

ORDINANCE No. 2019-006

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF EAST BERNARD, TEXAS AMENDING AN ORDINANCE REGULATING THE PLACEMENT AND USE OF MOBILE HOMES, MANUFACTURED HOMES, MODULAR HOMES, RECREATIONAL VEHICLES, AND PARK MODEL TRAILERS; SETTING STANDARDS FOR MANUFACTURED HOME PARKS AND SUBDIVISIONS. RECREATIONAL VEHICLE PARKS, AND MANUFACTURED AND MODULAR HOME. PARK MODEL TRAILER. AND RECREATIONAL VEHICLE SALES LOTS AND STORAGE LOTS; PROVIDING DEFINITIONS; SETTING RULES AND REGULATIONS FOR THE OPERATION OF MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS; SETTING LICENSING AND FEE REQUIREMENTS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of Aldermen of the City of East Bernard, Texas (the "City") deems it necessary and proper, and in the best interests of the citizens of the City to amend its Ordinance pertaining to mobile homes, manufactured homes, recreational vehicles, and park model trailers.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EAST BERNARD, TEXAS:

Section 1. The ordinance shall read as follows:

ARTICLE 1

IN GENERAL

Section 1-1 Definitions.

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them the context in which they are used clearly indicates a different meaning:

Accessory structure shall mean a structural addition to a mobile home or manufactured home including, without limitation, as follows: awnings, cabanas, Florida rooms, porches, storage cabinets, and similar appurtenant structures.

Alteration shall mean the replacement, installation, addition, modification, or removal of any structural component or any equipment in a new manufactured home after sale by manufacturer to a retailer, but prior to sale and installation by a retailer to a purchaser, or by a purchaser after purchase, which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system of the manufactured home. It includes any modification made in a manufactured home which may affect the compliance of the home with the standards as established by the Texas Department of Labor and Standards or the U.S. Department of Housing and Urban Development, but it does not include the repair or replacement of a component or appliance requiring "plug in" to an electrical receptacle where the replacement item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug in" to an electrical receptacle that was not provided with the mobile home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

ANSI shall mean American National Standards Institute.

Approved shall mean an approval by the Building Official which shall be granted if the Building Official finds that the item is suitable for its intended purpose and is not dangerous or detrimental to life, safety, or welfare of people or property except as otherwise provided in the Ordinance. Such finding shall be based on the results of investigation or tests conducted by the Building Official or his designee, accepted principles of safety, or the results of tests by reliable national authorities, technical or scientific organizations. Approval by the Building Official does not constitute evidence on the City's or Building Official's part that such approval warranties the safety of people or property.

Building Official shall mean the City Engineer. In the event of the creation of the position of Building Official by the City of East Bernard, it shall then be the person bearing such title. Board of Aldermen may from time to time appoint, delegate, or contract with individuals and/or entities for the purpose of assisting the Building Official in the execution of his duties as contained in this Ordinance.

Camping trailer shall mean a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and which is manufactured in compliance with American National Standards Institute Standard A 119.2 for camping trailers.

City shall mean the City of East Bernard, Texas, and may also mean its officials, employees, and assigns as the case may be.

Board of Aldermen shall mean the duly elected governing body of the City of East Bernard, Texas.

Contact Information shall mean at a minimum a phone number(s) at which the subject person may be contacted and shall, if applicable, also include fax, pager, and cell phone numbers, and email address.

Dependent shall mean not self-contained and not having a water flush toilet, lavatory, and shower connected to outside utilities.

Fifth Wheel Trailer shall mean a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed 400 square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle, and is manufactured in compliance with American National Standards Institute Standard A 119.2 for fifth wheel trailers.

Finalized shall mean, with respect to any permit, that all work authorized by the permit has been completed in due compliance with this Ordinance, and other ordinances and laws, and the Building Official's copy of the permit has been so noted.

Gray water shall mean the discharge from a fixture, or appliance in connection with a plumbing system which does not receive or contain any fecal matter.

He /Him / His shall mean either gender.

HUD-code manufactured home shall mean a structure that was constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD); is built on a permanent chassis, is designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; is transportable in one (1) or more sections, and, when in the traveling mode; is eight (8) body feet or more in width and forty (40) body feet or more in length or when erected on site, is three hundred and twenty (320) or more square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home. A red certification label is displayed on the exterior of each section of a manufactured home. It

does not include recreational vehicles as defined by 24 C.F.R. Section 3282.8(g) or mobile homes.

Industrialized housing shall mean modular home and/or housing.

Label means a device or insignia that is issued by the director to indicate compliance with the standards, rules, and regulations established by the United States Department of Housing and Urban Development (HUD) and is permanently attached to each transportable section of a HUD-code manufactured home constructed after June 15, 1976, for sale to a consumer.

Manufactured home or *manufactured housing* shall mean a HUD-Code manufactured home or a mobile home

Manufactured home lot shall mean a plot of ground within a manufactured home park or subdivision, designated for the accommodation of one (1) manufactured home or one (1) modular home.

Manufactured home park shall mean a contiguous development of land which has been planned and improved for the placement of manufactured homes and/or modular homes approved by the city in accordance with all applicable codes, ordinances, laws, rules, and regulations.

Manufactured home subdivision shall mean a duly recorded contiguous subdivision of land which has been planned and approved for manufactured homes and/or modular homes approved by the city in accordance with all applicable codes, ordinances, laws, rules, and regulations, and wherein the lots are offered for sale for individual private ownership.

Mobile home shall mean a structure that was constructed before June 15, 1976, transportable in one (1) or more sections, is built on a permanent chassis; is designed to be used as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; is transportable in one or more sections; and in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home. It does not include recreational vehicles as defined by 24 C.F.R. Section 3282.8(g) or mobile homes.

Manufactured home park shall mean a contiguous development of land which has been planned and improved for the placement of both mobile and, manufactured homes in accordance with the then applicable codes, ordinances, laws, rules, and regulations. In such cases where a manufactured home park may be required to conform to some or all of the provisions of this Ordinance the term "manufactured home park" shall apply.

Modular component shall mean a sub-assembly, sub-system, or combination of elements for use as a part of a building system or part of a modular component

that is not structurally independent, but may be a part of structural, plumbing, mechanical, electrical, fire protection, or other systems affecting life safety.

Modular home shall mean a residential structure that is constructed in one (1) or more modules or modular components built at a location other than the permanent site which is/are transported to the permanent site and is/are erected or installed on a permanent foundation system. A modular home is less than three (3) stories in height or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. A certification decal shall be attached to each module, and a certification insignia shall be attached to each modular component, each certifying that the module or modular component, as the case may be, was constructed to meet or exceed applicable code requirements including but not limited to the city's current building code.

Module shall mean a three (3) dimensional section of modular housing, designed and approved to be transported as a single section independent of other sections, to a site for on-site construction with or without other modules or modular components.

Motor home shall mean a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on, or permanently attached to, a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle, and is manufactured in compliance with American National Standards Institute Standard A 119.2 for motor homes.

Occupied area shall mean that area of an individual mobile home lot or recreational vehicle lot that has been covered by a mobile home/ manufactured home/recreational vehicle.

Park model trailer shall mean a vehicular-type unit built on a single chassis, mounted on wheels, designed to provide vacation or seasonal temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances, and with a gross trailer area not exceeding 400, square feet when in the set-up mode. A park model trailer is primarily designed as a destination camping unit rather than a traveling camping unit, and is manufactured in compliance with American National Standards Institute Standard A119.5.

Permanent foundation system shall mean a foundation system for modular housing designed to meet the applicable building code as set forth in the Administrative Rules of the Texas Department of Licensing and Regulation, including but not limited to 16 TAC ch 70 and other Industrialized Housing and Building regulations.

Person shall mean an individual(s), partnership, corporation, and/or other business entity.

Premises shall mean any lot or tract of land and all adjacent land, which is directly or indirectly under the control of the same person, together with all improvements thereon.

Recreational vehicle or *RV* shall mean a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle, and is manufactured in compliance with American National Standards Institute Standard A 119.2 for recreational vehicles. The term recreational vehicle shall include, but not be limited to a motor home, truck camper, camping, trailer, travel trailer, and fifth wheel trailer; provided however; a recreational vehicle, shall not include a boat, a mobile home, a manufactured home, a park model trailer, or a modular home as defined in Article 5221 (f) of the Revised Civil Statutes of Texas as amended.

Retailer shall mean a person who is engaged in the business of buying for resale, selling, or exchanging manufactured homes or offering manufactured homes for sale or exchange to consumers, including a person who maintains a location for the display of manufactured homes; and sells or exchanges at least two manufactured homes to consumers in a 12-month period.

RV park shall mean a contiguous development of land which has been planned and improved for the placement of recreational vehicles approved by the City in accordance with applicable codes, ordinances, laws, rules, and regulations.

RV park lot shall mean a plot of ground within an RV park designated for the accommodation of one recreational vehicle.

RV stand shall mean the designated space within an RV park lot on which a recreational vehicle is to be located.

Sales lot shall mean any plot of land used by a retail business for the purpose of selling, displaying, refurbishing, or trading manufactured or modular homes, park model trailers, or recreational vehicles. Additionally, such lot shall comply with all applicable state laws related to the sale and trade of manufactured homes or modular homes, park model trailers, or recreational vehicles. Premises used and owned by an individual offering a singular mobile/manufactured/modular home, park model trailer, or recreational vehicle for sale are exempted.

