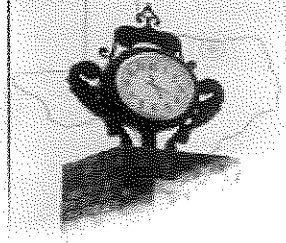


TOM BEAN



ORDINANCE 2007-06

AN ORDINANCE DEFINING NON-CONFORMING USES FOR MOBILE/MANUFACTURED HOMES, RECREATIONAL VEHICLES, AND MOBILE HOME PARKS; LIMITING MOBILE HOMES TO MOBILE HOME PARKS; LIMITING RECREATIONAL VEHICLES TO (RV) PARKS; PRESCRIBING THE USE OF SPECIFIC USE PERMITS; PROVIDING EXCEPTIONS FOR EXISTING MULTIPLE SPACE TRACTS; ESTABLISHING STRUCTURAL AND UTILITY SERVICE REQUIREMENTS; ESTABLISHING PERMIT PROCEDURES; ESTABLISHING PROCEDURES FOR NOTICES, HEARINGS, AND ORDERS; FIXING PENALTIES FOR VIOLATIONS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS AS FOLLOWS:

Section 1: The short title of this ordinance shall be called **Mobile and Manufactured Home Ordinance.**

Section 2: Definitions:

For the purpose of this Ordinance, certain terms, words and phrases shall have the meaning described in this Section.

A. **BUILDING OFFICIAL:** The legally described inspection authority of the City or their authorized representative.

B. **CERTIFICATE OF OCCUPANCY:** A certificate issued by the Building Official for the use of a building, structure, and/or land complies with the provisions of all applicable City codes, Ordinances, and regulations.

C. **MOBILE OR MANUFACTURED HOUSING:**

1. **Manufactured Home:** A structure constructed on or after June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site

is 720 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to required utilities and includes the plumbing, heating, air conditioning and electric systems.

2. Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site is 720 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electric systems.

D. MOBILE/MANUFACTURED HOME PARK: A unified development of at least six (6) mobile/manufactured home spaces arranged on a tract of land under single person ownership with leveled concrete slabs for each unit **which are in compliance with the existing Zoning Ordinance of the City of Tom Bean.**

E. PERMIT: A written certification issued by the Building Official permitting the construction, alteration, or location of a mobile/manufactured home under the provisions of this and any other relevant Ordinances.

F. PERSON: Any natural individual, firm, trust, partnership, association, or corporation.

G. SITE PLAN: A graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land, included in the plan, all proposed use locations, accurately dimensioned, the dimensions also indicate the relation of each used to that adjoining and to the boundary of the property.

H. POLICE CHIEF: The legally designated Chief of Police Department of the City or his authorized representative.

I. PRE-FABRICATED HOME: Any home that is **not** built on site from the ground up and not pre-built at another location and transported on a permanent chassis to the site. These homes could be built upon a concrete slab or pier and beam.

J. REPLACEMENT: The act of moving one mobile/manufactured home from the existing stand and replacing it with another mobile/manufactured home.

K. RECREATIONAL VEHICLE: Any vehicle that is transported by it's own power or by pulling with another vehicle designed for recreational use.

L. RV PARKS: A unified development of at least ten (10) RV spots arranged on a tract of land under single person ownership with properly leveled concrete slabs and underground utilities for each spot.

M. PLOT PLAN: Same as site plan.

N. TRAILER, TRAVEL OR CAMPING AND MOTORHOME: A portable or mobile living unit used for temporary human occupancy away from the place or residence of occupants and not constituting the principal place of residence of the occupants.

Section 3: EXISTING MOBILE/MANUFACTURED HOMES AND MOBILE HOME PARKS:

A. Non-conforming Uses Defined: Mobile/manufactured homes and mobile

home parks existing at the effective date of this Ordinance, as amended, and not located within districts zoned for mobile home parks, shall be defined as non-conforming uses.

B. Non-conforming Uses Subject to Regulation: Mobile/manufactured homes located in non-conforming areas shall be subject to the relevant provisions of this Ordinance.

C. Travel Trailers, Camping Trailers and Motor Homes. **Travel trailers, camping trailers and motor homes that are specifically not defined as mobile or manufactured homes in this Ordinance and shall not be used as permanent living quarters in the City of Tom Bean. The maximum number of days that a travel trailer, camping trailer or motor home may be parked in front of or on a lot zoned residential in the City of Tom Bean is seven (7) days during any calendar year.**

Section 4: SITE REQUIREMENTS:

A. LOCATION: All mobile/manufactured homes shall be located within mobile home parks, as defined in this Ordinance, unless specifically granted an exception to this provision by the City Council of Tom Bean, Texas. Persons seeking an exception through a specific use permit shall petition the Planning and Zoning Board for such a permit. Any specific Use permit providing for the location of a mobile/manufactured home in a non-conforming area shall be valid only for the period of time specified by the City Council or until the mobile/manufactured home is removed from the site, whichever is sooner. A mobile/manufactured home cannot be replaced by another mobile home in the absence of another specific use permit. The transfer of title of a mobile/manufactured home from one person to another person shall invalidate the specific use permit and the certificate of occupancy. The person to whom the title has been transferred shall petition the Planning and Zoning Board and the City Council of Tom Bean for a new specific use permit before a certificate of occupancy can be issued. Any person who transfers title of a mobile home in a non-conforming area shall inform the City Secretary of such transfer within seven (7) days of the exchange.

