



ORDINANCE NO. 269

MANUFACTURED HOME ORDINANCE

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 204 REGULATING MANUFACTURED HOUSING AND MANUFACTURED HOMES WITHIN THE CITY OF UHLAND; REQUIRING A PERMIT AND FEES; PROHIBITING MOBILE HOMES AND TRAVEL TRAILERS; PROVIDING A VARIANCE PROVISION AND PROCESS, MAKING CONFORMING CHANGES AND MINOR GRAMMATICAL CORRECTIONS; PROVIDING FOR ENFORCEMENT INCLUDING CIVIL PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Umland ("City") is a general law municipality and seeks a balanced mix of land uses to foster the economic growth of the City; and

WHEREAS, a vibrant affordable city balances housing types, jobs and workforces together to sustain its prosperity for future generations; and

WHEREAS, the City Council seeks to protect the City's growth potential and its citizens' property values while permitting all persons the ability to reside within the City limits; and

WHEREAS, Texas Occupations Code Section 1201.008 provides for the regulation by the City of manufactured housing and mobile homes in the City to provide for the health, safety and welfare of its residents; and

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

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government,

peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, on February 27, 2018, the City Council adopted Ordinance No. 204 titled "Manufactured Home Ordinance"; and

WHEREAS, the City Council desires to amend and restate Ordinance No. 204 to add a variance provision to give the City Council the ability to exercise its discretion if it determines that granting a variance from the provisions of Ordinance No. 204 is in the best interest of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Uhland:

ARTICLE I. FINDINGS OF FACT

The foregoing Recitals are hereby adopted as findings of facts and are incorporated fully herein.

ARTICLE II. AMENDMENT AND RESTATEMENT

The City Council hereby amends and restates Ordinance No. 204 the "City of Uhland Manufactured Home Ordinance," to add a variance provision, make conforming changes, make minor grammatical corrections, and restate the ordinance in full as shown in Attachment A and incorporated fully herein.

ARTICLE III. REPEALER, SAVINGS, AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SAVINGS. All rights and remedies of the City of Uhland are expressly saved as to any and all violations of the provisions of any subdivision ordinances within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

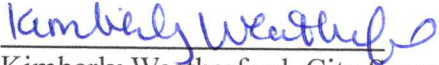
ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication in the city's official newspaper.

PASSED AND APPROVED this the 13th day of October 2021 by a vote of 3 (ayes) to 0 (nays)

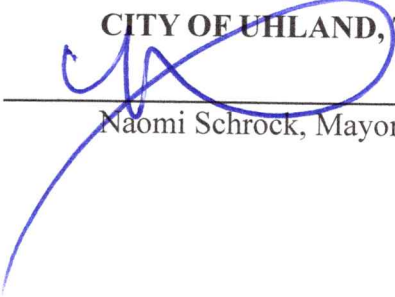
to 0 abstentions of the City Council of Umland, Texas.

Attest



Kimberly Weatherford, City Secretary

CITY OF UHLAND, TEXAS



Naomi Schrock, Mayor



City of Uhland Manufactured Home Ordinance

ARTICLE 1. GENERAL

SECTION 1.01 PURPOSE

The City of Uhland ("City") is a general law municipality and seeks a balanced mix of land uses to foster the economic growth of the City. The City finds that a vibrant affordable city balances housing types, jobs and workforces together to sustain its prosperity for future generations. The City seeks to protect the City's growth potential and its citizens' property values while permitting all citizens the ability to reside within the City limits. Texas Occupations Code Section 1201.008 provides for the regulation by the City of manufactured housing and mobile homes in the City to provide for the health, safety and welfare of its citizens. The City Council of the City finds that enactment of regulations for manufactured housing and manufactured homes within the City is in the best interest of the City to provide for the health, safety and welfare of its citizens.

SECTION 1.02 DEFINITIONS

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

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

CITY The City of Uhland, Texas.

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

DEVELOPABLE RESIDENTIAL AREA. Any land area within the City's municipal boundaries: not within a flood-plain, not utilized for City parks, schools, transportation, or public business, not utilized as commercial; and not the site of a historical structure.

LOT. A subdivided lot complying with subdivision regulations, now existing or as hereinafter amended.

MANUFACTURED HOUSING or MANUFACTURED HOME. A structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems. This term does not include a recreational vehicle.

MOBILE HOME. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems.

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

PIER. The portion of the anchorage system between the (pier) foundation and the manufactured home.

PIER FOUNDATION The portion of the anchorage system that transmits loads directly to the soil.