Self-contained shall mean having a water-flush toilet, lavatory, tub or shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle, and which facilities are also capable of being connected to outside utilities. Further, a recreational vehicle shall not be self-contained unless all plumbing fixtures and electrical outlets are capable of being connected to outside utilities.

Skirt shall mean concealment from view of the under carriage on all sides of a mobile home, manufactured home, modular home, or park model trailer. Skirting must be accomplished with metal, vinyl, wood, or other materials approved by the City. Further, all framing for skirting shall be galvanized steel or pressure treated wood.

Solid fence shall mean any fence constructed of masonry, wood, or metal, or a combination thereof in good repair without flaws, defects, or any conditions impairing or limiting the utility of the fence. The masonry, wood, or metal used in a solid fence shall be of a type and quality approved by the city.

Storage lot shall mean any part or portion of undivided or divided land, lot(s), area, development, or subdivision which is dedicated to, or designed as, a manufactured or modular home, park model trailer, or recreational vehicle storage area, and which is used to park or store such for storage, later sale, repair, or renovation at another location. If a location as described above is in multiple use unrelated to manufactured or modular homes, park model trailers, or recreational vehicles and a portion thereof is used for the purposes described above, such location shall be deemed a storage lot and regulated under the terms and provisions of this Ordinance.

Third party inspector shall mean an inspector registered and approved by the Texas Industrial Building Code Council for on-site construction of modular housing and permanent foundation systems.

Travel trailer shall mean a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than 320 square feet, and which is manufactured in compliance with American National Standards Institute Standard A119.2 for travel trailers.

Truck camper shall mean a portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed or frame of a truck, and which is manufactured in compliance with ANSI Standard A119.2 for truck campers.

Section 1-2 Building Official's authority.

Except as otherwise specified in this Ordinance, the Building Official shall be the permit and license issuance officer for all permits and licenses required pursuant to this Ordinance. He shall prescribe forms therefore including all information reasonably and necessarily required for his enforcement of the provisions of this Ordinance. He shall also be authorized to perform all inspections necessary for the enforcement of this Ordinance. He shall also have authority to establish reasonable and necessary administrative rules and regulations relating to the

performance of his duties under this Ordinance, such as the places where license and permit applications will be received and the time when inspections will be made.

Section 1-3 Notices and orders.

The Building Official 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 1-4 Compliance.

When any person shall have been notified by a written notice issued by the city that work being done by him as owner, agent, or in any 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, and the Building Official may provide for immediate compliance when a serious threat to life or substantial damage to property may exist.

Section 1-5 General penalty; continuing violations; abatement.

(A) Penalty. Any person who shall violate any of the provisions of this Ordinance, upon conviction, shall be fined not more than the maximum amount as shall be from time to time provided and/or as allowed under the laws of the State of Texas.

(B) Abatement. In addition to the penalties hereinabove provided, 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.

Section 1-6 Deed Restriction Affidavit.

(A) In addition to any other applicable requirements specified therefore, each person making application for a permit pursuant to this Ordinance shall furnish to the Building Official an affidavit setting forth that the applicant's intended use of the real property to which the requested permit pertains will not violate any valid and applicable deed restriction or covenant running with the land. The Building Official shall not issue the requested permit unless such affidavit has been duly submitted.

(B) Placement of a manufactured or modular home in an approved Manufactured Home Park shall be exempted from the Deed Restriction Affidavit requirement.

(C) All permits, licenses, and approvals for occupancy issued pursuant to this Ordinance are hereby made expressly subject to applicable deed

restriction and covenants running with the land to which they appertain, and no such permit, license, or approvals for occupancy shall be construed as authorizing any violation thereof.

Section 1-7 Restricted uses.

Mobile homes, manufactured homes, recreational vehicles, modular homes, and park model trailers shall only be permitted for residential use or occupancy unless another use is specifically approved elsewhere in this Ordinance.

Section 1-8 Maintenance.

All devices or safeguards required by this Ordinance, standards adopted by this Ordinance, or by any other law affecting a mobile home, manufactured home, recreational vehicle, modular home, or park model trailer shall be maintained in good working order.

Section 1-9 Smoke detectors.

No person shall occupy a mobile home, manufactured home, recreational vehicle, modular home, or park model trailer, regardless of the age of the unit, unless there are installed therein fully operational smoke detectors which shall be maintained so that they are in good working order in accordance with the manufacturer's standards at all times.

ARTICLE 2

REQUIREMENTS CONCERNING MOBILE HOMES

Section 2-1 Authorized locations.

(A) Placement of a mobile home for use or occupancy as a residential dwelling, constructed prior to June 15, 1976, shall be prohibited within the corporate limits of the city. This prohibition will be prospective and shall not apply to a mobile home previously legally permitted and used or occupied as a residential dwelling within the city. Permits for such use and occupancy shall be granted by the city for replacement of a mobile home constructed prior to June 15, 1976, with a manufactured home, provided the placement of such replacement manufactured home can meet the set-back and distance requirements, and further provided that such replacement occurs within ninety (90) days of the removal of the previously placed mobile home, and further provided that such replacement manufactured home complies with the provisions of Sections 3-2 thru 3-6 below as well as any other applicable provisions of this Ordinance.

(B) A mobile home constructed prior to June 15, 1976, may not be relocated from one location within the city to another location within the city.

ARTICLE 3

REQUIREMENTS CONCERNING MANUFACTURED HOMES

Section 3-1 Authorized locations.

(A) A manufactured home may be placed, or permitted to remain within the city, if and only if, it is situated:

1. Upon a site that such manufactured home has continuously occupied since the effective date hereof, provided that such occupation was lawful on that date, and further provided that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the manufactured home or others. Such manufactured home shall not be subject to a placement permit as cited in Sections 3-2 thru 3-6 below. The manufactured home may be replaced by another manufactured home provided the replacement occurs within ninety (90) days of the removal of the originally placed manufactured home. Any such replacement shall require a placement permit as required by Article 3 of this Ordinance and shall be placed on the site in accordance with any other applicable provisions of this Ordinance. Any relocation of a placed or replaced manufactured home to another legal site within the City shall likewise be subject to the provisions of the requirements of Article 3 and any other applicable provisions of this Ordinance.

2. Upon a site in compliance with the requirements of Section 2-1 (A) above.

3. Upon a site that a manufactured home has occupied prior to annexation of the site by the city, provided that such manufactured home has continuously occupied the site since the date the site was annexed, and further provided that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the manufactured home or to others. Such manufactured home shall not be subject to a placement permit as cited in Article 3 of this Ordinance. Such manufactured home may be replaced by another manufactured home provided such replacement occurs within ninety (90) days of the removal of the originally placed manufactured home. Any such replacement shall require a placement permit as required by Article 3 of this Ordinance and shall be placed on the site in accordance with any other applicable provisions of this Ordinance. Any relocation of such placed or replaced manufactured home to another legal site within the city shall likewise be subject to the provisions of Article 3 and any other applicable provisions of this Ordinance.

4. In a manufactured home park meeting all the requirements of this Ordinance.

5. In a duly platted and recorded manufactured home subdivision meeting all the requirements of this Ordinance.

6. In a manufactured home sales lot meeting all the requirements of this Ordinance.

7. In a manufactured home storage lot meeting all the requirements of this Ordinance.

(B) No manufactured home may be situated or permitted to remain in any place in violation of any valid and applicable deed restriction or covenant running with the land, or on any site within Fire Zones.

(C) It shall be unlawful for any person to park or place a manufactured home at any location not authorized by this Ordinance, or to permit or suffer any manufactured home to remain within the city in any location not authorized pursuant to the provisions of this Ordinance.

Section 3-2 Placement permit required.

(A) It shall be unlawful for any person to place a manufactured home, in whole or in part, within the city until and unless a placement permit has been issued by the city.

(B) It shall be unlawful for any person to allow another person to place a manufactured home in whole or in part within the city on premises belonging to such person or over which such person has control, until and unless a placement permit has been issued by the city.

Section 3-3 Finalized occupancy permit required.

(A) It shall be unlawful for any person to use or occupy, in whole or in part, make use of any utility service, or to furnish utility services to any manufactured home which has been placed within the city until and unless a finalized occupancy permit therefore has been issued by the city.

(B) It shall be unlawful for any person to allow another person to use or occupy, in whole or in part, make use of any utility services, or to furnish utility services to any manufactured home which has been placed within the city on premises belonging to such person, or over which such person has control, until and unless a finalized occupancy permit therefore has been issued by the city.

Section 3-4 Placement permit application and fee.

(A) Any person desiring to place a manufactured home shall make application for a placement permit thereof upon such forms as may from time to time be prescribed by the Building Official setting forth:

1. A description of the manufactured home by dimensions, manufacturer, serial or identification number, and date of manufacture.

2. The name and address of the person having title to the manufactured home, along with the name and address of the planned occupant or family, if different from title holder.

3. Whether the manufactured home has affixed to it a seal, label, or decal certifying its compliance with standards adopted under the laws of the State of Texas and in full compliance with all applicable law, or a seal or label or decal issued by another state certifying its compliance with that state's standards for manufactured homes, or a seal, label, or decal certifying compliance with standards promulgated for manufactured homes by the United States Department of Housing and Urban Development.

