

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2020-164

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS ADOPTING REGULATIONS FOR MANUFACTURED HOMES; PROVIDING DEFINITIONS; PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY LIMITS; PROVIDING REGULATIONS FOR THE INSTALLATION OF MODULAR HOMES; PROVIDING REGULATIONS FOR THE INSTALLATION OF HUD-CODE MANUFACTURED HOMES; ESTABLISHING PERMITS, INSPECTIONS AND FEES; PROVIDING FOR PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCE NO. 2019-130 AND PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas (“City”) is a Type A General Law Municipality duly organized and 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 City 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, 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; and

WHEREAS, the City Council has determined that it is in the best interest of the general public to prohibit 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; and

WHEREAS, the City Council finds that adopting regulations related to manufactured and modular 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.

- (A) ***“City Administrator”*** means the person appointed as City Administrator or Interim City Administrator by the City at the time of the enforcement of the ordinance. In absence of a City Administrator or a vacancy in the position of City Administrator, the responsibilities and duties of the City Administrator authorized by this ordinance are vested in the Mayor or his or her designee.
- (B) ***“Code”*** means the Texas Manufactured Housing Standards Code.
- (C) ***“HUD-code manufactured home”*** also referred to as ***“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 body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

The terms “single-wide” and “double-wide” are often used to describe the type of structure which is defined as:

- (i) A “single-wide home” square footage ranges from 600 square feet up to 1,330 square feet. The width of a single-wide is 18 feet or less and the length is 90 feet or less. Single-wide homes are shipped as one unit on one semi-trailer;
 - (ii) A “double-wide home” square footage ranges from 1,067 square feet and up to 2,300 square feet. Double-wide homes have a width of 20 feet or more and their length is 9 feet or less. Double-wide homes are shipped as two separate units that are later joined together seamlessly to make a completed double-wide home.
- (D) ***“Installation”*** means the temporary or 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.

- (E) **“Label”** means 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 to 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.
- (F) **“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 body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.
- (G) **“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: (1) damage; or (2) removal and reconstruction of a part of the housing or building.
- (H) **“Modular homes”** also referred to as **“industrialized homes”** are structures designed for the occupancy of one or more families, that is constructed in 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 components are transported to the permanent site and erected or installed on a permanent foundations system.

SECTION 3. MOBILE HOMES PROHIBITED. The future installation of a mobile home within the corporate city limits of the City is prohibited, including mobile homes located in mobile home parks. This prohibition is prospective and does not apply to a mobile home previously legally permitted and used as a dwelling.

SECTION 4. MODULAR HOMES.

- (A) The erection and installation of a modular home shall be placed on a permanent site, on a permanent foundation, and built to comply with the International Residential Code.
- (B) Upon making application for the installation of a modular home, documentation from the Texas Department of Licensing and Regulation must be provided signifying the home is built to code; all modular homes and modular components shall have the appropriate label affixed to it.

- (C) Applications for the installation of a modular home shall comply with all applicable construction and building code standards, permitting and inspections requirements adopted by the City.
- (D) Permits, plan reviews and inspection for the erection, placement and installation of a modular home is controlled by the procedures adopted by the City Council for home and residential building construction including any process and costs associated with permit, plan reviews and inspections.

SECTION 5. HUD-CODE MANUFACTURED HOME APPLICATIONS.

- (A) After the effective date of this ordinance, no manufactured homes shall be erected, replaced, or installed within the city limits of the City that cannot meet one or more conditions of HUD-code manufactured homes requirements in Section 6 herein.
- (B) The erection, replacement, or installation of a manufactured home in the city limits of the City shall not be placed in areas prohibited by City ordinance.
- (C) Any mobile home or manufactured home legally located on a site and occupied as a residential dwelling in the City prior to the passage of this ordinance shall be allowed to remain on the site that it is currently located on, but shall not be moved to another site or replaced with another mobile home or manufactured home under any circumstance, except as provide in Section 5(d) herein.

(D) **Except – replacement of mobile home with a manufactured home:**

1. Applications for a replacement must be made within ninety (90) days from the date the mobile home was vacated, removed, demolished, damaged, or destroyed; and
2. Applications for the replacement of an existing mobile home may only be filed once to replace it with a qualified HUD-code manufactured home; and
3. Has been legally occupied continuously as a residential dwelling by the property owner within the City’s limit at the time the home was vacated, removed, demolished, damaged, or destroyed and placement is restricted to its current location; and
4. Shall comply with all provisions of the application requirements as provided in Section 5(E) and with the installation requirement as provided in the Section 6 herein.

(E) **Application for Erection, Installation or Replacement:**

1. All applications must be in the name of the owner of the manufactured home and the owner of the property where the manufactured home is proposed to be erected, placed, or installed. All applications are subject permit and inspection fees as provided by this ordinance.

