

**ORDINANCE NO. 007-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 12 OF THE BIG SPRING CITY CODE ENTITLED “BUILDING AND BUILDING REGULATIONS” BY ADDING A NEW ARTICLE V ENTITLED “MANUFACTURED HOUSING AND MOBILE HOMES” IN ORDER TO ESTABLISH LIMITED, FORWARD-LOOKING REGULATIONS FOR MANUFACTURED HOMES AND MOBILE HOMES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, there is a need to provide City residents with safe, affordable, and well-constructed housing; and

**WHEREAS**, manufactured housing has become a primary housing source for many City residents; and

**WHEREAS**, in 2001, the Texas Legislature enacted H.B. 2813, the Texas Manufactured Housing Standards Act; and

**WHEREAS**, H.B. 2813 implemented many regulations on manufactured housing, allowed cities to adopt only limited, forward-looking (prospective) regulations, and encouraged cities to cooperate with the state enforcement body, the Texas Department of Housing and Community Affairs, Manufactured Housing Division;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:**

**SECTION 1.** Chapter 12 of the Big Spring City Code entitled “Building and Building Regulations” is hereby amended by adding a new Article V entitled “Manufactured Housing and Mobile Homes” to read in its entirety as follows:

**ARTICLE V. MANUFACTURED HOUSING AND MOBILE HOMES**

**Section 12-151. Purpose.**

The purpose of this Article is to encourage the construction of safe, affordable, and well-constructed housing for City residents.

**Section 12-152. Definitions.**

All of the terms and definitions found in Section 1201.003, Texas Occupation Code, as they may be amended from time to time, are hereby adopted into this Article, and these terms and definitions shall be construed identically with the state law definitions.

**Section 12-153. Prohibition on installation of mobile homes.**

- (a) The installation of a mobile home for use as dwelling is prohibited in the incorporated area of the City of Big Spring, except this prohibition is only prospective, meaning that it applies only looking forward in time from the adoption of this ordinance.
- (b) This section does not prohibit the continued use of a legally permitted and used mobile home used as a dwelling which was installed before this section became effective.
- (c) A violation of this section is a Class C misdemeanor, and each day of continuous violation shall be a separate violation.
- (d) This Section does not affect the validity of a deed restriction.

**Section 12-154. Replacement of a mobile home with a HUD-code manufactured home.**

- (a) Notwithstanding Section 12-153, if a legally-permitted mobile home used for a dwelling is sought to be replaced by a HUD-code manufactured home to be used as a dwelling, the City shall grant a permit for use of the manufactured home as a dwelling in the municipality.
- (b) The City may place any reasonable restrictions on the permit as allowed by law.
- (c) The cost of the permit shall follow the City's cost schedule.
- (d) This Section does not affect the validity of a deed restriction.

**Section 12-155. Replacement of a HUD-code manufactured home with a newer HUD-code manufactured home.**

Notwithstanding the Zoning Ordinance of the City of Big Spring, or other ordinance, in the event that a legally-permitted manufactured home occupies a lot in a City, the owner of the manufactured home may, with the appropriate permit, 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 and is at least as large in living space as the prior manufactured home. If the owner has previously replaced the mobile home or HUD-code manufactured home, the owner may not replace the home with a HUD-code manufactured home.

**Section 12-156. Timeline for granting or denying permits for a new HUD-code manufactured home.**

If it satisfies this Article, the Zoning Ordinance of the City of Big Spring, and all other ordinances and state law, an application for a permit to install a new HUD-code manufactured home for use as a dwelling is considered to be granted unless the City in writing denies the application and states the reason for the denial not later than the 45th day after the date the application is received

**Section 12-157. Transportation and installation of HUD-code manufactured homes.**

- (a) The City does not require a permit, a fee, a bond, or insurance for the transportation and installation of manufactured housing by a licensed retailer or installer, except as follows. The transportation of a manufactured home that requires City police or other City resources will result in any person or entity responsible for such transportation to pay the City's costs, as reflected in the escort fee.
- (b) The City reserves the right to collect costs incurred or damages to public property caused by transportation or installation of manufactured housing.

**Section 12-158. The right of an owner of a HUD-code manufactured home to replace it if destroyed by fire or natural disaster.**

A mobile home used as a dwelling or a HUD-code manufactured home used as a dwelling, where such a home was destroyed or made uninhabitable by fire or natural disaster, may be replaced by the owner with a HUD-code manufactured home used as a dwelling. This right may not be restricted by Section 12-155.

**Section 12-159. Administration, hearings, and appeals.**

- (a) The Building Official shall administer this Article and may issue a Notice of Violation to an owner of a lot, a mobile home, or manufactured housing, or to a person installing a mobile home or manufactured housing.
- (b) A hearing after a notice of violation of this article is required and shall be through the Structural Standards Ordinance.
- (c) The Building Official may authorize the City's legal counsel to seek remedy of a violation of this Article in a court proceeding if a person who violates this Article owns three or more mobile homes or HUD-code manufactured homes, or if the person is an installer or a transporter of a mobile home or a HUD-code manufactured home.

**SECTION 2.** Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 4.** The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.


**SECTION 5.** This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

**PASSED AND APPROVED** on first reading at a special meeting of the City Council on the 2<sup>nd</sup> day of February, 2021 with all members of the Council voting “aye” for the passage of same.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Council on the 9<sup>th</sup> day of February, 2021 with all members of the Council voting “aye” for the passage of same.

  
Shannon D. Thomason, Mayor

ATTEST:

  
Tami L. Davis, Interim City Secretary