4. If the manufactured home has affixed to it a seal, label, or decal as described in (3) above, the applicant shall certify whether or not there have been any alterations to the manufactured home since the seal, label, or decal was affixed. If modified, the applicant shall provide a detailed description of such modifications.

5. The proposed location of the manufactured home by legal description, plot plan, drawing, diagram, or other means which is adequate to advise the Building Official of the exact placement of the manufactured home and its relationship to property lines and other structures. This requirement shall not apply to manufactured homes placed in a manufactured home park complying with the provisions of this Ordinance. Each manufactured home shall be set back from the property lines as follows:

a. Front – there shall be a minimum of 25 feet between the front property line and the manufactured home.

b. Side – there shall be a minimum of 10 feet between the side property line and the manufactured home.

c. Back – there shall be a minimum of 10 feet between the back property line and the manufactured home.

d. Corner – there shall be a minimum of 25 feet between the property line and the manufactured home on both sides facing a street.

6. The license number of the mobile/manufactured home park operator if the manufactured home is to be placed in a mobile/manufactured home park.

7. The County Clerk's recording information for the plat thereof if the manufactured home is to be placed in a manufactured home subdivision.

8. Any information deemed necessary by the Building Official to determine compliance with any applicable regulations pertaining to flood-prone areas

9. The utilities to be provided to the manufactured home and the source, location, and availability thereof.

10. Any additional information the Building Official finds will aid in the enforcement of this Ordinance, or other laws applicable to manufactured homes.

(B) The application shall be signed by the owner of the manufactured home or his agent and, if placed outside a mobile/manufactured home park, the owner of the land on which the manufactured home is to be located.

(C) Upon examination of all the facts related to the requested manufactured home placement, if it is found that such placement will comply with the provisions of this Ordinance and any other applicable ordinances and laws, a placement permit will be issued and placement of the manufactured home may commence and be completed. Issuance of a placement permit does not constitute authorization for occupancy of the manufactured home. Such permit shall be valid for a period of ninety (90) days from date of issue.

(D) Such application for a placement permit shall be accompanied by a fee in an amount as shall from time to time be set by the Board of Aldermen.

Section 3-5 Inspection and fees.

Each manufactured home placed within the City and each manufactured home being relocated from one site within the City to another legal site within the City shall be inspected by the Building Official to determine that its placement is in accordance with the provisions of this Ordinance and the above cited application. A fee for such placement inspection is hereby established and shall be collected in the amount as shall be from time to time set by the Board of Aldermen. In consideration of such fee, the applicant shall be entitled to the original inspection of the placement of the manufactured home and one (1) re-inspection for deficiencies, if required. A fee shall be paid for the second and each subsequent re-inspection due to deficiencies concerning the manufactured home or its placement in such amount as shall be from time to time set by the Board of Aldermen

Section 3-6 Issuance of finalized occupancy permit.

A finalized occupancy permit may be issued by the Building Official and occupancy of the manufactured home shall be authorized when:

(A) The Building Official has found that the manufactured home and its placement meet all applicable requirements of the City's ordinances and all state laws which may be enforced by the City.

(B) The applicant has obtained all applicable permits and inspections under this Ordinance and the City's other applicable building codes and ordinances.

(C) Issuance of an occupancy permit shall not constitute evidence on the City's part that such permit warrants the safety of the occupants or property.

Section 3-7 Utility disconnection.

(A) When any utility service to a manufactured home or modular home is disconnected it shall be the duty of the utility company to disconnect, lock, seal, or otherwise prevent the unauthorized connection or reconnection of such utility service. In the event that the service is provided on a sub-metering or other basis whereby the utility company's billing is not made directly to the manufactured home resident, then such duty shall rest upon the person contracting for the service with the utility company.

(B) A manufactured home which has not been replaced but which has had any utility service disconnected thereto may be reconnected to such utility service, provided that

1. Placement and occupancy permits have been previously issued for such manufactured home at the site on which it is located; and

2. Any and all required permits have been obtained and paid for the reconnection any utilities.

(C) A manufactured or mobile home which has had electrical, and/or water, and/or sewer service disconnected for more than six (6) months shall, upon proper notice from the City, be removed from the site. Further, the site upon which such removed manufactured or mobile home had been placed shall no longer be considered an authorized location for the placement of a manufactured home.

(D) The City shall be notified within ten days of the removal of a mobile or manufactured home from a site within the City.

Section 3-8 Skirting.

(A) All mobile and manufactured homes placed in the City on or after January 1, 1996 but prior to the effective date of this Ordinance shall have skirting within ninety (90) days of the effective date of this Ordinance.

(B) All manufactured homes placed in the City after the effective date of this Ordinance shall have skirting prior to the issuance of a finalized occupancy permit.

Section 3-9 Tie down and foundation blocking standards.

(A) The installation of a manufactured home within the City shall comply with the rules promulgated by the Texas Department of Housing and Community Affairs for the Texas Manufactured Housing Act.

(B) All manufactured homes placed within the City shall be placed on piers and footings meeting the following requirements:

1. Piers and footings shall be installed directly under the main frame or chassis or the manufactured home. They shall be located under all frame rails. Piers shall be spaced so that the center of no pier is farther than ten (10) feet from the center of the next one.

2. All footings shall be of solid concrete-type construction, at least sixteen (16) inches in width, and four (4) inches in height. All grass and organic material shall be removed from beneath the footing prior to placement, and the footing shall be placed level and on stable soil.

3. Piers shall be constructed of standard eight (8) - inch by eight (8) - inch concrete-type construction blocks. Treated wood blocks and shims used for leveling shall be no more than four (4) inches in overall thickness per pier, and blocks shall be a minimum of seven and one-fourth (7 ¼) inches wide and fifteen (15) inches long.

4. The following may be substituted for footings as described in subsection (2) above:

(a) Runners each thirty-six (36) inches wide and as long as the to-be placed manufactured home shall be placed under each frame support member.

(b) Runners to be four (4) inch thick reinforced concrete with four (4) Number 4 longitudinal bars over the full length of the runner, with the two (2) outside longitudinal bars spaced two (2) inches from the edges of the concrete and the interior two (2) bars equally spaced between the outside bars. Transverse No.4 bars thirty-two (32) inches long shall be placed on one (1) foot centers for the full length of the runner, and tied to each longitudinal bar.

(c) Reinforcing steel shall be supported on chairs designed for such purpose, and which will maintain the reinforcing steel in the middle of the thickness of the runners. Such chairs shall be spaced no less than every three (3) feet along each longitudinal bar.

ARTICLE 4

REQUIREMENTS CONCERNING RECREATIONAL VEHICLES

Section 4-1 Compliance.

(A) It shall be unlawful for any person to place, use or occupy a recreational vehicle within the City unless such placement, use, or occupancy is specifically authorized by this Ordinance. Further, it shall be unlawful for any person to permit, allow, or suffer the placement, use, or occupancy of a recreational vehicle on any property under his ownership or control unless such placement, use, or occupancy is specifically authorized by this Ordinance.

(B) Any computation of time under the provisions of this article shall commence from the date that the recreational vehicle is placed.

Section 4-2 General.

Recreational vehicles not manufactured or built in accordance with ANSI Standard A 119.2, or any amendments thereto, may not be used for occupancy within the City.

Section 4-3 Recreational vehicles outside RV parks.

(A) No recreational vehicle may be used for occupancy within the city except within an RV park licensed by the City as such, or except as provided in (C) of this section..

(B) A recreational vehicle may be parked or stored outside an RV park so long as no one occupies it for use, no utilities, temporary or permanent, are connected to the recreational vehicle and the recreational vehicle is not parked on or extending over public property except as provided in (C) of this section.

(C) An occupied recreational vehicle may be parked or temporarily placed on property in private ownership, excepting mobile/manufactured home parks, for a period not to exceed seven (7) days in anyone (1) - month period. The intent of this provision is to accommodate RV visitors to a private party within the City, and shall in no way be construed to provide for the ongoing placement or occupancy of an RV. Length of occupancy of a recreational vehicle located within an RV park shall be as provided in Article 8 of this Ordinance.

ARTICLE 5

REQUIREMENTS CONCERNING PARK MODEL TRAILERS

Section 5-1 Compliance.

(A) It shall be unlawful for any person to place, use, or occupy a park model trailer within the City unless such placement, use, or occupancy is specifically authorized by this Ordinance. Further, it shall be unlawful for any person to permit, allow, or suffer the placement, use, or occupancy of a park model trailer on any property under his ownership or control unless such placement, use, or occupancy is specifically authorized by this Ordinance.

(B) Any computation of time under the provisions of this article shall commence from the date that the park model trailer is placed.

Section 5-2 General.

Park model trailers not manufactured or built in accordance with ANSI Standard A119.5, or any amendments thereof, may not be used for occupancy within the City.

Section 5-3 Authorized locations.

Park model trailers may only be placed, used, or occupied within an RV park licensed by the City as such.

Section 5-5 Park model trailers inside an RV park.

A park model trailer may be placed for an indefinite period of time in an RV park licensed by the City as such, and may be occupied for a period of time not to exceed a total of six (6) months within any consecutive twelve (12) - month period, and may be used for sleeping and living purposes during that time provided it is connected to, and receiving electric, water, and sewer service provided by the RV park and/or a public utility service, but cannot be considered as a primary residence.