B. SPECIFIC USE PERMITS: Persons seeking an exception to Section 4-A through a specific use permit shall petition the Planning and Zoning Board for such a permit. All owners of property within two hundred (200) feet of the proposed mobile/manufactured home site shall be informed in writing of the application for permit. The affected property owners shall have ten (10) days to respond to the notice. The ten (10) day period can be waived if the applicant secures a signed statement of no objection on the form to be provided by the Building Official. All affected parties shall have the opportunity to address the Planning and Zoning Board orally or in writing regarding the proposed permit.

C. SITE PLAN REQUIREMENT: The request for a mobile/manufactured home specific use permit shall include a site plan, which shall be filed with the Building Official no later than ten (10) days prior to consideration of the permit request by the Planning and Zoning Board. The site plan shall include:

1. The area and dimensions of the tract of land, with identification of location and boundaries.
2. **The exact location, width, and specification of the concrete pad for the mobile home or manufactured home.**

3. The location, width, and specification of driveways, roadways, and walkways.
4. The location and specifications of water and sewer lines and riser pipes.
5. The location and details of lighting, electrical and gas systems.
6. Such other information as municipal officials may reasonably require.

D. BASIC REQUIREMENTS: All mobile/manufactured homes shall;

1. **Be inspected before being placed within the City limits.**
2. **Be placed on a concrete slab approved by the Building Inspector.**
3. **Be connected to City water and sewer services.**
4. **Have axle and hitch assembly removed at the time of placement on concrete foundation/slab.**
5. **Be totally skirted with metal, masonry, pressure treated wood or other non-degradable material which is compatible with the design and exterior materials of the primary structure.**
6. **Have the frame supported by and tied to a concrete foundation system capable of safely supporting the structure.**
7. **A tie down and anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, different from the foundation ties.**
8. **Have electrical power supplies made from a meter installed on the structure from a permanent pedestal.**
9. **Have gas power supply from a meter installation on the structure or from a permanent approved underground natural gas system in compliance with City Code.**

E. SITE REQUIREMENTS: Mobile/manufactured homes located outside mobile home parks shall have minimum front yard setbacks of twenty-five (25) feet from the nearest corner of the mobile/manufactured home to the front property line. Mobile/manufactured homes located outside mobile home parks shall be no closer than ten (10) feet to any property line nor closer than twenty-five (25) feet to the property line adjoining a public street. All other structures on the site of a mobile/manufactured home located outside a mobile home park shall have the same setback requirements as the mobile/manufactured home itself. Mobile/manufactured homes located outside mobile home parks shall have a minimum size of seven hundred twenty (720) square feet.

F. MODIFICATION PROVISION: Upon recommendation of the Planning and Zoning Board, the City Council may modify the provisions of this section in individual cases when such requirements will cause undue hardship upon the applicant and such modification of the site requirements in individual cases shall require a two-thirds vote of the City Council members present.

G. LIVING AREA ADDITION: Living area additions are not permitted to be added to a mobile/manufactured home.

H. PATIO/PORCH: Patio or porch covers are permitted, provided they cover an approved patio, deck or porch and meet the minimum building setback requirements and are approved by the Building Inspector before construction of any patio or porch covers.

I. OTHER REQUIREMENTS: Only one mobile/manufactured home for a single family will be permitted upon a lot or tract within the City limits. Every mobile/manufactured home shall face or front upon a street or officially approved place other than an alley, which means of access shall have a minimum width as set out in the Zoning Ordinance. A mobile/manufactured home may not be used for commercial or industrial purposes.

Section 5: PERMITS:

A. All applications for specific use permits shall be made upon standard forms provided by the Building Official and shall contain the following:

1. Name and Address of the applicant.
2. Location and description of the proposed mobile/manufactured home site, including the information required in Section 4-C.

B. All applications for specific use permits shall include three (3) copies of a site plan at a minimum scale of one (1) inch equals 100 feet (1"=100'). The site plan shall include the information required in Section 4-C.

C. Permit Fee: All specific use permit applications shall be accompanied by a non-refundable fee of One Thousand (\$1,000.) Dollars, payable by Cashier's Check or Money Order.

D. Permit applications shall be reviewed by the Planning and Zoning Board which shall then make a recommendation to the City Council. The City Building Official shall be responsible for enforcing the decision of the City Council relating to the provisions of this Ordinance.

E. The Building Official may discontinue City water service to a mobile home which the required permit has not been issued.

Section 6: GENERAL STRUCTURAL AND UTILITY SERVICE REQUIREMENTS.

A. Structural requirements for Buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather and to comply with all applicable Codes of the City.

B. Barbecue Pits, Fireplaces, and Stoves. Cooking shelters, barbecue pits, fireplaces, and wood-burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

C. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the City. The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects and other pests.