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

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

SEWER SERVICE RISER PIPE. The portion of a sewer service which extends vertically to the ground elevation and terminates at a manufactured home space.

SITE PLAN Same as PLOT PLAN.

TRAVEL TRAILER. A mobile structure used for temporary living quarters while traveling only and not used as permanent or temporary occupancies within the city limits of the City of Umland.

WATER CONNECTION The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a manufactured home.

WATER RISER PIPE. The portion of the private water service system serving a manufactured home, which extends vertically to the ground elevation and terminates at a designated point at a manufactured home.

SECTION 1.03 PROHIBITIONS AND PERMITS

- A. Mobile Home. Mobile homes are prohibited within the City. No permit shall be issued for the installation and placement of a mobile home inside the city limits of the City. This prohibition is prospective as of the effective date of Ordinance No. 204 and does not apply to a mobile home previously legally permitted by and used as a dwelling in the municipality. If a mobile home is replaced by a manufactured home in the City, a permit shall be granted for use of the manufactured home as a dwelling in the City.

- B. Travel Trailer. Travel trailers for use as permanent housing are prohibited within the City. No permit shall be issued for the placement of a travel trailer as permanent housing inside the city limits of the City.
- C. Manufactured Home and Permit Application. A manufactured home may be located and installed within the City limits with the proper permit. All applications for permits for placement and installation of a manufactured home in the city limits of the City shall be made upon standard forms provided by the Building Official and shall contain the following:
1. Name and address of the applicant;
 2. Location and legal description of lot for manufactured housing placement;
 3. A copy of a site plan showing the location and orientation of the manufactured home, the required setbacks, and any other information specifically required;
 4. A copy of a receipt issued by the water utility which provides water services to the City stating water connection fees have been paid; and
 5. A copy of a receipt issued by the wastewater utility which provides wastewater services to the City stating wastewater connection fees have been paid or a statement from the City and the appropriate County Health Department authorizing the utilization of a septic system.
- D. Permit Fee. All applications to the Building Official shall be accompanied by a fee as set by the City.
- E. Issuance of Permit. A permit shall issue upon demonstration and satisfaction that a proposed plan meets all requirements of this Ordinance.
- F. Installation Deadline. Installation of a permitted manufactured home must be completed within 90 days of the issuance of the permit with one 90-day extension granted if necessary. Failure to install within the time frame will require submission of a new application and permit fee.
- G. Manufactured Home Replacement. An owner of the manufactured home presently as of the effective date of this Ordinance on a city lot shall be issued a permit to remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home no older than five (5) years of age from the date of the issuance of the permit, and is at least as large in living space as the prior manufactured home. Other than in the case of a fire or natural disaster, replacement of a manufactured home by an owner is limited to a single replacement.
- H. Manufactured Home Permit - Fifteen Percent Rule: Permit Prohibited. The City shall refuse issuance of a manufactured permit as long as at least fifteen (15) percent of the Developable Residential Area within the City's municipal boundaries currently contain manufactured or mobile homes, unless being installed in a manufactured housing land use zone approved at the time of adoption of this ordinance.
- I. Denial of Permit: Hearing. Any person whose application for a permit under this Ordinance has

been denied, may request a hearing on the matter under the procedure provided by Section 1.05.

SECTION 1.04 INSPECTION

- A. Inspections Required. The Building Official is hereby authorized and directed to make such inspections as are necessary to determine compliance with this Ordinance.
- B. Entry on Premises. The Building Official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

SECTION 1.05 NOTICES, HEARINGS, AND ORDERS

- A. Notice of Violation: Requirements of Notice
 - 1. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this Ordinance, the Building Inspector shall give notice of such alleged violation to the owner, as provided herein.
 - 2. Such notice shall be:
 - a. In writing;
 - b. Include a statement of the reasons for its issuance;
 - c. Allow a reasonable time for the performance of the act it requires;
 - d. Be served upon the owner, provided that the notice of order shall be deemed to have been properly served upon such owner when a copy has been sent by mail to his last known address, or when he has been served with the notice by any method authorized or required by the laws of this state; and
 - e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and the time necessary to effect compliance.
- B. Appeal from Denial of Permit by the Building Official. Any person affected by the refusal of the Building Official to issue a permit may request and shall be granted a hearing on the matter before the City Council, provided that such person shall file in the office of the Building Official within thirty (30) days after the permit was refused, a written request for a hearing and a brief statement of the basis of the appeal. Upon receipt of the request, the City Secretary shall request the City Council to set a time and place for the hearing and shall give the requestor written notice. At the hearing the requestor shall be given an opportunity to be heard and to show why such refusal should be modified or withdrawn.
- C. Hearing Order. After an appeal hearing before the City Council, the Building Inspector shall issue an order in writing sustaining, modifying, or withdrawing the refusal, which order shall be served as provided in Section 1.05(2)(d). Upon failure to comply with an order by the Building Inspector

sustaining or modifying a decision thereof, the occupancy affected by the order shall be revoked. The City shall then be entitled to seek all remedies provided by law to remedy the violation.