ARTICLE 6

REQUIREMENTS CONCERNING MANUFACTURED HOME PARKS

Section 6-1 General.

(A) A manufactured home park shall be designed, constructed, and utilized for the exclusive use and occupancy of manufactured and/or modular homes.

(B) No part of any manufactured home park shall be used for nonresidential purposes, except for such uses that are required for the direct servicing and well-being of park residents, and for the management and maintenance of the park, including a park office if so required.

(C) All manufactured and modular homes to be placed in a manufactured home park shall be required to comply with the placement and occupancy requirements of Article 3 of this Ordinance with the exception of foundation requirements for a modular home.

(D) The provisions of Article 6 of this Ordinance apply only to manufactured home parks licensed prior to the effective date of this Ordinance, provided that such operation was lawful on that date, and further provided that the operation thereof does not pose a significant danger to the health or safety of persons within the manufactured home park or to others, or where an application for operation of a manufactured home park was initiated before effective date of this Ordinance.

Section 6-2 Location

A manufactured home park may be located upon any property in the city provided:

(A) The site is a contiguous development of land comprised of a minimum of sixteen (16) acres.

(B) The site is one for which the applicant will provide a Deed Restriction Affidavit as noted in Section 1-6 of this Ordinance.

(C) Soil conditions, ground water level, drainage, and topography do not constitute hazards to health, safety, or welfare.

(D) The site is not exposed to objectionable smoke, dust, noise, odors, or other adverse influences.

(E) The site is not in any flood hazard area.

(F) The location of the site and the intended use of the site is in compliance with all other requirements of the ordinances of the city.

(G) The site development plans provide for adequate infrastructure improvements for a manufactured home park.

Section 6-3 Minimum park standards.

(A) The manufactured home park site shall be graded to insure rapid drainage and freedom from stagnant pools of water.

(B) Each manufactured home lot shall consist of a minimum of five thousand (5,000) square feet, and be at least fifty (50) feet in width at the front lot line.

(C) Only one (1) manufactured or modular home may be placed on a lot and shall be so placed that:

1. There shall be a minimum clearance of twenty-five (25) feet from the front lot line to any part of the manufactured/modular home structure.

2. There shall be at least twenty (20) feet side clearance between each manufactured/modular home.

3. There shall be an end-to-end clearance of not less than twenty (20) feet.

4. There shall be at least ten (10) feet clearance between manufactured/modular homes and any building within the park or from any property line bounding the park, except storage buildings.

(D) All manufactured home lots shall abut upon a street or driveway.

(E) Streets and driveways shall meet the following requirements:

1. Entrance streets shall be at least twenty-eight (28) feet wide and have the same width of surfaced area.

2. All other streets or driveways shall be at least twenty-four (24) feet wide and have the same width of surface area.

3. Street construction shall consist of a minimum of eight (8) inches of compacted limestone base material (or its equivalent if approved by the Building Official), and be surfaced with a minimum of two (2) inches of asphaltic concrete pavement (Hot Mix). The base material shall be placed on a uniformly stable and compacted subgrade.

4. In lieu of the requirements of "3" above, streets may be constructed using six (6) inches of reinforced five (5) sack/cubic yard concrete. Concrete shall be placed with moisture not to exceed Texas Department of Transportation's four (4) inch slump. Reinforcement shall consist of No.4 longitudinal and transverse reinforcing steel bars placed eighteen (18) inches on center and supported on chairs designed for such purpose which will maintain the reinforcing steel three (3) inches below the top surface of the concrete. Such concrete shall be cured using accepted methods for such curing for a minimum period of four (4) days during which time no vehicular traffic shall be allowed on top surface of the concrete. Such concrete street shall be placed on a uniformly stable and compacted subgrade.

5. Streets within a manufactured home park shall be maintained free of potholes and in good traveling condition at all times. Such streets shall be constructed, owned, and maintained by the park owner unless and until the City may elect to assume ownership and maintenance of any such street.

6. For each manufactured home lot there shall be an off-street parking space provided. Such space shall be a minimum of twenty (20) feet by twenty (20) feet and shall be constructed of reinforced five (5) sack/cubic yard concrete four (4) inches thick with No.3 reinforcing steel bars placed eighteen (18) inches on center and supported on chairs designed for such purpose which will maintain the reinforcing steel two (2) inches below the top surface of the concrete. Such parking space shall be placed on a uniformly stable and compacted subgrade.

7. The City reserves the right to modify the street requirements provided in "3" and "4" above when in its opinion existing soil or site conditions would merit such modification.

(F) For each manufactured home lot there shall be provided a storage building with a minimum interior clear height of seven (7) feet and a minimum interior floor space of nine and one-half (9½) feet by eleven and one-half (11½) feet. The building shall be constructed on a concrete slab meeting the standards set forth in "G" above.

(G) A manufactured home park shall be surrounded on all sides by a solid fence with a minimum height of six and one-half (6½) feet. Vehicular entrance(s) to the park are exempt from the fence requirement. Such fence shall at all times be maintained in good repair.

(H) Security lighting fixtures shall be provided at all entrances, dead ends, cul-de-sacs, and along all streets. The light fixtures shall be a minimum of sixteen thousand (16,000) lumens and along streets shall be spaced at a minimum of one hundred sixty (160) feet apart. Lighting fixtures shall be

maintained in working order at all times. The park owner shall be responsible for cost of installation, maintenance, and repair.

(I) All public and private utilities shall be installed underground.

(J) Each manufactured home lot shall be marked for identification. Such markers shall be all-weather and shall be easily readable from the street.

(K) Dependent on the design and location of a proposed manufactured home park, a fire hydrant(s) may be required.

Section 6-4 Platting and development.

(A) Manufactured home park plat

1. Any person developing a manufactured home park shall become familiar with the requirements of this Ordinance.

2. Whenever any manufactured home park is proposed and the development of such park entails the subdivision of land, then before any building or development commences, and before any building or development permit for the erection of any structure or site improvements shall be granted by the Building Official as hereinafter provided, the person desiring to develop such park shall present to the Board of Aldermen for consideration and approval, a properly prepared plat in accordance with the requirements of the City with the exception of the filing requirements that may be established by the County Clerk's office. Such plat shall be prepared on paper of sheet size no less than eighteen by twenty four (18 x 24) or thirty-six by twenty four {36 x 24} inches, and drawn to a scale of one (1) inch equals one hundred (100) feet, (1": 100'), if practical.

3. The subdivision of a manufactured home park into manufactured home lots for rental purposes only, does not constitute the subdivision of land. However, should any part of the manufactured home park be offered for sale, or through any method be converted to another ownership, the requirement for platting shall apply.

4. In addition to a properly prepared plat, a site plan shall be submitted on paper of sheet size and to scale as required in "2" above. Such site plan shall include:

(a) The area and dimensions of the tract of land.

- home lots.
- (b) The number, location, and size of all manufactured
- each lot
- (c) The proposed orientation of a manufactured home on
- vehicle parking.
- (d) The location and width of roadways, walkways, and
- lot.
- (e) The location of the required storage building on each
- (f) The location of internal and existing utility systems.
- (g) The location of any pipelines on the tract of land.
- easements.
- (h) The location of any proposed or existing utility
- (i) The location of any street lighting installations.
- (j) The location of any fire hydrant(s).
- structures.
- (k) The location of any existing or proposed buildings or
- (l) Any additional information the Building Official deems necessary as an aid to the Board of Aldermen or its designated committee in its consideration of the plat

5. A site drainage plan shall be submitted in addition to a properly prepared plat and site plan.

6. All proposed manufactured home park plats, site plans, and drainage plans within the City or its extraterritorial jurisdiction shall be submitted to the Board of Aldermen or its designated committee for consideration. Submission of such plat shall be done at least fourteen (14) days prior to the meeting at which plat approval will be requested. The Board of Aldermen's designated committee, if any, has the power and authority to recommend approval or disapproval, as the case may be, of said plats to the Board of Aldermen, with the Board of Aldermen having final authority to grant plat approval.

7. A filing fee in an amount as shall from time to time be established by the Board of Aldermen shall be required upon submission of a plat for Board of Alderman approval.

8. Final plat approval by the Board of Aldermen shall be valid for a period of one (1) year from the date of approval. If construction has not commenced within one (1) year, the plat along with a re-filing fee in an amount as shall from time to time be established by the Board of Aldermen shall be submitted to the City Secretary for approval and submission to Board of Aldermen for final approval. Such resubmission shall be subject to the laws and ordinances in place at the time of re-submission.

Section 6-5 Development permit required.

It shall be unlawful for any person to construct, alter, or extend any mobile/manufactured or manufactured home park within the City without first having obtained a development permit for such from the Building Official.

Section 6-6 Application for development permit

(A) All applications for manufactured home park development permits shall be submitted to the Building Official along with an application fee as may from time to time be established by the Board of Aldermen, such fee being in addition to any City building permit and tap fees. An application shall contain the following:

1. The name, address, and contact information of the applicant.
2. The street address and legal description of the land on which the mobile/manufactured or manufactured home development is to be or is located.
3. A site plan in conformance with the requirements of Sect. 6-4(A)4 above.
4. A site drainage plan.
5. Completed engineering plans and specifications for all aspects of the proposed development.
6. Plans and specifications of the park office, if required or provided, and any other buildings to be constructed within the park.
7. Any other information the Building Official deems necessary for his consideration of permit approval.

