

ORDINANCE NO. 2023-10-01

AN ORDINANCE OF THE CITY OF PEARSALL AMENDING CHAPTER 26 OF THE CITY OF PEARSALL CODE OF ORDINANCES TO REGULATE THE INSTALLATION, USE, AND PLACEMENT OF MANUFACTURED HOMES, MOBILE HOMES AND MODULAR HOMES; PROVIDING A PENALTY FOR VIOLATIONS; REPEALING ALL LAWS OR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Pearsall, Texas is a Home Rule Municipality, duly incorporated under the laws of the State of Texas; and,

WHEREAS, the Texas Local Government Code, Section 51.001, authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and,

WHEREAS, the Texas Occupations Code, Section 1201.008(a), and the Texas Manufactured Housing Standards Act, Section 4a, authorizes municipalities to prohibit the future installation of a mobile home for use or occupancy as a residential dwelling in the municipality; and,

WHEREAS, the Texas Occupations Code, Section 1201.008(b), and the Texas Manufactured Housing Standards Act, Section 4b; authorizes municipalities to permit HUD-Code Manufactured Homes for use as a residential dwelling in areas determined appropriate by the municipality; and,

WHEREAS, the Texas Occupations Code, Chapter 1202, Subchapter F, reserves the authority to municipalities to regulate land use and zoning requirements, building setback requirements, site planning and development and property line requirements, subdivision control, landscape architectural requirements; and regulate the on-site construction or installation of modular homes.

WHEREAS, the City Council of the City of Pearsall has determined that it is in the best interest to regulate the future installation of mobile homes, providing regulations for the installation of modular homes and HUD-Code Manufactured Homes in subdivisions, planned unit developments, single lots, and rental communities and parks as determined appropriate by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARSALL, TEXAS, THAT:

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes. The City of Pearsall Code of Ordinances is amended as follows:

Sec. 26-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory shall mean any structural addition to a mobile home/manufactured house including, without limitation, awnings, cabanas, decks, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.

Building Official shall mean a person(s) appointed by the City Manager and charged with the authority to administer and enforce this ordinance or code, or their duly authorized and designated representative. The person or department to whom the City Manager may delegate the Building Officials duties including the physical inspection of property to ensure each major component meets zoning and building codes, foundation, plumbing, electrical wiring, roofing, and fire egress.

Certificate of Occupancy shall mean a document issued by the Building Official that authorizes a building or structure to be used or occupied by the proposed use upon being inspected and found to be in compliance with the requirements of all City ordinances.

Conditional use means a use which may be permitted in a district subject to meeting certain conditions or procedures set forth in this chapter.

HUD Code manufactured home.

- (1) The term "HUD Code manufactured home" means a structure:
 - a. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - b. Built on a permanent chassis;
 - c. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - d. Transportable in one or more sections; and
 - e. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- (2) The term "HUD Code manufactured home" includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- (3) The term "HUD Code manufactured home" does not include a recreational vehicle as defined by 24 CFR section 3282.8(g).

Installation shall mean the 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.

Label shall mean a device, decal or insignia issued to indicate compliance with the standards, rules, and regulations related to the types of dwellings, set forth as:

i. A "**Red label**" is affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, and serves as the manufacturer's certification that the home is built in accordance with the standards set by the United States Department of Housing and Urban Development.

ii. A "**Blue label**" is affixed to modular homes signifying that the home is built to model code standards that comply with the International Residential Code and issued by the Texas Department of Licensing and Regulation.

Manufactured home or *manufactured housing* means a HUD Code manufactured home or a mobile home.

Manufactured home park means a unified development of a minimum of three acres and ten approved manufactured home spaces for rent or lease, arranged on a tract of land, in which the tenant of the manufactured home are not the owners of the land.

Manufactured home subdivision means the division of land as the term "subdivision" is defined in this chapter for the purpose of manufactured home occupancy. A manufactured home subdivision shall consist of not less than three acres and ten approved manufactured home sites.

Mobile home.

