or occupancy as residential dwellings in the City of Timpson, Texas is prohibited other than as provided in this ordinance. This provisions prospective shall not apply to any Mobile/Manufactured home used and occupied as a residential dwelling in the City of Timpson on the effective date of this ordinance. An existing mobile home located in the City of Timpson as of the date of this ordinance will be allowed to remain on its existing site until it is removed from the City or until the condition of the Mobile/Manufactured home violates the ordinances of the City. When a mobile home violates a City ordinance, the City shall require the owner to correct the violation or move the Mobile/Manufactured home out of the City. Any Manufactured/Mobile home placed in the corporate limits of the City of Timpson or the City's extraterritorial jurisdiction (as defined by law) after the adoption of the ordinance must be installed by a person possessing a valid installer's license with the State of Texas Department of Housing and Community Affairs and in accordance with all standards, rules, regulations, and administrative orders and requirements of the State of Texas Department of Housing and Community Affairs.

SECTION 3. That the following are the only exceptions of this ordinance;

- a. Any Mobile/Manufactured home that was installed on the site prior to the adoption date of this ordinance until it becomes vacant. Upon vacancy and after the adoption of this ordinance, such home(s) lose this exemption
- b. A Mobile/Manufactured home provided by a governmental agency as temporary housing following any public disaster or public calamity, or a Mobile/Manufactured home temporarily moved from a mobile home park or subdivision by reason of any public disaster or public calamity
- c. For temporary parking of an occupied non-vacant (if it is not vacant it will be considered occupied) travel trailer, recreational vehicle, or motor home at any residence or commercial site for a period not to exceed thirty (30) cumulative days in any twelve (12) month period
- d. For the storage parking of a vacant and unoccupied travel trailer, motor home, or recreational vehicle at any residence or commercial site
- e. The temporary parking of a Mobile/Manufactured home, travel trailer, recreational vehicle, or motor home for purposes of security at a temporary commercial facility for a period approved by the Mayor or his Designee
- f. A situation of hardship, as determined by the City Council, for a period not to exceed one (1) year, said situation of hardship to be reviewed by the City Council after one (1) year and if exception granted, therefore extended for no more than one (1) year at a time.
- g. A Hud-code manufactured home installed on any parcel of tract of land that has no other residential or commercial structure on it prior to having City water, sewer, or electrical service installed, and the wheels and hitch are removed and it has a solid fascia or perimeter enclosure, whether load bearing or not

SECTION 4. That all Mobile/Manufactured homes, travel trailers, and motor homes shall comply with the following requirements:

- a. (added) Manufactured/Mobile Homes must be installed a minimum of thirty (30) feet from any residential or commercial dwelling/business.
- b. That after the effective date of this ordinance, it shall be unlawful for any person, firm, or corporation to install or place on any lot, tract, or parcel of land within the City limits of the City of Timpson any Manufactured/Mobile homes without first obtaining an installation permit and otherwise complying with the terms of this Ordinance and all applicable laws of the State of Texas. A separate permit shall be required for each Manufactured/Mobile home installation
- c. To obtain a Manufactured/Mobile home installation permit, the applicant shall first file an application, in writing, on a form furnished by the City for that purpose. The application permit shall be signed by the owner of the Manufactured/Mobile home or his agent.
- d. The application shall state the name and address of the person having the title to the home
- e. The date of the manufacture of the Manufactured/Mobile home

- f. Whether the Manufactured/Mobile home has affixed to it a seal, label, or decal certifying its compliance with the standards adopted by the Texas department of Labor and Standards or a seal, label, or decal issued by another state certifying its compliance with standards promulgated for Manufactured/Mobile homes by the United States Department of Housing and Urban Development
- g. If the Manufactured/Mobile home has affixed to it a seal, label, or decal as described in paragraph e. above, the applicant shall certify whether or not there have been any alterations to the Manufactured/Mobile home since the seal, label, or decal was affixed.
- h. The proposed location of the Manufacture/Mobile home by legal description, plot, diagram, or other means which are adequate in advising the City of the exact placement and the relationship to property lines or other structures
- i. The valuation of the Manufactured/Mobile home
- j. Any additional information the City finds will aid them in the enforcement of this Ordinance or other laws applicable to Manufactured/Mobile homes