(B) The Building Official may require that all or any portion of the plans and specifications be certified by a professional engineer registered in the State of Texas.

Section 6-7 Review and approval.

(A) The Building Official shall review the application for a development permit and upon his review and findings of compliance or noncompliance with the provisions of this Ordinance, and other ordinances and laws shall issue an affirmative or negative recommendation to Board of Aldermen for approval or rejection, as the case may be, of a development permit.

(B) Board of Aldermen shall have final authority for the granting, or not granting, as the case may be, of a development permit.

(C) At least twice during a thirty (30) day period just prior to the date of the meeting at which Board of Aldermen will consider a development permit the applicant shall publish a notice in the local newspaper with one such notice being no less than ten (10) days prior to such meeting. Each notice shall be a minimum of two (2) column inches by two inches (2") and shall contain as a minimum the following:

1. "Public Notice" in large bold print;
2. "Notice of a public meeting";
3. Meeting purpose: "To consider a manufactured home park development permit";
4. Location of the proposed manufactured home park; and
5. Date, time and place of the meeting.

Section 6-8 Park operators license required.

It shall be unlawful for any person to operate any manufactured home park within the limits of the city without holding a valid license issued annually by the city in the name of the owner of the park. All applications for a license shall be made to the Building Official who shall issue a license upon his finding of compliance by the applicant with the provisions of this Ordinance.

Section 6-9 License application, renewal.

(A) Application for a manufactured home park license shall be in writing, signed by the applicant and shall contain: the name, address and contact information of the owner of the park; and the name, address and location of the park; as well as any additional information the Building Official may require to enable the City to determine whether the park meets all applicable laws and ordinances. Such application shall be accompanied by the payment of an application fee as shall from time to time be set by the Board of Aldermen.

(B) Prior to the issuance of a license, the Building Official may inspect the park to assure its compliance with the provisions of this Ordinance and other applicable ordinances and laws.

(C) Prior to the issuance of a license, the applicant shall remit to the City the annual manufactured home park license fee.

(D) The license shall be an annual license with an expiration of September 30th of each year. There shall be no prorating of license fees regardless of the date of the license issue.

(E) The city may inspect each park annually prior to expiration of the license. In the event of such inspection a report will be furnished to each owner to ensure compliance with applicable codes and ordinances prior to renewal. Such annual inspection shall not relieve the owner of any responsibility to at all times conform to all applicable codes and ordinances.

(F) The license holder shall bear the sole responsibility for the timely renewal of a license. Application for renewal shall be made in writing by the holder of the license, shall be accompanied by a payment of the annual license fee, and shall contain any change in the information submitted since the original license was issued or the latest renewal was granted.

Section 6-10 Issuance of a manufactured home park license or renewal.

(A) The Building Official shall not issue any license for the operation of a manufactured home park unless application has been made for such pursuant to this Ordinance. No license shall be issued until all applicable fees have been paid, and a finding of any violation of the requirements of this Ordinance and other applicable laws and ordinances shall constitute a basis for denial of the issuance of a license or a renewal of a license. The issuance of a license shall not constitute evidence on the city's part that the park does meet the requirements of this Ordinance or other applicable laws and ordinances.

Section 6-11 Notice of disposition and transfer.

(A) Every manufactured home park license holder shall give notice in writing to the city within thirty (30) days after having sold, transferred, assigned, given away, or disposed of any interest in, or control of the manufactured home park. This notice shall include the name, address, and contact information of the person succeeding to the ownership, or control of such park. Failure of the park to be in compliance with the provisions of this Ordinance or other applicable laws and ordinances shall constitute a basis for denial of the transfer of a license. The transferee shall be entitled to operate the park for a period of thirty (30) days and shall within that time apply for and obtain a new license to operate. The transfer of a license shall not constitute evidence on the city's part that the park does meet the requirements of this Ordinance or other applicable laws and ordinances. If the transferee shall fail to obtain a new license within the required

thirty (30) days, all rights and privileges to legally operate the park shall be forfeited. If such license terminates upon the aforesaid basis, the occupants of the park shall be given a sixty (60) day notice to remove their manufactured homes from the premises, and failure to do so within such time shall constitute a misdemeanor. In the event legitimate circumstances exist preventing compliance within the specified sixty (60) day period, the Building Official may extend the compliance time for a period as may be reasonably determined. Additionally, when warranted, the Building Official may provide for immediate compliance when a serious threat to life or substantial damage to property may exist.

(B) Within five (5) days of a notice from the city that a park has forfeited its rights and privileges to legally operated, an all-weather sign(s) a minimum of two feet (2') by two feet (2') shall be posted at the main entry point(s) to the park. Such sign shall legibly and prominently state "Notice to Occupants" and shall further state that the park has forfeited its right to operate and the occupants may be required to vacate the premises.

Section 6-12 Revocation and expiration of license.

(A) Any license issued hereunder may be revoked for violation of any of the terms or provisions of this Ordinance or other applicable laws and ordinances. In the event a complaint shall be filed in writing and signed by the complainant which alleges circumstances, and/or conditions, and/or raises questions as to the ability of the license holder to satisfactorily perform under the terms and provisions of this Ordinance or other applicable laws and ordinances, the city may conduct a hearing for the purpose of inquiring into the facts and allegations relating to such licensee's willingness or ability to perform thereunder. The city shall give the license holder a ten (10) day notice prior to convening any hearing, and upon the completion of a hearing, shall announce any decision reached, in writing, to all parties in interest. Any person aggrieved by any decision so rendered may appeal in writing by letter to the Board of Aldermen within ten (10) days from the date of the rendering of such decision. The Board of Aldermen may make such inquiries and investigations that may be appropriate and shall render a final decision thereon. A finding by the Board of Aldermen of the licensee's non conformance with this Ordinance or other applicable laws and ordinances shall constitute a basis for the immediate revocation of the license.

(B) After a manufactured home park operator's license has expired or been revoked, the city shall give notice to the occupants of the subject park to vacate the premises within a period of sixty (60) days and remove their manufactured or modular homes therefrom. Failure of any such occupant to comply therewith shall constitute a misdemeanor. In the event legitimate circumstances exist preventing compliance within the specified sixty (60) day period, the Building Official may extend the compliance time for a period as may be reasonably determined.

(C) Nothing contained in this section shall be construed to prevent the city from ordering the immediate evacuation or closure of any manufactured home park to the extent permitted by law in the event of imminent or extreme hazard to human life or property.

(D) No license, once revoked, shall be at any time reinstated, renewed, or reissued until such time as the former license holder or new license applicant has fully complied with all the terms and provisions of this Ordinance for a new permit.

(E) Within five (5) days of a notice from the city that a park has forfeited its rights and privileges to legally operated, an all-weather sign(s) a minimum of two feet (2') by two feet (2') shall be posted at the main entry point(s) to the park. The sign shall legibly and prominently state "Notice to Occupants" and shall further state that the park has forfeited its right to operate and that the occupants may be required to vacate the premises.

Section 6-13 Posting.

The license certificate issued under this Ordinance shall be conspicuously posted in the office or on the premises of the manufactured home park at all times.

Section 6-14 License fees.

The annual fee for each manufactured home park license, renewal, or transfer thereof shall be in such other amount as may be from time to time set by the Board of Aldermen. This fee entitles the license applicant/holder to the initial inspection for granting a license, or license renewal, and follow-up inspection, if necessary. If additional inspections are required because of noncompliance, a fee as shall from time to time be set by Board of Aldermen for each additional inspection shall be charged. Failure to pay the licensing fee or additional non-compliance inspection fees shall be considered justification to deny the manufactured home park license or renewal thereof.

Section 6-15 Park office.

(A) *Parks with twenty-five (25) or more lots:* Each manufactured home park with twenty-five (25) or more lots shall be provided with a building to be known as the "office" with a sign identifying it as such attached thereon, in which shall be kept copies of all records pertaining to the management and supervision of the park, as well as all rules and regulations of the park. The park's records, rules and regulations are required to be maintained and shall be made available for inspection to the Building Official or any other representative identified in Section 6-16. Such office shall be a permanent-type structure of a type and size as approved by the city.

(B) *Parks with fewer than twenty-five (25) lots:* Each manufactured home park with fewer than fifty (25) lots shall be required to install, and at all

times maintain, a sign located in a prominent place at or near the park entrance giving the name, address, and contact information of the owner. The sign must be an all-weather sign and be a minimum size of two feet (2') by two feet (2'). The sign shall be placed within thirty (30) days from the date of the issuance of the license. Additionally, such parks will maintain and make available for inspection to the Building Official or any other representative identified in Section 6-16, all records pertaining to the management and supervision of the park, as well as all rules and regulations of the park.

Section 6-16 Inspection.

The city's Building Official, health officer, chief of police, fire marshal, fire chief, and their respective authorized deputies, officers, inspectors, and other representatives as may be designated by the Board of Aldermen are authorized and directed to make such inspections as are necessary or desirable to determine satisfactory compliance with this Ordinance and all other applicable ordinances and laws. Failure to grant access or provide requested information without a just and necessary cause shall be grounds for termination of the license.

Section 6-17 Additional construction.