- (1) The term "mobile home" means a structure:
 - a. Constructed before June 15, 1976;
 - b. Built on a permanent chassis;
 - c. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - d. Transportable in one or more sections; and
 - e. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- (2) The term "mobile home" includes the plumbing, heating, air conditioning, and electrical systems of the home.

Mobile home park means a lot, tract or parcel of land used in whole or in part and divided into unit plots for the parking of house trailers or mobile homes which are used by persons for temporary or permanent dwelling places. Where cottages and facilities for house trailers or mobile homes are provided at one site, the whole shall also be known as a house trailer park.

Modular homes means a structure or building module which is a minimum of 20-feet wide and is manufactured at a location other than the location where it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device and to be used as a permanent dwelling when installed and placed upon a permanent foundation system.

Owner or manager means any person or society who has the control, direction, maintenance or supervision of a house trailer park. Executors, administrators, guardians, conservators or trustees shall also be regarded as owners.

Recreational vehicle means any of the following while in use as a residence:

Dependent trailer means a trailer which is dependent upon a service building for toilet and lavatory facilities.

Motor homes means a portable, temporary dwelling to be used for travel, recreation, and vacation.

Self-contained trailer means a trailer which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage-holding tanks located within the trailer.

Travel trailer means vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified travel trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximum.

(Ord. of 5-13-1998, § 2)

Section XX.XX Manufactured Homes.

No Manufactured Home shall be permitted within the City limits of the City of Pearsall, Texas except to City designated manufactured home parks. The installation, use, and placement of new mobile homes, and HUD code manufactured homes is strictly prohibited and subject to penalty under this code and the laws of Texas.

In the event that a manufactured home occupies a lot within city limits, the owner of the manufactured home may 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 pursuant to Section 1201.008(e) of the Occupations Code.

Any Manufactured Home located in the City legally, prior to the enactment of this ordinance and used and occupied as a residential dwelling shall be allowed to remain in its location.

This ordinance does not make unlawful any Manufactured Home already in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any non-conforming Manufactured Home is removed from its location, it shall not be allowed to relocate within the city limits of the City of Pearsall, Texas.

Section XX.XX Mobile Homes.

Mobile homes are strictly prohibited within the City limits of the City of Pearsall or its Extraterritorial Jurisdiction (ETJ), Texas. No Mobile Home or Mobile Home Park shall be permitted within the City limits of the City of Pearsall or its Extraterritorial Jurisdiction (ETJ) except in areas designated by the City.

Any Mobile Home located in the City legally, prior to the enactment of this ordinance and used and occupied as a residential dwelling shall be allowed to remain in its location.

This ordinance does not make unlawful any Mobile Home already in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any non-conforming Mobile Home is removed from its location, it shall not be allowed to relocate within the city limits of the City of Pearsall, Texas.

Section XX.XX Modular Homes.

Modular homes shall be constructed to the same codes as site built housing under the applicable laws of the state of Texas and the City of Pearsall. All modular homes within city limits must be installed on a permanent foundation system. The City does not differentiate between modular homes built under the Texas Industrial Housing and Building (IHB) program and site-built homes.

Pursuant to Texas Occupations Code Section 1202.253, all modular homes in city limits must to have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of where the modular housing is proposed to be located and have exterior siding, roofing, roof pitch, foundation fascia, and fenestration that is compatible with single-family homes located within 500 feet of the lot.

This ordinance does not make unlawful any Modular Home already in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any non-conforming Modular Home is removed from its location, it shall not be allowed to relocate within the city limits of the City of Pearsall, Texas.

Section XX.XX Penalty.

Any condition caused or permitted to exist in violation of any of the provisions of this ordinance shall be deemed a public nuisance and may be abated by the City as provided by law. In addition to the remedies as herein provided, the City may at any time seek such injunctive relief and use all legal remedies available to the City as shall be necessary to ensure compliance with the terms and provisions of this ordinance.

(a) A violation of this ordinance is punishable by a fine not exceeding two thousand dollars (\$2,000.00) for violations of a rule, ordinance, or police regulation that governs fire safety, public

safety, zoning, and public health and sanitation, including dumping of refuse.