2. Applications shall be completed and submitted to the City Administrator for review along with the applicable fee, and shall contain the following information:
 - a) The name, mailing address and telephone number of the property owner(s).
 - b) The block, lot, subdivision, and physical address of where the manufactured home is sought to be installed.
 - c) The year, make, and model of the manufactured home.
 - d) The dimensions of the home.
 - e) A colored picture of the home and valid proof of the manufactured home's affixed label.
 - f) A copy of the manufactured home purchase agreement or home installation agreement from the manufactured home company or installation company erecting the home.
 - g) Only a licensed installer may install, relevel, or modify any component of the manufactured home's foundation in accordance with Texas Administrative Code Title 10 Part 1 Chapter 80 – Manufactured Housing.

(F) The City Administrator has 45 days to review, make determination of findings, and consider whether to approve or deny the application for the installation of a manufactured home. The City Administrator, in making his or her determination, shall consider the following:

1. Whether the installation of the manufactured home meets all requirements of the City's ordinance(s); and
2. The City's ability to provide police and fire protection to the location.

(G) An application to erect, replace or install a manufactured home for residential dwelling use and occupancy shall be deemed approved and granted unless the City Administrator denies the application and states the reasons for the denial not later than the 45th day from the date the application is received. A denial of the City Administrator may be appealed to City Council within 10 calendar days under Section 7(C) herein.

SECTION 6. HUD CODE MANUFACTURED HOME INSTALLATION REQUIREMENTS. The approval of an application for the erection, replacement or installation of a manufactured home and mobile home replacement, shall be conditional provided the following requirements can be met:

(A) Manufactured homes shall not exceed the minimum age requirements of 5 years from the date of application.

- (B) All manufactured homes shall be installed in compliance with the standards and requirements for the installation and construction of the manufactured home established by the Texas Manufactured Housing Standards Code, that are reasonably necessary in order to protect the health, safety and welfare of the occupants and the public.
- (C) All manufactured homes shall connect to utilities within 60 days of placement.
- (D) All manufactured homes shall be equipped with smoke detectors.
- (E) All manufactured homes shall have house numbers placed in the direction visible from the street.
- (F) All manufactured homes 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. Skirting shall include the necessary vents, screens and/or openings, shall be installed within thirty (30) days after the placement of the manufactured home, and shall be maintained in good repair.
- (G) The use of space immediately underneath a manufactured 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.
 - 3. The storage area shall be enclosed by skirting.
 - 4. No flammables may be stored under the manufactured home.
 - 5. No gasoline-powered equipment may be stored under a manufactured home.
- (H) All manufactured homes shall have adequate foundation for the placement and tie-down of one (1) single-family manufactured home to secure the structure against uplift, sliding rotation and overturning, which shall support the weight of the manufactured home.
- (I) All ground surface of the manufactured homes structure, and beneath, shall be graded and equipped to drain all surface water in a safe and efficient manner as not to permit water to stand or become stagnant.
- (J) No manufactured home shall be erected, placed or installed that will alter, disallow, or transform any dedicated easements for poles, wires, conduits, storm sewers, water lines, open drains, gas line, or other utilities, and their purpose.

SECTION 7. PERMITS, INSPECTIONS AND FEES.

- (A) It shall be unlawful for any person to transport, erect, install, construct, extend or expand a mobile home, manufactured home, or modular home within the city limits of the City without first obtaining a valid permit issued by the City.
- (B) The City Administrator or his or her designee is hereby authorized to create the permit application(s) in conformance with this ordinance.
- (C) All applications for any permits or other administrative procedures required under the provisions of this ordinance that are denied by the City Administrator for one or more reasons based on his or her interpretation of the provisions of this ordinance may be appealed to the City Council within 10 calendar days from the date of the denial. Upon compliance with all requirements set forth in this ordinance, the City Council shall review the application and make a final determination to uphold or overturn the decision of the City Administrator within 30 days of the City’s receipt of the appeal.
- (D) A duly authorized agent or inspector of the City shall be permitted to make reasonable inspection of any manufactured home to determine compliance with this ordinance, or any other ordinance, or state law.
- (E) Permit fees and inspection fees

Permit Fees:

HUD-Code Manufactured Homes	<u>\$100.00</u>
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Inspection Fees:

HUD-Code Manufactured Homes	<u>Based on fee schedule adopted by the Council for building inspections</u>
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SECTION 8. AFFECT ON DEED RESTRICTIONS. Nothing in this ordinance shall affect the validity of an otherwise valid deed restriction.

SECTION 9. EXCEPTION. Notwithstanding any zoning or other law, in the event that a manufactured home or modular homes occupies a particular lot in the City, the owner of the manufactured home or modular home may remove the manufactured home or modular home from its location and place another manufactured home or modular home on the same property, provided that the replacement is a newer manufactured home or modular home and is at least as large in living space as the prior manufactured home or modular home.

SECTION 10. 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 11. 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 12. REPEALER CLAUSE. Ordinance No. 2019-130 is hereby repealed in its entirety. 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 13. 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 14. 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 9th day of July 2020.

CITY OF SANDY OAKS, TEXAS


Micki L. Ball, Mayor

ATTEST:


Katherine Yelton, City Secretary