It shall be unlawful for any person operating a manufactured home park or occupying a manufactured or modular home to construct or allow to be constructed any additional structure or building, without first obtaining a permit issued by the city.

Section 6-18 Maintenance.

Each owner of a manufactured home park shall maintain such park and any facilities, fixtures, and permanent equipment in connection therewith, in a clean and sanitary condition, free from litter and high weeds; shall maintain all equipment present or used in a state of good repair; and shall maintain the park in compliance with this Ordinance and all other applicable ordinances and laws.

Section 6-19 Responsibilities of a manufactured home park owner.

(A) The owner of a manufactured home park shall notify the community residents of all applicable provisions of this Ordinance and inform them of their duties and responsibilities thereunder, including, but not limited to, the requirement that the placement and occupancy of a manufactured or modular home in the park may not take place until and unless placement and occupancy permits as herein contained have been issued by the City.

(B) Where permits are required, the owner of a manufactured home park shall refuse to allow the placement of a manufactured home or modular home, or connection of utilities thereto unless all requirements of this Ordinance have been met and all applicable fees paid.

(C) It shall be the duty of the owner of a manufactured home park to prescribe rules and regulations for the management and occupancy of the park and to make adequate provisions for the enforcement of the rules and regulations. The park owner shall make copies of such available to each occupant and shall also furnish a copy to the city. In addition, it shall be the duty of the owner to comply strictly with the following:

1. Provide for regular inspection of all public and private utilities.
2. Provide for the regular collection and removal of garbage and other waste material.
3. Cap all unused sewer taps.
4. Provide and maintain safe and sanitary public and private utility connections to each manufactured home.
5. Insure that each manufactured home is placed in accordance with the provisions of this Ordinance.
6. Prohibit the parking or storage of abandoned vehicles, recreational vehicles, or boats on any of the park's streets. An abandoned vehicle shall be one which is inoperable, and/or does not possess a current license registration or vehicle inspection sticker.
7. Prohibit the storage, within view from the street, of building materials, equipment, abandoned vehicles, vehicle and equipment parts and/or components, or other objectionable materials and items. A six foot (6') solid fence shall be considered screening from view.
8. Maintain a neat, clean, sanitary, and safe park.

Section 6-20 Responsibilities of the occupants.

(A) The occupant of a lot within a manufactured home park shall at all times comply with all applicable requirements of this Ordinance and the park rules and regulations and shall maintain his lot, its facilities and equipment in good repair and in a neat, clean, and sanitary condition.

(B) The occupant shall be responsible for securing an approved placement and occupancy permit issued by the city and shall be responsible for the proper placement of his manufactured home or modular home on his lot in accordance with the provisions of this Ordinance, and the proper connection to utilities.

Section 6-21 Water, sanitary sewer, electrical, and gas supply.

All manufactured and modular homes are to be properly connected to an approved water, sanitary sewer, gas, and electrical system which terminate within the manufactured home lot.

Section 6-22 Fuel.

Bottled gas shall not be used at licensed parks unless the containers are properly connected by copper or other suitable metal tubing. Bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a manufactured or modular home or within five (5) feet of a door thereof. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed.

Section 6-23 Insect and rodent control.

Park premises, buildings and structures shall be maintained free from insect and rodent harborage and insect infestation.

Section 6-24 Special provisions applicable to existing nonconforming parks.

(A) Existing parks shall be subject to the licensing fees as shall from time to time be set by the Board of Aldermen.

(B) A manufactured home park in existence prior to the effective date hereof, or prior to the annexation of land on which the mobile/manufactured home park is located, may continue to be used as a mobile/manufactured home park although not in accordance with the provisions of this Ordinance if:

1. The mobile/manufactured home park meets all other requirements of law and City ordinances which were applicable prior to the effective date of this Ordinance.

2. The mobile/manufactured home park continues to meet all other requirements of law and city ordinances which were applicable prior to the effective date of this Ordinance.

3. The manufactured home park contains no conditions which constitute a threat to the health and safety of its residents or the public in general.

(C) Notwithstanding the provisions of (A) and (B) above, any additions, alterations, or expansions to existing nonconforming parks are required to meet the requirements of this Ordinance unless otherwise directed by the city.

(D) An existing mobile home in an existing park, if replaced, shall be replaced with a manufactured home or modular home.

(E) Failure of a manufactured home park to correct, within sixty (60) days of notice by the city, any and all violations of law or city ordinances which were applicable prior to the effective date of this Ordinance shall serve as justification for Board of Aldermen to require the offending mobile/manufactured home park to comply with the provisions of this Ordinance.

ARTICLE 7

MANUFACTURED HOME SUBDIVISIONS

Section 7-1 Plat approval.

Manufactured home subdivision plats will be considered and approved for recording in the same manner and subject to same provisions as are applicable to plats for other residential subdivisions.

ARTICLE 8

REQUIREMENTS CONCERNING RV PARKS

Section 8-1 General.

(A) An RV park shall be designed, constructed, and utilized for the exclusive use and occupancy of recreational vehicles and park model trailers.

(B) No part of any RV park shall be used for any other purpose than for temporary living quarters occupancy of individual recreational vehicle units, except for such uses that are required for the direct servicing and well-being of park residents, and for the management and maintenance of the park, including a park office, if so required or provided.

(C) No recreational vehicle unit within an RV park may be used for rental purposes excepting a park model trailer.

Section 8-2 Location.

An RV park location shall comply with the location requirements of a manufactured home park as elsewhere contained herein.

Section 8-3 Recreational vehicle occupancy limits inside RV parks.

(A) Camping trailers.

A camping trailer may be placed in an RV park licensed by the city as such for a period not to exceed fourteen (14) days in any consecutive six (6) month period, and may be used for sleeping and living purposes during the time it is so placed in a park provided:

1. It is equipped with receptacles designed to be connected to an outside source of electricity and water.

2. It is connected to, and receiving electric and water services provided by the RV park and/or a public utility service.

(B) Truck campers.

A truck camper may be placed in an RV park licensed by the City as such for a period not to exceed thirty (30) days in any consecutive six (6) month period, and may be used for sleeping and living purposes during the time it is so placed provided:

1. It is equipped with receptacles designed to be connected to an outside source of electricity and water.

2. It is connected to, and receiving electric and water services provided by the RV park and/or a public utility service.

(C) Motor homes, travel trailers, and fifth wheel trailers.

A motor home, travel trailer, or fifth wheel trailer may be placed in an RV park licensed by the City as such for a period of time not to exceed four (4) months within any consecutive twelve (12) month period, and may be used for sleeping and living purposes during the time that it is so placed in the park provided it is self-contained, and further provided it is connected to, and receiving electric and water services provided by the RV park and/or a public utility service.

(D) Park model trailers.

A park model trailer may be placed for an indefinite period of time in an RV park licensed by the City as such, and may be occupied for a period of time not to exceed a total of six (6) months within any consecutive twelve (12) - month period, and may be used for sleeping and living purposes during that time provided it is connected to, and receiving electric, water, and sewer services provided by the RV park and/or a public utility service, but cannot be considered as a primary residence. A park model trailer may be leased and occupied by a person(s) for occupancy purposes for a period of time not to exceed four (4) months within any consecutive twelve (12) month period. It shall be considered a violation of this provision if the unit, or another unit within the park continues to be occupied by the same person(s), though not leased to them directly.

Section 8-4 RV park standards.

(A) RV lots/stands.

1. The number of lots per acre within an RV park shall not exceed twenty-five (25).

2. Each lot shall be designed and constructed at such elevation, distance, and angle with respect to its access to provide for safe and efficient placement and removal of recreational vehicles and other vehicles.

3. Each lot shall have a vehicular access.

4. Each lot shall be marked for identification. Such markers shall be all- weather and shall be easily readable from the street.

5. Each lot shall be provided with an off-street parking space of a minimum size to accommodate two vehicles without a protrusion onto the street, and shall be of the same construction as the adjacent street.

6. Each lot shall be dimensioned and designed so that no part of a recreational vehicle occupying the lot shall be located within fifteen feet (15')

of any part of another recreational vehicle on an adjacent lot(s) and no closer to the RV park property line than twenty feet (20').

7. The RV stand on each lot shall be covered with an approved all-weather material.

(B) Streets within an RV park.

1. Streets shall be sloped for proper drainage and consist of a minimum thickness of six inches (6') of compacted base material of a type approved by the Building Official, and shall be placed on a uniformly stable and compacted subgrade, and shall be topped with a minimum of one and one-half inches (1½") of asphaltic concrete pavement (Hot Mix). The city reserves the right to modify these requirements when in its opinion existing soil or site conditions merit such modification.

2. Minimum street width shall be twenty feet (20').

3. Street curves designed for use by all types and sizes of recreational vehicles shall have a minimum internal radius of twenty-five feet (25').

(C) Utilities.

1. Each lot shall be provided as a minimum with water and electrical service. Such service outlets (including sewer, telephone, television, and/or internet, if provided) shall be located on the left rear half of the lot (left side of recreational vehicle).

2. Provisions shall be made to prevent accumulations of standing water or the creation of muddy conditions at each water outlet.

3. Each potable water service connection shall consist of a water riser pipe that shall be equipped with a male spigot located at least twelve inches (12"), but not more than twenty four inches (24") above the ground.