D. FUEL SUPPLY AND STORAGE. From and after the effective day of this Ordinance the following shall apply:

1. Natural Gas System
 - a. Natural Gas piping systems shall be installed underground and

maintained in accordance with applicable codes and regulations governing such system.

- b. Each mobile/manufactured home space provided with piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas, and shall be in accordance with the City codes.

2. Liquefied Petroleum Gas System.

- a. The Liquefied petroleum gas systems shall be maintained in accordance with applicable codes of the City governing such systems and regulations of the Texas Railroad Commission pertaining thereto.

E. All City Ordinances and regulations affecting single family residential units and pertaining to utility services shall also apply to mobile/manufactured homes and operating under specific use permits.

Section 7: RESPONSIBILITIES OF THE MOBILE/MANUFACTURED HOME OWNER.

A. All mobile/manufactured homes shall be tied down in conformity with state law and regulations of the State Insurance Board.

B. All mobile/manufactured homes shall be blocked and leveled in conformity with State law and regulations of the State Insurance Board

C. The mobile/manufactured housing home owner shall be responsible for proper placement of their home in its mobile/manufactured home stand and proper installation of all utility connections in accordance with the provisions of this Ordinance.

D. Fire resistant skirting with the necessary vents, screens, and/or opening shall be required on all mobile/manufactured homes and shall be installed within ninety (90) days after emplacement of the mobile/manufactured home. Skirting materials should be aluminum, vinyl, or masonite materials.

E. Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a mobile/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 mobile/manufactured home.

Section 8: CERTIFICATE OF OCCUPANCY. Upon compliance with the relevant provisions of this Ordinance a Certificate of Occupancy shall be issued to the mobile/manufactured housing owner.

Section 9: INSPECTIONS.

A. Inspections required. The Building Official, the Fire Chief, the Police Chief, and the Tax Assessor Collector are hereby authorized and directed to make such inspections as are necessary to determine compliance with this Ordinance.

B. Entry on Premises. The Building Official, the Fire Chief, the Police Chief, and the Tax Assessor Collector, shall have the power to enter at reasonable times upon

any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

Section 10: NOTICES, HEARINGS, AND ORDERS.

A. Notices of Violations; Requirements of notice. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this Ordinance, the Building Official shall give notice of such alleged violation to the licenses or agent, as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow reasonable time for the performance of the act it requires;
4. Be served upon the licenses or their agent, provided that such notice or order shall be deemed to have properly served upon such licenses or agent when a copy thereof has been sent by mail to his last known address, or when they have been served with such notice by any method authorized or required by the laws of this State.
5. Contain an outline of remedial action which if taken, will effect compliance with the provisions of this Ordinance.

B. Appeal from Denial of Permit by the Building Official. Any person affected by the refusal of the Building Official to issue a permit under the provisions of this Ordinance as set out in Section 5 herein may request and shall be granted a hearing on the matter before the City Council provided that such person shall file within fifteen (15) days after the day the permit was refused in the office of the Building Official, a written petition requesting such hearing and setting forth a brief statement of the grounds thereto. Upon receipt of such petition, the Building Official shall forward it to the City Secretary who shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given the opportunity to be heard and to show why such refusal should be modified or withdrawn.

C. Appeal from Notice Issued by the Building Official. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the applicable matter before the City Council, provided that such person shall file within fifteen (15) days after the day the notice was served, in the office of the Mayor, a written petition requesting such hearing and setting forth a brief statement of the grounds thereto. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension. Upon receipt of such petition, the Building Official shall forward such petition to the City Secretary who shall request the Mayor to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

D. Hearing Order. After such hearing, the Building Official shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in Section 10 paragraph A-d thereof. Upon failure to comply with an order by the Building Official sustaining or modifying a decision thereof, the occupancy permit affected by the order shall be revoked **immediately**.

E. Order Without Notice. Whenever the Building Official finds that an

emergency exists which requires immediate action to protect the public health or safety, they may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as they deem necessary to meet the emergency. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon written petition to the Mayor, shall be afforded a hearing as soon as possible. The revisions of Section 10 paragraph D of this Ordinance shall be applicable to such hearing and the order issued thereafter.

F. Every non-conforming use permit under the provisions of this Section shall be considered specific only to the application granted.

Section 11: Conflict with other Ordinances. Whenever the standards and specifications in this Ordinance conflict with those contained in another Ordinance, the most stringent or restrictive shall prevail.

Section 12: Severability Clause. Should any portion or part of this Ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion thereof, but all valid portions hereto shall remain in full force and effect.

Section 13: All Ordinances and parts of Ordinances in force in the City of Tom Bean which conflict with the terms and provisions of this Ordinance are hereby repealed in so far as they conflict with this Ordinance.

Section 14: Penal Provisions. Any person violating any provision of this Ordinance within the corporate limits of the City of Tom Bean, Texas, shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00) for each day that such violation continues shall be a separate offense. Prosecution or conviction under this Ordinance shall never be a bar to any other remedy or relief for violations of this Ordinance.

**PASSED AND APPROVED BY THE CITY COUNCIL OF TOM BEAN, TEXAS
THIS 20TH DAY OF AUGUST, 2007.**



Mayor

Attest:



City Secretary