SECTION 5. All Manufactured/Mobile Homes shall have skirts within thirty (30) days after being placed. The skirt shall:

- a. Be completely around the structure from the base of the Manufactured/Mobile home to the ground level beneath
- b. Be of material with similar appearance to the Manufactured/Mobile home or masonry material
- c. Be weather resistant material for skirting and shall not be scrap metal or polyurethane scrap material
- d. Be skirted in such a way as not to allow access to the underside of the Manufactured/Mobile home for storage and/or trash accumulation but access only for repair purposes to the home
- e. Be approved at the same time the placement or installation permit is issued

Any Manufactured/Mobile home existing within the City on the effective date hereof will be required to have skirting placed around the home no later than 180 days from enactment of this Ordinance. However, being subject to a penalty for violation of this subsection, the City shall serve the owner occupants of any Mobile /Manufactured homes without skirts with written notice of violation hereof requiring compliance within such time as designated therein.

SECTION 6. Portable buildings and structures:

- a. The use of portable buildings or portable structures or the modification and adaptation thereof shall not be allowed for purposes of residential dwelling unless the design and construction thereof has been specifically found by the City not to constitute a hazard to life, health, or property.

SECTION 7. PERMIT FEES

- a. Application Requirement: All applications for permits shall be made upon standard forms provided by the City and shall contain all data required under this Ordinance

- b. Permit Fee: All applications to the City of Timpson shall be accompanied by a fee of One Hundred (\$100.00) Dollars
- c. Issuance of Permit: When upon review of the application, the City Council is satisfied that the requirements of the Ordinance and of the law have been met, a permit shall be issued
- d. Denial of Permit/Hearing: Any person whose application for a permit under the Ordinance has been denied, may request in writing a hearing on the matter

SECTION 8. Violation of Ordinance

- a. That a person violating a provision of this ordinance shall , upon conviction, be punished by a fine of not less than \$50.00 and not more than \$200.00 for their first conviction, and by a fine not less than \$200.00 and not more than \$500.00 for each additional conviction. Each and every day's violation shall constitute a separate and distinct offense. Any Manufactured/ Mobile homes, travel trailers, or motor homes not in compliance with this Ordinance shall not be provided City utility services directly from the City or indirectly from an established City utility customer.

SECTION 9. CONFLICTS

- a. That this Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Timpson, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinances, in which event such conflicting provisions, if any, in such ordinance or ordinances are hereby repealed.

SECTION 10. SEVERABILITY

- a. That if any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, such declarations shall not affect the remaining portions of this Ordinance.

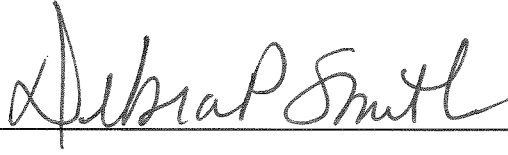
SECTION 11. LIABILITY

- a. That all regulations provide in this ordinance are hereby declared to be governmental and or the health, safety, and welfare of the general public. Any member of the City council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Timpson in the discharge of his or her duties, shall not thereby render himself or herself personally liable and he or she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SECTION 12. EFFECTIVE DATE

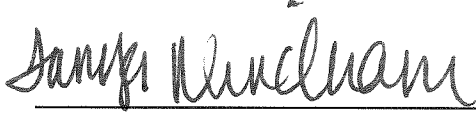
- a. That this Ordinance shall become effective and be in full force immediately after its passage and publication in the newspaper as required by law.

PASSED AND APPROVED THIS THE 16th DAY OF August 2011 by a vote of ___ Nays to ___ Ayes.



Debra P. Smith, Mayor, City of Timpson, Texas

ATTEST:



Tanya Windham, City Secretary