(b) All other violations shall be punished by a fine not exceeding five hundred dollars (\$500.00), but no penalty shall be more or less than the penalty provided by state law for the same offense.

(c) Furthermore, each day that a violation continues after due notice has been served shall be deemed a separate offense.

(d) In addition to the imposition of the penalties herein described, the Building Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises

(e) Any person, corporation, or partnership who permits, aids, assists or employs another person, corporation or partnership in doing any prohibited act or failing to do any act as shall be required in this ordinance shall be deemed in violation as if such person or corporation had actually committed such act or failed to actually perform such act as herein required. Such a person, corporate or partnership, representative need not actually be present at the time of the violation; and a person, corporation or partnership may be deemed in violation whenever the act of permitting, aiding, assisting or employing occurs before or after the violation.

Section XX.XX Building Official Authority.

Except as otherwise specified in this chapter, the Building Official for the City of Pearsall has power and authority to approve permits and licenses required pursuant to this ordinance. The Building Official shall also have the authority to establish reasonable and necessary administrative rules and regulations to enforce the requirements of this ordinance, such as the place where license and permit applications will be received and the times when inspections will be made.

Section XX.XX Notices and orders.

The City Building Official, or designee shall issue all necessary notices or orders to remove or abate illegal or unsafe conditions and to ensure compliance with all the requirements of this ordinance for the safety, health and general welfare of the public.

Section XX.XX Compliance.

When any person shall be notified by a written notice by the City that any condition may exist or work being done by him as owner, agent, or in any other capacity, is in violation of the provisions of this ordinance, it shall be his duty to abate the violation within the time specified in the written notice. Such time shall not exceed thirty (30) days. In the event legitimate circumstances exist preventing compliance within the specified thirty (30) day period, the building official may extend the compliance time for a period as may be reasonably determined by the building official. The

City may provide for immediate compliance when a serious threat to life or substantial damage to property may exist.

Sec. 26-3. - Purpose.

The purpose and intent of this chapter is to provide certain minimum standards, provisions and requirements for safe, sanitary and suitable methods for construction and operation of mobile home and manufactured home parks within the City, to provide adequate space and restrictions for the placement of mobile, modular and manufactured homes in the City, and to provide guidelines for the placement of such parks, to ensure that these parks shall not become a menace or a public nuisance to health, or is offensive to the community, morals and safety and welfare.

Sec. 26-4. - Mobile home park permit.

It shall be unlawful for any person to establish, maintain, conduct or operate any present or future mobile home park within the City limits without first having obtained a permit therefore from the Building Official of the city. Such permit shall be for the calendar year or any part thereof, ending on December 31 of each year with the right to renew the permit yearly, if a mobile home park is in compliance with the provisions of this chapter.

(Ord. of 5-13-1998, § 4)

Sec. 26-5. - Location of manufactured homes.

- (a) No person shall park or occupy a manufactured home on any lot or tract not within a zoning district which permits manufactured homes.
- (b) Emergency or temporary stopping or parking of manufactured homes is permitted on any street or highway for not longer than three hours subject to any other prohibitions, regulations or ordinances pertaining to the particular street or highway.

(Ord. of 5-13-1998, § 6)

Sec. 26-6. - Manufactured home park plan.

- (a) *Submission.* Each applicant seeking approval of a manufactured home park shall submit to the Director of Planning five blue or black line copies of a manufactured home park plan and one 8½-inch by 11-inch reduced copy of vellum or similar quality material accompanied by the plan review fee specified herein.
- (b) *Review.* Upon receipt of a manufactured home park plan, the director of planning shall distribute copies to various City departments and agencies as the director deems appropriate for their review. The departments/agencies receiving copies of the plan shall submit their comments and recommendations for approval or disapproval in writing back to the director of planning within 30 days of receipt of the plan.

(c) *Approval.* Within 45 days of the date of submission of the manufactured home park plan, the director of planning shall submit the plan with his recommendation and comments received from other City departments and agencies to the planning commission for consideration. The planning commission may approve the plan as submitted, amend and approve the plan as amended or disapprove the plan. If the manufactured home park plan is approved, the director of planning shall retain one copy or file in the planning department and distribute one copy to the director of building inspections and other departments/agencies appropriate.