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

ARTICLE 2. SPECIFICATIONS

SECTION 2.01 SITE PLAN/REQUIREMENTS

- A. The site plan shall be filed as required by Section 1.03(B)(3) and shall show the following:
1. The area and dimensions of the lot, with identification of location and boundaries;
 2. The location and specifications of water and sewer lines and riser pipes;
 3. The location and details of lighting, electrical, and gas systems; and
 4. Other information the City reviewing officials may require.
- B. In no event shall a Site Plan be approved if:
1. More than one manufactured home is located on the lot; or
 2. The manufactured home is located on a lot upon which another dwelling occupied, or which could be occupied for residency is located; or
 3. The sides and rear lot lines are less than ten feet (10') and the front lot line is less than twenty feet (20') from the manufactured home.
- C. Notwithstanding anything stated in this Ordinance to the contrary, no less than one (1) lot shall be used for a Site Plan for location of the manufactured home, but one (1) or more lots may be used for any Site Plan for location of a manufactured home.
- D. The site shall be located on a well-drained lot properly graded to insure rapid drainage and freedom from stagnant pools of water.
- E. The site shall be of adequate size to ensure the main entry of the manufactured home will allow off-street parking on the lot.

SECTION 2.02 WATER SUPPLY

- A. Requirement. Connection shall be made to a public/private supply of water.

- B. Riser Pipes and Connections. Individual water riser pipes and connections shall be in accordance with the requirements of the Uhland Plumbing Code or International Building Code whichever is more restrictive.

SECTION 2.03 SEWAGE DISPOSAL

- A. Requirement. An adequate and safe sewage system shall be provided to all manufactured housing for conveying and disposing of all sewage pursuant to municipal code.
- B. Sewer Lines. All sewer lines shall be constructed of materials in accordance with the City of Uhland Plumbing Code or International Building Code whichever is more restrictive.
- C. Individual Sewer Connections. Individual sewer connections shall be installed pursuant to municipal code.

SECTION 2.04 ELECTRICAL AND TELEPHONE DISTRIBUTION SYSTEMS

- A. Electrical and Telephone Wiring. All electrical and telephone wiring in the manufactured home shall be installed in accordance with the Uhland Electrical Code or International Building Code whichever is more restrictive.
- B. Power Distribution Lines, Individual Electrical Connections and Grounding. All power distribution lines, individual electrical connections, and grounding of the manufactured housing and equipment shall comply with the City of Uhland Electrical Code or International Building Code whichever is more restrictive.

SECTION 2.05 ANCHORAGE REQUIREMENTS

- A. Over-the-roof devices shall be located within two (2) feet of the ends of the manufactured home and at intervals not to exceed fifteen (15) feet, and shall be as follows:
 - 1. No less than 3/16-inch diameter steel aircraft cables; or
 - 2. Corrosion-resistant chromium-nickel steel, AISI Types 201,202,301,302,304 and 316, straps having a cross-section area of not less than 0.185 square inches; or
 - 3. Where over-the-roof devices are used and the horizontal members at the intersection of the walls and the roof are not adequate to transfer forces to the cables or straps, auxiliary horizontal members, adequate in size to resist a bending moment of 7200 inch-pounds, shall be used.
- B. All anchor systems must be installed and comply with the State of Texas rules and regulations regulating anchor systems.

