

## **ORDINANCE NUMBER 1016**

### **AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AMENDING CHAPTER 14, BUILDING AND BUILDING REGULATIONS BY ADDING A NEW SECTION 14-02. PLACEMENT OF TEMPORARY STRUCTURES; AMENDING SECTIONS 41-20, AND 41-27; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the impact of fire or other destructive event on individual homeowners or businesses creates a need for providing means for those individuals or businesses to alleviate their suffering and to protect or rehabilitate their property; and

**WHEREAS**, temporary structures may assist individual homeowners and businesses recover from their loss and retain the productive value of their home or business to the benefit of the City; and

**WHEREAS**, temporary structures may provide an efficient means for many business enterprises to establish themselves and develop productive permanent structures to the economic benefit of the City;

### **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE:**

**Section 1.** That the Code of Ordinances, City of La Marque, Texas is hereby amended by adding a section, to be numbered 14-2. Placement of Temporary Structures, which said section reads as follows:

#### **Sec. 14-2. Placement of Temporary Structures**

(1) *Residential:*

- (a) A recreational vehicle or a manufactured home may be temporarily placed within the corporate limits when the sole purpose of such recreational vehicle or manufactured home is the temporary housing of one (1) or more persons whose home within the corporate limits has been damaged to the extent that it cannot be inhabited. Any such temporarily placed recreational vehicle or manufactured home shall be placed on the same lot as the damaged home (or on an adjoining lot under the same ownership) so long as applicable city setback and other city requirements are complied with as much as practical. Before any person places or locates a recreational vehicle or manufactured home pursuant to this subsection, such person shall first submit to the City an application for the location of such recreational vehicle or manufactured home. Such application shall be in such form as prescribed by the Building Official, but

at a minimum shall contain provisions for the applicant to provide the applicant's full name, permanent residential address, Texas Driver's License number, identification of the recreational vehicle or manufactured home (including its owner) to be temporarily located on the lot (or on an adjoining lot under the same ownership), a surveyor's plat or accurate drawing disclosing the proposed location of the temporary recreational vehicle or manufactured home within the City, compliance with setback and building separation requirements, arrangements for safe, sanitary, electrical, potable water and sewer hook-ups, the number of persons to occupy such recreational vehicle or manufactured home and the period of time such recreational vehicle or manufactured home shall be at such location, which time shall not exceed eighteen (18) months from the date the application is approved, unless such time is extended by the Building Official. The Building Official shall act on a properly completed application and, if approved, a permit or other written evidence of approval shall be issued by the City and shall be conspicuously posted on a readily accessible window (facing outward toward the nearest public street) of such temporary recreational vehicle or manufactured home. The City shall charge each person whose application is approved all the prevailing, applicable fees that are required to be paid to the City for residential inspections and for electrical, water and sewer connections.

- (b) Upon application on a form prescribed by the City, an extension of time for the location of a recreational vehicle or manufactured home may be granted by the Building Official for up to an additional ninety (90) days. Good cause must be shown for any such extension.
- (c) A recreational vehicle or manufactured home approved for temporary location pursuant to (a) or (b) above shall cease to be occupied and shall, in the case of a manufactured home, be removed from the site upon the first to occur of the following events:
  - (1) completion of the repair work at the home that was damaged;
  - (2) cessation of the use of the recreational vehicle or manufactured home as the temporary residence for one or more bona fide owners or occupants of the damaged home; or
  - (3) the expiration of eighteen (18) months from the date of approval of the application for the temporary use and placement of the recreational vehicle or manufactured home or, the expiration of any extensions granted by the Building Official.

Whichever of such events occurs first, the City shall be entitled to make inspections or inquiries from time to time to determine compliance with subsections (a), (b) and (c) of this section, and to verify the contents of the application filed in connection with the temporary use of a recreational vehicle or manufactured home.

- (d) It shall be unlawful for any person to occupy a recreational vehicle or manufactured home under (a) and (b) above unless such recreational vehicle or manufactured home is occupied as the temporary, full-time residence of one or more owners or occupants of the damaged home. It shall be unlawful for any person to move a recreational vehicle or manufactured home from an approved location to another location within the city, unless such other location is authorized by City ordinance. In the event of a violation of (a), (b) and/or (c) of this section as amended, the City may proceed by civil suit, application for injunction or any other remedy available at law or in equity to enforce this section.

(2) *Business and Commercial*

- (a) Temporary nonresidential buildings may be allowed and permitted in cases in which fire or other disaster damages or destroys an existing permanent nonresidential building that was occupied by the same business, person or persons requesting the use of a temporary nonresidential building on the same site as the damaged or destroyed building for a period not to exceed twelve (12) months.
- (b) A temporary nonresidential building may be placed within the corporate limits when the sole purpose of such building is the temporary occupancy of a business whose permanent building has been damaged to the extent that it cannot be occupied. Any such temporarily placed nonresidential building shall be placed on the same property as the original business (or on an adjoining lot under the same ownership) so long as applicable City setback and other City requirements are complied with as much as practical. Before any person places or locates a temporary nonresidential building pursuant to this subsection, such person shall first submit to the City an application for the location of such temporary building. Such application shall be in such form as prescribed by the Building Official, but at a minimum shall contain provisions for the applicant to provide the applicant's full name, permanent address, identification of the temporary building (including its owner) to be temporarily located on the property (or on an adjoining lot under the same ownership), identification of the property owner, a surveyor's plat or accurate drawing disclosing the proposed location of the temporary building upon the property, compliance with setback and building separation requirements,

arrangements for safe, sanitary, electrical, potable water and sewer hook-ups, the number of persons to occupy such temporary building and the period of time such temporary building shall be at such location, which time shall not exceed twelve (12) months from the date the application is approved, unless such time is extended by the Building Official. The Building Official shall act on a properly completed application and, if approved, a permit or other written evidence of approval shall be issued by the City and shall be conspicuously posted on a readily accessible window (facing outward toward the nearest public street) of such temporary building. The City shall charge each person whose application is approved all the prevailing, applicable fees that are required to be paid to the City for inspections and for electrical, water and sewer connections.