(d) *Grandfathered.* All existing mobile home parks that were previously and properly approved are grandfathered relative to this provision. This does not excuse compliance with any and all setback requirements conditional use requirements including tiedowns, skirting and duration. Any additions to the existing mobile home parks triggers the compliance requirements of the provisions of this chapter.

(Ord. of 5-13-1998, § 7)

Sec. 26-7. - Plan specifications.

(a) *Generally.* The manufactured home park plan shall be drawn to a scale not to exceed one inch to 100 feet. Where more than one sheet is necessary to accommodate the entire area to be developed, an index sheet showing the entire park at an appropriate scale shall be attached to the plan.

(b) *Site improvement data.* The following data regarding site improvements are required:

- (1) A plan and typical section of streets, sidewalks, crosswalks, slabs, patios, if any, and details on sewer and water sections.
- (2) The name of the developer.
- (3) The name of the record owner of the land involved.
- (4) The legal description of the land being developed, with an identification number assigned to each manufactured home site.
- (5) The tract boundary lines.
- (6) The scale; north arrow and date.
- (7) The final contour data to show drainage of the site of the proposed manufactured home park. If the average grade of the site is five percent or less, the maximum contour interval shall be two feet. If the average grade of the site is greater than five percent, the contour interval may be increased to five feet.
- (8) The source of water supply and layout of the water system, including locations of standard fire hydrants.

- (9) The method of sewage disposal and layout of the sewer system.
- (10) The name of the manufactured home park and the legal description of the property.
- (11) The location and dimensions of all streets, easements, and other rights-of-way.
- (12) The boundaries of each manufactured home stand and site and other sites with accurate dimensions.
- (13) The front building setback lines on all manufactured home stands and other sites and side yard setback lines at street intersections and crosswalks.
- (14) A location diagram.
- (15) An owner's certificate in the following form:

State of Texas
 County of Frio

I hereby certify that this plan is true and correct and if approved by the planning commission, all development will be in accordance with this plan, and no alterations will be made in this plan after approval.

	_____ Owner or authorized agent
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- (16) An approval form in the following format:

This Manufactured Home Park Plan for _____ has been considered and is hereby approved by the Planning Commission of the City of Pearsall, Texas. Dated this ___ day of _____, 20__.

	By: _____ Chairman
	By: _____ Secretary

(Ord. of 5-13-1998, § 8)

Sec. 26-8. - Plat requirement.

Property to be developed as a manufactured home park shall be platted prior to obtaining any building permits or utility services.

(Ord. of 5-13-1998, § 9)

Sec. 26-9. - Manufactured home standards.

- (a) Manufactured homes shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal manufactured home construction and safety standards in effect on the date of manufacture.
- (b) Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other non degradable material which is compatible with the structure's exterior siding.
- (c) Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.
- (d) Living area additions, carports and garages are permitted, provided they are constructed of material compatible with the primary structure, meet the minimum standards of the zoning districts and comply with the structural standards as required of the primary structure.
- (e) Manufactured houses which do not bear a ~~label~~ Red label or a Blue label certifying that the structure was constructed in compliance with the federal manufactured home construction and safety standards, may be acceptable provided they meet the previously listed standards and satisfy the following criteria:
 - (1) All electrical material, devices, appliances and electrical equipment are in sound and safe condition. Aluminum wiring and conductors are not acceptable.
 - (2) All mechanical systems including space and water heating are in sound and safe condition.
 - (3) All plumbing, gas piping and wastewater systems are in sound and safe condition.
 - (4) The unit is in sound and safe structural condition. Uncompressed finish floorings greater than one-eighth-inch in thickness beneath load-bearing walls which are fastened to the floor structure are not acceptable. Mobile homes which show signs of fire damage are not acceptable.
 - (5) The determination of the foregoing acceptance of any mobile home shall be made by the local Building Official and Department of Inspections.
- (f) All mobile homes and manufactured housing shall be installed in accordance with the locally adopted building codes.

