

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2019-130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS ADOPTING REGULATIONS FOR MANUFACTURED, INDUSTRIALIZED AND ELEVATED HOMES AND PROVIDING FOR A PENALTY FOR NON-COMPLIANCE, SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Sandy Oak ("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, the Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupation Code, allows a municipality to regulate the location of manufactured housing, and to prohibit the installation of mobiles; and

WHEREAS, Chapter 1202 of the Texas Occupations Code allows a municipality to regulate industrialized housing; and

WHEREAS, the City Council finds that adopting regulations related to manufactured and industrialized homes within the City is reasonable, necessary, and proper for the good government of the City;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. DEFINITIONS.

Elevated home means a non-basement structure which has its lowest elevated floor raised above ground level by foundation walls shear walls posts piers pilings or columns.

HUD-code manufactured home.

- (A) means a structure:
 - (i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - (ii) built on a permanent chassis;
 - (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (iv) transportable in one or more sections; and

- (v) 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;
- (B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- (C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrialized housing means:

- (A) a residential structure that is:
 - (i) designed for the occupancy of one or more families;
 - (ii) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - (iii) 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.
- (B) Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (C) Industrialized housing does not include:
 - (i) a residential structure that exceeds four stories or 60 feet in height;
 - (ii) housing constructed of a sectional or panelized system that does not use a modular component; or
 - (iii) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Manufactured home or ***manufactured housing*** means a HUD-code manufactured home or a mobile home.

Mobile home:

- (A) means a structure:
 - (i) constructed before June 15, 1976;
 - (ii) built on a permanent chassis;
 - (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (iv) transportable in one or more sections; and
 - (v) 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
- (B) includes the plumbing, heating, air conditioning, and electrical systems of the home.

Modular component means a structural part of housing or a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without: (A) damage; or (B) removal and reconstruction of a part of the housing or building.

New manufactured home means a manufactured home that is not a used manufactured home, regardless of its age.

SECTION 3. MANUFACTURED, INDUSTRIALIZED AND ELEVATED HOME INSTALLATION. In addition to the requirements of any building code, fire code and zoning code adopted by the City, manufactured homes, industrialized housing and elevated homes shall be installed in accordance with the following criteria: (1) axle and hitch assemblies shall be removed at the time of placement on the foundation; and (2) each manufactured home, industrialized housing and elevated home shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior material of the primary structure.

SECTION 4. MISCELLANEOUS REQUIREMENTS.

- (A) Every lot owner within a manufactured homes, industrialized housing and elevated homes subdivision shall be responsible for ensuring compliance with all requirements of all building codes and zoning ordinances adopted by the City, including proper installation of the manufactured home, industrialized housing and elevated home, proper installation of all utility connections and proper tie-down of the manufactured home, industrialized housing and elevated home.
- (B) Skirting with the necessary vents, screens and/or openings shall be required on all manufactured homes, industrialized housing and elevated homes and shall be installed within thirty (30) days after the placement of the manufactured home, industrialized housing or elevated home.
- (C) Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home, industrialized housing or elevated home for storage shall be permitted only under the following conditions:
 - 1. The storage area shall have a base of impervious material.
 - 2. Stored items shall not interfere with the underneath inspection of the manufactured home, industrialized housing or elevated home.
 - 3. The storage area shall be enclosed by skirting.
 - 4. No flammables may be stored under the manufactured home, industrialized housing or elevated home.
 - 5. No gasoline-powered equipment may be stored under a manufactured home, industrialized housing or elevated home.

SECTION 5. PERMIT APPLICATIONS.

- (A) On application, the City shall permit the installation of a HUD-code manufactured home for use as a dwelling in any area determined appropriate by the City, including a subdivision, planned unit development, single lot, and rental community or park. An application 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.
- (B) The City Administrator or his or her designee is hereby authorized to create the permit application in conformance with this Ordinance.

- (C) Applications shall be submitted to the City Administrator for initial review and if found in compliance with the requirements of the permit application, the City Administrator shall submit the application with his or her recommendation for approval or denial to the City Council for review and action.

SECTION 6. AFFECT ON DEED RESTRICTIONS. Nothing in this Ordinance shall affect the validity of an otherwise valid deed restriction.

SECTION 7. EXCEPTION. Notwithstanding any zoning or other law, in the event that a manufactured home, industrialized housing or elevated home occupies a particular lot in the City, the owner of the manufactured home, industrialized housing or elevated home may remove the manufactured home, industrialized housing or elevated home from its location and place another manufactured home, industrialized housing or elevated home on the same property, provided that the replacement is a newer manufactured home, industrialized housing or elevated home and is at least as large in living space as the prior manufactured home, industrialized housing or elevated home.

SECTION 8. PENALTY. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or, in the case of a violation of a provision of this Ordinance that governs fire safety, zoning, or public health and sanitation a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.


SECTION 9. SEVERABILITY. If any section, subsection, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 10. PUBLICATION. The City Secretary is hereby authorized and directed to publish this Ordinance, or a caption that summarizes the purpose of this Ordinance and the penalty provided by this Ordinance in the manner and for the length of time prescribed by law.


SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

PASSED AND APPROVED on this 14th day of March, 2019.

CITY OF SANDY OAKS, TEXAS


Micki L. Ball, Mayor

ATTEST:


Katherine Yelton, City Clerk