- (c) Upon application on a form prescribed by the City, an extension of time for the location of a temporary building may be granted by the Building Official for up to an additional ninety (90) days. Good cause must be shown for any such extension.
- (d) A temporary building approved for temporary location pursuant to (a) or (b) above shall cease to be occupied and shall be removed from the site upon the first to occur of the following events:
  - (1) completion of the repair or replacement work of the building that was damaged; or
  - (2) cessation of the use of the temporary building by the owners or occupants of the damaged business; or
  - (3) the expiration of twelve (12) months from the date of approval of the application for the use and placement of the temporary building or, the expiration of any extensions granted by the Building Official.

Whichever of such events occurs first, the City shall be entitled to make inspections or inquiries from time to time to determine compliance with subsections (a), (b) and (c) of this section, and to verify the contents of the application filed in connection with the use of a temporary building.

- (e) It shall be unlawful for any business or person to occupy a temporary building under (a) and (b) above unless such building is occupied as the temporary, full-time business location by owners or occupants of the damaged building. It shall be unlawful for any person to move a temporary building from an approved location to another location within the city, unless such other location is authorized by City ordinance. In the event of a violation of (a), (b) and/or (c) of this section as amended, the

City may proceed by civil suit, application for injunction or any other remedy available at law or in equity to enforce this section.

- (f) Temporary office building may be used and permitted with approval by the Building Official for a period of twelve (12) months when the person or persons requesting the use of a temporary building demonstrate plans to erect a permanent structure within the city limits. Demonstration of plans to erect a permanent structure can be satisfied by the submission of site development and construction plans prepared by an engineer registered to do business in the State of Texas. In addition, application criteria and conditions described in (b), (d) and (e) above, and under this heading "Business and Commercial", shall apply. Extensions for a period not to exceed twelve (12) months may be granted by City when, in the Building Official's opinion, such a request is justified, but only in cases in which a building permit was issued for a permanent structure prior to the expiration of the initially permitted twelve (12) months.

**Section 2.** That the Code of Ordinances, City of La Marques, Texas is hereby amended by amending Section 41-20, paragraph (b) and (c) to read as follows:

- (b) With the exception of those locations allowed by sections 14-2, 26-13 and 41-27 of this Code of Ordinances, all manufactured homes shall be placed in manufactured home parks and connected to water, sewer, electrical utilities, and other services that are required for the health and safety of the occupants. An existing manufactured home located in the city corporate limits and outside a manufactured home park on the date of this article will be allowed to remain on its existing site until it is removed from the city or relocated to a manufactured home park or until the condition of the manufactured home violates the city codes. When the condition of the manufactured home violates city codes, the building official shall require the owner to move the manufactured home out of the city or demolish it. A manufactured home located within the city limits and outside a manufactured home park on the date of adoption of this article may be replaced one time and one time only with a manufactured home. The replacement manufactured home must be installed within 180 days of the removal of the original manufactured home, upon the same site location as the replaced manufactured home, and comply with all codes and regulations effective on the date of installation. In the case of fire or natural disaster resulting in irreparable damage to a manufactured home, a replacement manufactured home may be installed within 180 days following the fire or natural disaster, upon the same site location as the damaged manufactured home, and comply with all codes and regulations effective on the date of installation. Upon the removal or destruction of

the replacement manufactured home, the aforementioned site location of the manufactured home shall no longer be considered eligible as a location for a manufactured home.

- (c) Recreational vehicles dependent upon outside sources for power, water and/or waste disposal or containment shall not be allowed to be used for temporary or long term occupancy in the City limits except when located within a licensed manufactured home park or recreational vehicle park or as allowed by sections 14-2, 26-13 and 41-27 of this Code of Ordinances. Recreational vehicles that are designed to be temporarily occupied independently of outside sources for power, water and waste disposal and/or containment shall be allowed to be used for temporary or long term occupancy within a manufactured home park or recreational vehicle park and shall be allowed to be used for temporary occupancy outside a manufactured home park or recreational vehicle park for a maximum of 72 hours per calendar month.

**Section 3.** That the Code of Ordinances, City of La Marque, Texas is hereby amended by amending Section 41-27. paragraph (a) to read as follows

- (a) It shall be unlawful for any person to locate or maintain any manufactured home in any place in the City other than on a duly licensed manufactured home park (which park need hereafter have four or more manufactured home spaces or stands), except for:
  - (1) A single manufactured home used as allowed by Sections 14-2 and 26-13 of this Code of Ordinances;
  - (2) A single manufactured home located on a lot previously used as a single manufactured home lot as allowed by Section 41-20 (b) of the Code of Ordinances.
  - (3) A manufactured home installed for a period of not more than 12 months for the purpose of establishing a city approved municipal utility district.

**Section 4. Severability:** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of 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.

**Section 5. Penalties:** Any person violating any of the provisions of this Ordinance shall be fined in accordance with the general penalty provisions found in Section 1-7 of the Code of Ordinances of the City of La Marque, Texas and each day of such violation shall constitute a separate offense.

**Section 6. Effective Date:** This ordinance shall take effect upon adoption by the City Council.

PASSED AND APPROVED on the first reading this the \_\_ day of \_\_\_\_\_, 2008.

PASSED AND ADOPTED on the second and final reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

---

Larry E. Crow, Sr.,  
Mayor

ATTEST:

---

Susan K. Welch,  
City Clerk