(Ord. of 5-13-1998, § 10)

Sec. 26-10. - Use restrictions.

In a manufactured home park (MHP) district, no land shall be used and no building shall be erected for or converted to any other use than:

- (1) One manufactured home on each space as approved for manufactured homes.
- (2) The owner or manager's single-family dwelling unit.
- (3) Accessory buildings including a private garage, or bona fide servants' quarters, for use of servants employed on the premises, and not for rent.
- (4) Recreational and commercial facilities designed for the exclusive use of the park occupants.

(Ord. of 5-13-1998, § 11)

Sec. 26-11. - Prohibited uses of new and existing parks.

Prohibited uses shall be as follows:

- (1) Any building erected on land used for other than one or more of the uses specified in section 26-10.
- (2) Any use of property that does not meet the required minimum lot/space size: front, side and rear yard dimensions; and/or lot width, or exceeds the maximum height, building coverage or density per gross acre as required.
- (3) Any use of a single-family detached dwelling unit by more than six individuals who are unrelated by blood, legal adoption, or marriage. The owner and any agent of the owner shall be legally responsible for any dwelling unit use.
- (4) Mobile homes, except those meeting the established mobile home standards.

(Ord. of 5-13-1998, § 12)

Sec. 26-12. - Density, area requirements.

Density and area requirements shall be as follows:

- (1) Minimum lot area:
 - a. Singlewide: 60 feet by 90 feet.
 - b. Doublewide: 80 feet by 90 feet.
- (2) No manufactured home park shall have less than ten manufactured home lots, or consist of less than three acres in total area.
- (3) No manufactured home park shall exceed a density of more than ten dwelling units per gross acre.

(Ord. of 5-13-1998, § 13)

Sec. 26-13. - Standards of development.

(a) *Dedicated streets.* Dedicated streets, for maintenance purposes, shall be provided and shall extend continuously from the public right-of-way so as to provide suitable access to all mobile home lots and other facilities or uses permitted in mobile home parks; as well as provide adequate connection to future streets at the boundaries of the mobile home park property line. Dedicated streets shall meet the following standards:

(1) Minimum driving surface shall be as follows: dedicated streets which provide direct access to 25 or more mobile home lots shall be 24-feet wide.

(2) Dedicated street intersections shall generally be at right angles; offsets at an intersection of less than 125 feet, centerline to centerline, should be avoided; and an intersection of more than two streets at one point should be avoided.

(3) Dead-end dedicated streets shall be limited to a maximum length of 600 feet and shall be provided with a vehicular turning space with a turning circle of 80 feet in diameter.

(4) All dedicated streets shall be constructed of all-weather materials which shall be durable and well drained under normal use and weather conditions.

(5) Dedicated streets which may connect two public street rights-of-way shall, by the use of curves, offsets, location, and/or the use of two or more streets, be located so as to discourage through traffic.

(b) *Mobile home space.* Each mobile home space shall conform to the following standards: have available sanitary sewer, water, electrical power, telephone and natural gas if required. Those services shall be installed under the appropriate City codes to the point of service.

(Ord. of 5-13-1998, § 14)

Sec. 26-14. - Parking for parks.

(a) It shall be unlawful for any person to park or occupy any mobile home or recreational vehicle on any street, alley, highway, sidewalk, or other public place in the City for a longer period than 24 hours.

(b) No mobile home or recreational vehicle shall be parked, used, or occupied on any tract of ground within the City limits except in a duly permitted mobile home park and is herein permitted by this section.

(c) Each mobile home space shall provide at least one off-street parking space. Additional parking places shall be provided at the rate of one-half parking space per mobile home unit. In common areas which are accessible to those units being served, said space shall:

- (1) Have a permanent all-weather surface.
- (2) Have dimensions of not less than nine feet by 20 inches.
- (3) Be appropriately defined and marked.
- (4) Be accessible to an all-weather surface private street.
- (5) Be so located and regulated that no parking or maneuvering incidental to parking shall be on any public street or walk.
- (6) Provide adequate barriers to keep any parked vehicle from extending into or overhanging any public dedicated street or private street.
- (7) Be so designed that any vehicle may be parked and unparked without requiring the moving of any other vehicle.