ARTICLE 3. MISCELLANEOUS REQUIREMENTS

SECTION 3.01 MANUFACTURED HOUSING PROVISIONS

- A. All requirements of the zone in which application is made shall be adhered to, including but not limited to, lot size, yard and landscaping requirements, height limitations, parking standards, and impervious cover, unless otherwise required herein.
- B. Each manufactured home shall be required to install view obstruction fire-resistant skirting with the necessary vents, screens, and/or openings around the base within seven (7) days after same is placed on location.
- C. Only one (1) manufactured home shall be allowed per lot.
- D. The occupant shall comply with all requirements of this Ordinance and shall maintain his/her manufactured home, its facilities, and its equipment in good repair and in a clean and sanitary condition.
- E. The occupant shall be responsible for proper placement of his/her manufactured home in its stand and proper installation of all utility connections in accordance with this Ordinance and Ordinances and regulations pertaining thereto and the appropriate City officials.
- F. Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured housing for storage shall be permitted only under the following conditions:
 - 1. The storage area shall have a base of impervious material; and
 - 2. Stored items shall not interfere with the underneath inspection of the manufactured home.
- G. Only one manufactured home shall be located on a lot and a manufactured home shall not be located on any lot having another dwelling occupied or which could be occupied as a residency.
- H. Travel trailers shall not be occupied as either permanent or temporary residencies in the City limits of the City. In the case of a disaster, the Umland City Council may grant a temporary exemption to this ordinance allowing a person to occupy a travel trailer as a temporary residence. A written request for the variance shall be required explaining the severity of the disaster and the approximate period of time an exemption will be necessary. The City Council, at their discretion, shall establish the period they deem appropriate for such an exemption.
- I. All manufactured housing located on lots in the City shall meet the current applicable requirements pursuant to the zoning code.
- J. The regulations in this ordinance do not affect the validity of an otherwise valid deed restriction regarding a mobile and manufactured home.

ARTICLE 4. MISCELLANEOUS PROVISIONS

SECTION 4.01 OCCUPANCY; ABANDONMENT

- A. No more than one (1) family unit shall occupy any manufactured home and manufactured housing shall not be used as multi-family dwellings.
 - a. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
 - b. A civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
 - c. Other available relief.

- B. Travel trailers shall not be included in the definition of manufactured housing or manufactured home.

- C. A mobile home which is abandoned for a continuous period of one hundred eighty (180) calendar days shall be deemed a nuisance and subject to removal in accordance with Subsection D herein.

- D. A mobile home or manufactured home in violation of any term or condition of this ordinance shall be subject to removal from the City at the expense of the owner. If, upon a city-directed order for removal, the owner fails to comply, the City may enter upon the property in question and take steps to have the subject vehicle or structure removed at the expense of the owner. Prior to removal, the City shall give the owner written notice by certified mail and by publication one time in a newspaper of general circulation in the City that the City intends to remove the mobile home or manufactured home. If the mailed notice is returned undeliverable, the City shall post the notice on the home. All such notices shall be mailed, published, or posted no less than 10 business days prior to the removal of the home. Recovery of the City's expenses, including storage expenses, may be through imposition of a lien against the owner's lot or by suit for debt. So long as the home remains unclaimed, it shall be treated as abandoned property subject to the maintenance and reporting terms of Chapters 72 and 74 of the Texas Property Code.

SECTION 4.02 OFFENSE AND PENALTIES

- A. A person who violates any provision of this Ordinance, or who fails to perform an act required by this Ordinance commits an offense. A person violating any provision of this Ordinance is subject to prosecution for criminal violations as well as suit for injunctive relief. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued.

- B. Criminal and Civil Penalties
 - 1. Criminal Prosecution. An offense under this Ordinance is punishable by a fine not to exceed:

- a. \$500.00 per day;
 - b. \$2,000.00, if the provision violated governs public health or sanitation; or
 - c. The amount fixed by state law if the violation is one for which the state has fixed a fine.
 - d. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.
2. Civil Remedies. Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to, the following:
- a. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
 - b. A civil penalty up to \$500.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
 - c. Other available relief.

ARTICLE 5. REQUEST FOR VARIANCE; HEARING AND ORDER

- A. Except for the prohibition in Section 1.03, A. regarding mobile homes, a person may seek a variance from the provisions of this Ordinance. A person requesting a variance shall be granted a hearing on the matter before the City Council. A request for a variance shall be submitted in writing to the City Secretary and must contain the following information to be considered:
- 1. The specific requirement(s) or prohibition(s) in this Ordinance to which a variance is requested;
 - 2. An explanation as to why the requirement cannot be satisfied or why the prohibition should not apply;
 - 3. A statement indicating whether the variance is temporary or permanent.
 - a. If a temporary variance is requested, provide the duration of the temporary variance.
 - b. If a permanent variance is requested, describe the impact the variance will have on surrounding property values, land uses, and community aesthetics.
- B. Upon receipt of the request, the City Secretary shall request the City Council to set a time and place for the hearing and shall give the requested written notice of the setting. The City Secretary shall cause the notice of hearing to be posted in a public place at least 72 hours prior to the proceeding.
- C. At the hearing the requestor and other persons interested in the request shall be given an opportunity to be heard.
- D. After the hearing the City Council shall issue an order in writing granting or denying the request for a variance. A decision of the City Council is final.