4. Electrical service outlets shall be in conformance with NFPA 70, National Electrical Code.

5. The potable water system shall be protected from back-flow by means of an approved back flow prevention device. The device shall at all times be maintained in a good workable condition.

6. Sewer service, when provided, at individual lots shall:

(a) Be located so as to minimize damage by the parking of recreational vehicles or other vehicles.

(b) The connection shall consist of a sewer riser extending vertically above grade. The minimum diameter of the sewer riser pipe shall be three inches (3") and shall be provided with a four inch (4") inlet or a minimum three inch (3") female fitting.

(c) The riser pipe shall be firmly imbedded in the ground and be protected against damage from heaving or shifting and the entrance of surface water. It shall be provided with a tight fitting plug or cap that shall be secured by a durable chain (or equivalent) to prevent loss.

7. Utility services within the park shall be placed underground.

(D) Sanitary and shower facilities.

1. An RV park having twenty-five (25) or fewer lots shall at a minimum provide the following, and shall for each additional twenty-five (25) lots have an additional one (1) of the following:

(a) One (1) water flush toilet for each sex.

(b) One (1) shower facility for each sex with a hot and cold water supply. Each shower facility shall be visually screened from view.

(c) One (1) lavatory for each sex with a hot and cold water supply.

(d) All such facilities shall drain into an approved sewage system.

(e) All such facilities, and multiples thereof, shall be housed in a permanent structure(s) built in conformance with the city Building Code and upon a concrete slab provided with a floor drain. Such structure shall have a minimum ceiling height of seven feet (7'). No such facility may be constructed without first obtaining a building permit from the city.

(f) The above noted structures shall be located so as to provide convenient access to the lots being served.

2. Each female toilet room shall be provided with a receptacle for sanitary napkins. The receptacle shall be of durable, non-pervious, and readily cleanable material and shall be provided with a lid.

3. Each toilet shall be provided with a seat with an open front.

4. Each toilet shall be in a separate compartment and shall be provided with a door with a latch for privacy and a toilet paper dispenser. Dividing walls or partitions shall be at least five feet (5') high and if separated

from the floor, shall be so separated by a space not to exceed twelve inches (12").

5. Toilet compartments shall not be less than thirty inches (30") inches in width, and there shall be a minimum of thirty inches (30") of clear space in front of each toilet.

6. Unless provided with a mechanical ventilation system, every structure housing toilet facilities shall have permanent, non-closable, screened openings having a total area of not less than five percent (5%) of the floor area opening directly to the exterior in order to provide proper ventilation. Exhaust fan(s), vented to the exterior, the rating of which in cubic feet per minute is at least twenty-five percent (25%) of the total volume of the toilet room(s) served may be used in lieu of the above noted ventilation.

7. Showers shall be of the individual type and each shall be visually screened from view. Each shower shall have an individual dressing area, visually screened from view and of a minimum floor area of three feet (3') by three feet (3'), and equipped with one clothing hook and bench. Additionally, each shower shall be designed so as to minimize the flow of water into the dressing area.

8. The floors and walls of the shower area shall be constructed of an impervious material and the floor shall additionally be skid resistant.

9. Facilities for males and females shall be appropriately marked.

10. Sanitary and shower facilities must at all times be maintained in a clean, safe, and sanitary condition.

(E) Sanitary disposal stations.

1. One recreational vehicle sanitary disposal station shall be provided for each one hundred lots in an RV park which does not have sewer connections at each lot.

2. Each station, when provided, shall be located so as to provide convenient access and furthermore does not cause the restriction of an RV park street.

3. Each station shall have a concrete slab a minimum of three feet (3') by three feet (3'), with six inch (6") walls, four inches (4") thick with proper reinforcement steel, troweled to a smooth finish, and sloped from each side inward to a sewer inlet.

4. The sewer inlet shall consist of a four inch (4") self-closing, foot-operated hatch with a tight-fitting cover. The inlet shall discharge into an approved sewer system.

5. At each station shall be located adjacent to the sewer inlet slab a piped supply of pressurized water on a supported riser a minimum of two feet (2') above the ground surface with a valved outlet to which is attached a flexible hose. The water supply to each station shall be protected from back-flow by means of an approved back-flow prevention device. The device shall at all times be maintained in a good workable condition.

6. Adjacent to the station water supply shall be posted a sign of durable weather-proof material not less than two feet (2') by two feet (2') which shall clearly state "DANGER - NOT TO BE USED FOR DRINKING OR DOMESTIC PURPOSES."

(F) Fencing.

An RV park shall be surrounded on all sides by a solid fence with a minimum height of six and one-half feet (6½'). Vehicular entrance(s) to the park are exempt from the fence requirement. Such fence shall at all times be maintained in good repair.

(G) Additional structures.

All additional structures required for the direct servicing and well-being of park residents, and the management and maintenance of the park, including a park office, if so required, shall be constructed in conformance with the International Building Code and shall receive a building permit from the City prior to construction.

Section 8-5 Park office.

(A) *Parks with twenty-five (25) or more lots:* An office building shall be provided in accordance with the provisions of herein contained section 6-15(A) - "Park office." The office shall be staffed with a park representative a minimum of eight (8) hours per day, seven (7) days per week.

(B) *Parks with fewer than twenty-five (25), but more than fifteen (15) lots:* An office building shall be provided in accordance with the provisions of herein contained section 6-15(A). Additionally, an all-weather sign shall be required to be installed, and at all times maintained, giving the name, address, and contact numbers of the owner and/or manager of the park. The sign must provide the rules and regulations of the park along with registration procedures and fees. Such sign shall be no less than two feet (2') by three feet (3'). No less than once in each twenty-four (24) hour period the park must be inspected by the owner and/or manager for compliance with the park rules and regulations as well as the provisions of this Ordinance.

(C) *Parks with fifteen (15) or fewer lots:* An all-weather sign shall be required to be installed, and at all times maintained, giving the name, address, and contact numbers of the owner and/or manager of the park. Additionally, the sign must provide the rules and regulations of the park along with registration procedures and fees. Such sign shall be no less than two feet (2') by three feet (3'). No less than once in each twenty-four (24) hour period the park must be inspected by the owner and/or manager for compliance with the park rules and regulations as well as the provisions of this Ordinance.

Section 8-6 Public safety sign.

A durable all-weather sign shall be conspicuously posted near the office, If required or provided, or near the above noted sign which shall, at a minimum, provide the following information:

Fire Department telephone number _____

Law Enforcement telephone number _____

Emergency Medical Services telephone number _____

The nearest Emergency Services Facility is located _____

The telephone number of the RV park owner /manager _____

The location of the RV park is _____,

The nearest public telephone is _____,

This sign shall be of a minimum area of two feet (2') feet by two feet (2'), and shall at all times be maintained in a clearly legible condition.

Section 8-7 Park rules and regulations.

(A) The owner of an RV park shall establish reasonable rules and regulations for the management of the park, its guests, and its employees. Each guest or employee staying or employed in and by the park shall conform to and abide by such rules and regulations.

(B) The rules and regulations established shall be printed in a readable form to allow reasonable communications with the guests and employees and shall be provided to all guests, employees, and the City.

(C) The open discharge of gray water within the park shall be prohibited.

(D) The provisions of herein contained section 6-19 (C) shall hereto apply with the substitution of "recreational vehicle" for "manufactured home" in the wording where applicable.

Section 8-8 Fire safety.

(A) Open campfires shall be prohibited within an RV park.

(B) Empty LP-Gas containers shall not be placed or stored under or in recreational vehicles. Containers shall be stored in an area designated for such storage.

(C) Filling of LP-Gas containers shall conform with NFPA 58, Standard for the Storage and Handling of liquefied Petroleum Gasses.

(D) Portable fire extinguishers, if provided by the park operator, shall be of the multipurpose dry chemical type or equal. Such extinguishers shall have a minimum rating of 2A:20B:C and shall be installed in accordance with NFPA 10, Standard for Portable Fire Extinguishers.

(E) Each RV park shall have a written evacuation plan and shall provide such to RV park occupants and the City.

Section 8-9 Platting and development.

(A) If the development of an RV park does not entail the subdivision of land the requirement for platting shall not apply. For purposes of this section the subdivision of an RV park into RV lots for rental purposes does not constitute the subdivision of land. However, should any part of the RV park be offered for sale, or through any method be converted to another ownership, the requirement for platting shall apply.

(B) In the event platting is required, then the provisions of contained Article 6, in its entirety, shall apply with the substitution of "recreational vehicle" for "manufactured home," and "RV park" for "manufactured home park," and "RV park lots" for "manufactured home lots" in the wording of Article 6 where applicable.

Section 8-10 Development permit required.

The provisions of Article 6 relating to development permits shall apply with the substitution of "RV park" for "manufacture home park" in the wording of Article 6 where applicable.

Section 8-11 Application for development permit.

The provisions of Article 6, in its entirety, shall apply with the substitution of "RV park" for "manufactured home park" in the wording of Article 6 where applicable.

Section 8-12 Review and approval.

The provisions of contained Article 6 relating to the review and approval of development permits shall apply.

Section 8-13 Park operators license required.

The provisions of Article 6 relating to park operators licenses shall apply with the substitution of "RV park" for "manufactured home park" in the wording of Article 6 where applicable.

Section 8-14 License application, renewal.

The provisions Article 6, in its entirety, shall apply with the substitution of "RV park" for "manufactured home park" in the wording of Article 6 where applicable.