(Ord. of 5-13-1998, § 15)

Sec. 26-15. - Streets for parks.

- (a) *Generally.* Streets shall be provided within manufactured home parks to provide convenient circulation by means of local streets and properly located collector streets. Streets within a manufactured home park shall be private streets and shall be maintained by the manufactured home park owner or licensee.
- (b) *Design standards and construction specifications.* The street system shall comply with the standards for private streets as specified in the Subdivisions chapter. The radius of the curb returns of private streets to public streets shall be 25 feet. Closed ends of dead-end streets shall be provided with a turning circle at least 80 feet in diameter.
- (c) *Alignment and gradient.* Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and groundwater drainage, and properly functioning sanitary and storm sewer systems.
- (d) *Intersections.* Street intersections shall generally be at right angles. Off-sets at intersections and intersections of more than two streets shall be avoided.

(Ord. of 5-13-1998, § 16)

Sec. 26-16. - Driveways for parks.

The maximum width of driveways to manufactured home stands and other facilities shall be 12 feet, plus any extra width necessary for maneuvering a manufactured home on a curve.

(Ord. of 5-13-1998, § 17)

Sec. 26-17. - Setbacks for parks.

All mobile homes shall be placed as follows:

- (1) The minimum front yard setback shall be ten feet from the nearest corner of the mobile home to the front line of the mobile home space.
- (2) No mobile home shall be closer than ten feet to any property line nor closer than 25 feet to the property line adjoining a public street.
- (3) For other structures on each space, the minimum front yard setback shall be at least ten feet.
- (4) The minimum distance between mobile homes at any point shall be 20 feet.
- (5) The height limit for any structure intended for occupancy in the mobile home park shall be 35 feet.
- (6) The average height of the mobile home frame above the ground elevation, measured at 90 degrees to the frame, shall not exceed three feet.
- (7) Mobile homes must be skirted with nonflammable material before City utilities are connected.

(Ord. of 5-13-1998, § 18)

Sec. 26-18. - Floodplain for parks.

Every manufactured home park shall comply with the provisions of chapter 18, Floodplain Management, as applicable. In all areas of special flood hazards where base flood elevation data has been provided, the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Building Official that the standard of this subsection is satisfied.
- (2) *Nonresidential construction.* New Construction or substantial improvement of any commercial industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall submit a certification to the Building Official that the standards of this subsection are satisfied.
- (3) *Mobile homes.*

- a. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
- b. All mobile homes shall be anchored to resist flotation, collapses, or lateral movement. Specific requirements shall be:
 1. Over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
 2. Frame ties at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds;
 4. Any additions to the mobile home shall be similarly anchored.
- c. For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision require:
 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level. A registered professional engineer, architect, or land surveyor shall submit a certification to the Building Official that the standards of this section;
 2. Adequate surface drainage and access for a hauler are provided; and
 3. In the instance of elevation on pilings:
 - (i) Lots are large enough to permit steps;
 - (ii) Piling foundations are placed in stable soil no more than ten feet apart; and
 - (iii) Reinforcement is provided for pilings more than six feet above the ground level.

(Ord. of 5-13-1998, § 19)

Sec. 26-19. - New and existing parks—City improvements and services.

The City will withhold all public improvements and services from manufactured home parks, including wastewater, water, gas and electric service, until a manufactured home park has been approved in the manner prescribed by those regulations.

(1) *Drainage structures.* Provisions for the collection and disposal of surface and subsurface water to protect buildings and manufactured home stands, and to provide safe and convenient use of streets, lot areas and other improvements shall be required in all manufactured home parks.

(2) *Water supply.* Every manufactured home park shall be provided by the park licensee with an ample supply of water under pressure and approved by the director of health. Individual water lines from service outlets to manufactured homes shall be constructed to a minimum of one-half inch interior diameter PVC service weight pipe, galvanized pipe, polyethylene pipe, 100-pound pressure test strength, or copper line secured properly so as to eliminate any water leakage or spillage. Internal water supply systems shall be constructed so that they will not be damaged by the parking of manufactured homes and shall be maintained in good condition so as to prevent leakage or spillage.

