

COPY

ORDINANCE 2016 - 92

AN ORDINANCE OF THE CITY OF KENEFICK, TEXAS, PROVIDING RULES AND REGULATIONS FOR MOBILE HOMES, HUD-CODE MANUFACTURED HOMES, AND INDUSTRIALIZED BUILDINGS AND HOUSING; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Kenefick, Texas, ("City") is continuously reviewing the Code of Ordinances; and

WHEREAS, the City Council desires to provide rules and regulations for Mobile Homes, HUD-code Manufactured Homes, and Industrialized Buildings and Housings in the City and finds that such rules and regulations contribute to the health, welfare, safety, and property values of the City;

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

Section 1. The facts and recitations found in the preamble to this ordinance are true and correct and incorporated herein for all purposes.

Section 2. The City of Kenefick, Texas, adopts the following definitions:

"HUD-code Manufactured Home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections, and in the traveling mode, at least eight (8) body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. HUD-code Manufactured Home includes the plumbing, heating, air conditioning, and electrical systems of the home. HUD-code Manufactured Home does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrialized building means a commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site and designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed. An Industrialized building

includes the structure's plumbing, heating, air conditioning, and electrical systems. An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial structure that exceeds four stories or 60 feet in height. An industrialized building also does not include a commercial building or structure that is installed in a manner other than on a permanent foundation and either is not open to the public or is less than 1,500 square feet in total area when used other than as a school or a place of religious worship.

Industrialized housing means a residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.

Mobile home means a structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight (8) body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. Mobile home includes the plumbing, heating, air conditioning, and electrical systems of the home."

Section 3. The City of Kenefick, Texas, adopts the following rules and regulations for Mobile Homes, HUD-code Manufactured Homes, and Industrialized Buildings and Housing to provide as follows:

"A. Mobile home regulations.

1. Mobile homes lawfully existing and occupied as a residential dwelling within the city prior to the date of this Ordinance shall be allowed to continue and maintain so long as the mobile home is used continuously as a residential dwelling only and is connected to all utilities. No expansion or enlargement of mobile homes shall be allowed without city approval. A mobile home may be replaced with a HUD-code Manufactured Home.

2. It shall be unlawful for any person or entity to install, locate, relocate, expand, enlarge, or change the occupancy of a mobile home without city approval.
3. It shall be unlawful to allow any utility to be disconnected to a mobile home, unless such mobile home is being moved from the city. Utility disconnection may not occur earlier than the tenth (10) business day before the moving date. No person shall occupy a mobile home with any disconnected or non-functioning utilities. Utilities include electrical, water, sewer, and wastewater.
4. A mobile home shall be considered not used continuously for purposes of this ordinance if the mobile home is unoccupied for thirty (30) consecutive days. The mobile shall be automatically deemed vacant and the city may undertake an lawful action to have the mobile home removed from the city.

B. HUD-code Manufactured Home regulations.

1. It shall be unlawful for any person to install, construct, relocate, expand, enlarge, occupy, or change the occupancy of a manufactured home unless the city grants a permit after the city council makes a determination that such residential dwelling is located in an appropriate area in the city.
2. The city council shall either grant or deny a permit application to install a new manufactured home for use as a residential dwelling not later than the 45th day after the date the application is received by the city.
3. Site plan required. The owner or developer shall submit a site plan which contains the following information:
 - (a) The name, address, and owner of the lot or lots where the manufactured home will be located;
 - (b) Name as shown on the subdivision plat where the manufactured home will be located, if applicable;
 - (c) Names of adjacent public or private streets and roads, adjacent subdivisions or property owners of unplatted land;
 - (d) Contour lines at two-foot intervals;
 - (e) Locations and dimensions of all points of ingress and egress, utility easements, drives, signage, streets, and sidewalks;
 - (f) Scale of plan and complete dimensions for each lot, street and open area;
 - (g) Area and dimensions of entire site;
 - (h) Water and sewer plans must be submitted, on separate sheets if necessary, and must show sewer line locations, grades and sizes, and water line locations, sizes and source of water supply; and
 - (i) Paving and drainage plans must be submitted, on a separate sheet if necessary, and must show the directions and

calculated quantities of runoff and the proposed specifications for streets in accordance with the city's ordinances.

4. Location of manufactured home or accessory structures. No manufactured home or accessory structure such as a refuse container, carport, cabana, awning, fence, or storage locker shall be permitted within (20) twenty feet of a private or public street.
5. Skirting. Each manufactured home shall have permanent skirting around its perimeter to screen its wheels and undercarriage from view.
6. Fire safety standards.
 - (a) The storage, handling, and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable city ordinances and state and federal laws.
 - (b) Approaches to all manufactured homes shall be kept clear for emergency vehicles.
7. Height requirements.
 - (a) The height limit for any structure, including a manufactured home, intended for any use or occupancy shall be 35 feet.
 - (b) The average height of the manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four (4) feet from the top of the pad.
 - (c) Manufactured homes shall be located no closer than fifty (50) feet from any exterior wall to the closest exterior wall of the nearest residential dwelling.
8. Manufactured home lot. Each and every manufactured home shall be located on a separate lot which shall conform to the following standards:
 - (a) Be served with sanitary sewer, water, electrical power, and natural gas.
 - (b) Provide a manufactured home pad which shall provide an adequate foundation for the placement and tie-down of one single-family manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. Such pad shall:
 1. Be constructed of material which shall adequately support the weight of the manufactured home;
 2. Provide anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations or runaway screw augers, arrowhead anchors or other devices which secure the stability of the manufactured home, and shall be placed at least at each corner of the manufactured home.
 3. Cover an area of at least 240 square feet or at least one-third the area of the largest manufactured home