Section 8-15 Issuance of an RV park license or renewal.

The provisions of Article 6 shall apply with the substitution of "RV park" for "manufactured home park" in the wording of Article 6 where applicable.

Section 8-16 Notice of disposition and transfer.

The provisions of Article 6 relating to disposition and transfer shall apply with the substitution of "RV park" for "manufactured home park" in the wording of Article 6 where applicable.

Section 8-17 Revocation and expiration of license.

The provisions of Article 6, in its entirety, shall apply with the substitution of "RV park" for "manufactured home park," and "recreational vehicles" for "manufactured homes" in the wording of Article 6 where applicable.

Section 8-18 Posting.

The provisions of Article 6 relating to posting shall apply with the substitution of "RV" for "manufactured home" in the wording of Article 6 where applicable.

Section 8-19 Fees.

The provisions of Article 6 relating to fees shall apply with the substitution of "RV" for "manufactured home", and "RV park lot" for "manufactured home lot" in the wording of Article 6 where applicable.

Section 8-20 Inspection.

The provisions of herein contained Article 6 relating inspection shall apply.

Section 8-21 Additional construction.

The provisions of Article 6 relating to additional construction shall apply with the substitution of "RV" for "manufactured home park", and "recreational vehicle" for "manufactured home" and "modular home" in the wording of Article 6 where applicable

Section 8-22 Maintenance.

The provisions of Article 6 relating to maintenance shall apply with the substitution of "RV" for "manufactured home" in the wording of Article 6 where applicable.

Section 8-23 Registration records.

Each operator of an RV park shall maintain at all times registration receipts, signed by or for guests of the park, showing the dates upon which the RV lots were occupied by such guests, and the rates charged for their occupancy. The registration receipts shall be made available for inspection by the city. Failure to comply with such request by the city shall serve as justification for the revocation of the RV park's license.

ARTICLE 9

REQUIREMENTS CONCERNING MODULAR HOMES

Section 9-1 Authorized locations.

(A) A modular home may be placed in any residential area of the city, including a manufactured home park and a manufactured home subdivision, except that a modular home may not be placed in an RV park.

(B) No modular home may be placed or permitted to remain in any location which is in violation of any valid and applicable deed restriction or covenant running with the land, or on any site within a fire zone.

Section 9-2 Placement standards.

A modular home shall be subject to all requirements of a single family residence.

Section 9-3 Skirting.

All modular homes placed in the City shall have skirting prior to the issuance of a finalized occupancy permit. Skirting shall be applied to all non-bermed sides of the modular home.

Section 9-4 Foundation.

(A) All modular homes placed in the City shall be placed on a permanent foundation system, such being subject to the inspection and approval of the Building Official.

(B) All modular homes placed in the City's extraterritorial jurisdiction shall be placed on a permanent foundation system and shall be inspected by an approved third party inspector, or Texas licensed professional engineer or architect.

ARTICLE 10

SALES AND STORAGE LOTS

Section 10-1 Applicability.

This Article shall be applicable to sales and/or storage lots for mobile, manufactured, and modular homes, park model trailers, and recreational vehicles, and for the purposes of this Article may be referred to each or collectively as a "unit" or "units."

Section 10-2 Connection to electricity.

A unit for which this Article is applicable may only be connected to electricity if:

- (A) It is placed on a sales lot licensed and approved for such purpose.
- (B) The sales lot has a valid authorization for the connection of electricity to the unit(s).
- (C) The connection to the unit(s) is in compliance with all applicable laws and ordinances.
- (D) All electrical wiring in the unit(s) meets the requirements of the National Electrical Code that was in effect at the time the unit(s) was manufactured.

Section 10-3 Authorization for water/sewer connections.

To obtain authorization for connection of a unit(s) located on a sales/storage lot to water and sewer utilities, the operator of such lot(s) shall make application therefore to the appropriate Water District for such purpose. The operator of the sales/storage lot shall pay the Water District such fees as are associated with the provision of water and sewer utilities.

Section 10-4 Sales office permitted.

The operator of a sales lot may apply for a placement permit for one (1) unit to be connected to utilities for use as an office and for demonstration purposes

Section 10-5 Display units exempt.

A unit which is situated upon a sales lot and is not connected to any utilities other than electricity, and is not being used for any purpose other than display for sale, is exempt from the placement requirements of this Ordinance.

Section 10-6 Sales and storage lot ingress and egress.

(A) Each point of ingress and egress to a sales lot or storage lot shall be provided with a driveway at least one hundred twenty-five feet (125') of depth with a minimum width of forty-four feet (44').

(B) All portions of the driveway required by this section shall be constructed and maintained in accordance with the minimum standards as herein set out. Acceptable materials and specifications are:

(1) Subgrade: Minimum six inches (6") of lime treated subgrade with a minimum of six per cent (6%) lime.

(2) Base: Minimum eight inches (8") of compacted limestone base or its equivalent. The lime treated subgrade shall be uniformly compacted and stable prior to placement of the base material.

(3) Surface: Minimum of two inches (2") of asphaltic concrete pavement (Hot Mix).

(4) The city reserves the right to modify the required materials and specifications when in its opinion existing soil or site conditions merit such modification.

Section 10-7 Density and perimeter buffering.

(A) All units within a sales lot or storage lot shall maintain a minimum twelve foot (12') surface and aerial separation between any other unit or other building(s) on all sides and in all directions. This regulation and provision shall be deemed the minimum requirement and shall not be deemed superseded by any other setback requirements that may otherwise be required in this Ordinance or other ordinance or law providing for a lesser setback.

(B) No unit shall at any time be placed closer than twenty feet (20') to any abutting property line of any area of land used for a sales lot or storage lot. The required twenty foot (20') perimeter shall be deemed a perimeter buffer and shall be the minimum setback and shall not be deemed superseded by any other setback requirements that may otherwise be required in this Ordinance or other ordinance or law providing for a lesser setback. The required buffer space shall be free of storage or other materials and shall at all times be maintained as open space, and shall be mowed as needed or paved with an appropriate impervious surface.

Section 10-8 Fencing.

(A) Sales lot: All sales lots shall be fenced on three (3) sides by a solid fence of a height not less than six and one-half feet (6½'), except that area that abuts on a residential lot, in which case the fence height shall be eight feet (8').

(B) Storage lot: All storage lots shall be fenced on four (4) sides by a solid fence in accordance with the height requirements provided in subsection A above.

Section 10-9 Platting.

If the proposed sales and/or storage lot entails the subdivision of land, then the platting and fee requirements of the city's subdivision ordinance applies.

Section 10-10 Operators license required.

(A) It shall be unlawful for anyone to operate a sales and/or storage lot without having obtained an operator's license from the city.

(B) The fee for an operator's license shall be that which is set from time to time by the Board of Aldermen. The fee shall entitle the license applicant/holder to the initial inspection for granting a license, or license renewal, and one follow-up inspection, if necessary. If additional inspections are required because of noncompliance, a fee as shall from time to time be set by Board of Aldermen for each additional inspection shall be charged. Failure to pay the licensing fee or additional noncompliance inspection fees shall be considered justification to deny the operator's license.

(C) An operator's license shall be an annual license, expiring on September 30th of each year. There shall be no prorating of license fees, regardless of the date of issue.

(D) The city may inspect at any time all sales and/or storage lots to assure compliance with all applicable laws and ordinances.

(E) Failure of a sales and/or storage lot license holder to operate such lot in accordance with the requirements of this Ordinance or other ordinances and laws shall serve as justification for the revocation of the sales and/or storage lot operator's license.

(F) Issuance of an operator's license shall not constitute evidence on the City's part that such license warranties the safety of sales and/or storage lot occupants or property.

ARTICLE 11

GENERAL PROVISIONS

Section 11-1 Severability.

If any term, condition, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, such invalid term, condition, or provision shall not invalidate or impair the validity, force, or effect of the entire Ordinance, and this Ordinance shall be construed as if it did not contain the invalid term, condition, or provision.

Section 11-2 Repealing clause.

Any ordinance or any part of any ordinance, in conflict with this Ordinance is hereby repealed.

Section 11-3 Interpretation.

(A) Neither this Ordinance, nor any provisions thereof, shall be interpreted as an inverse condemnation of property.

(B) The Board of Aldermen reserves unto itself the right and privilege of being the final determining body within the city of any interpretation of this Ordinance and its provisions.

Section 11-4 Variations, modifications, and interpretations.

(A) The Board of Aldermen reserves unto itself the right and privilege to grant any variations or modifications of this Ordinance when in its judgment special or particular factors and conditions warrant such variations, and such variations do not affect the general application or spirit of the provisions of this Ordinance.


(B) The granting by Board of Aldermen of a variation or modification of this Ordinance shall not create an obligation upon the Board of Aldermen to grant other variations or modifications. This shall be without regard as to whether factors or conditions involved are similar to, or different from, any previously-granted variation(s) and modification(s).

Section 11-5 Effective date.

This Ordinance shall be effective upon the date of its passage and approval by the Board of Aldermen.

PASSED AND APPROVED at a legally held meeting of the Board of Aldermen of the City of East Bernard, Wharton County, Texas on the 18th day of November, 2019.

APPROVED:


Marvin Holub, Mayor

ATTEST:


Audrey Searce, City Secretary