(3) *Sewage disposal.* All sewer lines shall be connected to the public sewage system or a private sewage disposal system approved by the director of health. Individual sewage drains from manufactured homes to the park service connections shall be installed utilizing three-inch schedule 40 pipe or three-inch ABS service weight pipe, with all connections of same material sealed with sealing agents prescribed by the pipe manufacturer so as to prevent leakage or spillage.

(4) *Electrical power lines.* Electrical facilities shall comply with the rules and regulations regarding placement, installation, operation, and maintenance of electrical facilities as included in, but not limited to the National Electrical Code and the National Electrical Safety Code.

(5) *Fire hydrants.* Standard fire hydrants, in workable condition, shall be located within 500 feet of each manufactured home. All such fire hydrants shall be connected to not less than a six-inch diameter water line.

(Ord. of 5-13-1998, § 19)

Sec. 26-20. - New and existing parks—Certificate of occupancy.

No building, mobile home site or other permanent structure within the meaning and scope of this chapter shall be occupied in any part thereof unless or until a certificate of occupancy for the respective mobile home park has been issued by the Building Inspector. An application for the certificate of occupancy shall be filed by the owner or by his agent with the Building Inspector who shall cause an inspection to be made to determine whether the premises comply with the requirements of this chapter. Upon the incorporation of any area to the City, any person

maintaining or operating a mobile home park in such area shall immediately make application as provided in this section for a certificate of occupancy to continue the operation of such mobile home park.

(Ord. of 5-13-1998, § 20)

Sec. 26-21. - New and existing park—Building permit required.

No person shall erect, install, or construct or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, repair, convert, extend or demolish any building or structure or any part thereof or install any plumbing, electrical or mechanical equipment as part of a building or structure, or make any other improvement in any building or structure or cause the same to be done within a mobile home park without first obtaining a building permit therefor from the Building Inspector.

(Ord. of 5-13-1998, § 21)

Sec. 26-24. - Revocation, suspension of permit.

The Building Official, or any other duly authorized employee of the City, such as the Police Chief, Fire Chief, or Fire Marshal, shall have the right and authority to enter upon the mobile home parks at all reasonable times for the purpose of inspecting same, and to see that no legal violations are being made. The Building Official shall have the authority at any period of time, to suspend or revoke licenses, or to order utility disconnections for any of the following reasons:

- (1) That the licensee, or any of his agents or representatives or employees are violating or have violated any provisions of this section or any other ordinance of the City or the laws of the State.
- (2) For refusal to allow the Building Official or any other duly authorized person to enter upon and inspect the mobile home park.
- (3) Upon notification by the Finance Director of the licensee's failure to pay the permit fee by the stated time.

(Ord. of 5-13-1998, § 24)

Sec. 26-25. - Appeals from decision of Building Official.

Appeal of any decision of the Building Official regarding mobile homes or mobile home parks shall be made in writing to the Board of Adjustment (BOA) within ten days after being notified of such decision. Thereafter, a hearing shall be scheduled before the Board of Adjustment (BOA) on the matter.

(Ord. of 5-13-1998, § 26)

Sec. 26-26. - City employees not personally liable.

No officer, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this section. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this section shall be defended by the City Attorney until the final determination of the proceedings therein.

(Ord. of 5-13-1998, § 27)

Section XX.XX Severability Clause.

Should any part, sentence, phrase, or section of this ordinance be determined to be unlawful, void, or unenforceable, the validity of the remaining portions of this ordinance shall not be

adversely affected. No portion of the ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

Section XX.XX Repealer Clause.

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section XX.XX Effective Date.

This ordinance shall become effective immediately upon its passage and publication as provided by law.

PASSED AND APPROVED this __10th__ day of __October____, 2023.

Mayor Ben T. Briscoe

ATTEST:

City Clerk Krystal Garcia

APPROVED AS TO FORM:

City Attorney