

ORDINANCE NO. 03182019-1 AMENDED

AN ORDINANCE OF THE CITY OF ELKHART, TEXAS, REGULATING THE INSTALLATION OF MANUFACTURED HOMES WITHIN THE CITY OF ELKHART; PRESCRIBING REGULATIONS FOR MANUFACTURED HOMES; REQUIRING A PERMIT FOR MANUFACTURED HOMES; PRESCRIBING OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS; PROHIBITING MOBILE HOMES WITHIN THE CITY OF ELKHART; CONTAINING PENALTIES NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is deemed in the best interest of the City of Elkhart for the health, safety, and welfare of its citizens that an ordinance be established to regulate manufactured homes within the City of Elkhart, Texas, and that mobile homes be prohibited; and

WHEREAS, this Ordinance shall be known and cited as the “Manufactured Home Ordinance” of the City of Elkhart, Texas, and the provisions of this Ordinance shall apply to manufactured homes.

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

SECTION 1 PURPOSE

The purpose of this ordinance is to establish clear and unambiguous regulations pertaining to manufactured homes in the City of Elkhart.

SECTION 2 DEFINITIONS

For purpose of this Ordinance only, the following terms shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL. The legally designated inspection authority of the City, or his/her authorized representative.

CITY. City of Elkhart, Texas.

CITY OFFICIAL. The legally designated head of a City department, or his/her authorized representative when acting in an official capacity.

MAIN ENTRANCE. The principal (most dominant) point of entry into a building that would be part of, or directly connected to, the main living area constructed as an integral part of the dwelling by use of similar building material and techniques. A porch covered or enclosed, or a foyer addition placed onto the side of a home for the purpose of redirecting the main entrance to the street does not constitute a main entrance.

MANUFACTURED HOME. A structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems.

MOBILE HOME. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems.

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

PLOT PLAN. Graphic representation, drawn to scale, in a horizon plane delineating the outlines of the land included in the plan, and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining, and to the boundary of the property.

REPLACEMENT. The act of moving one manufactured home from its existing stand and replacing it with another manufactured home.

SITE PLAN. Same as Plot Plan.

SECTION 3 PERMITS

3.1 Mobile Homes. No permit shall be issued for the placement of a mobile home inside the City of Elkhart, and mobile homes are prohibited within the City. This subsection only applies prospectively and does not apply to a mobile home previously legally permitted by and used as a dwelling in City. If a mobile home is replaced by a manufactured home in the City, the City shall grant a permit for use of the manufactured home as a dwelling in the City.

3.2 Manufactured Home Permits. All applications for permits shall be made upon standard forms provided by the City and shall contain the following:

1. Name and address of the applicant.
2. Location and legal description of the lot for manufactured home placement.
3. To the application shall be attached a copy of a site plan and survey showing the location and orientation of the manufactured home, the required setbacks, and any other information specifically required herein or any Ordinance of the City.
 - A. **Permit Fee.** Upon approval of an application request, a fee will be submitted to the City in the amount described in the City's fee schedule for a single family residential dwelling unit, which shall be \$ 150.00. This Permit Fee shall be waived for the installation of a manufactured home by a licensed retailer or installer.
 - B. **Issuance of Permit.** When upon review of the application the City is satisfied that the proposed plan meets the requirements of this Ordinance, a permit shall be issued.
 - C. **Denial of Permit; Hearing.** Any person whose application for a permit under this Ordinance has been denied may request a hearing on the matter with the City Council. The request for a hearing must be in writing and be submitted to the City within thirty (30) days of the permit being denied. Upon receipt of the written request for a hearing, the City Council shall send notice of the request for hearing to all property owners within two hundred (200) feet of the subject property. Applicants appealing the denial of a permit shall be responsible for all expenses and charges associated with notifying property owners within the two hundred (200) foot radius of the subject property.

SECTION 4 INSPECTION

4.1 Inspections Required. The City's Building Official, Building Inspector, or authorized designee to include Code Enforcement or Public Works Director are hereby authorized and directed to make such inspections as are necessary to determine compliance with this Ordinance.

4.2 Entry on Premises. The City's Building Official, Building Inspector, or authorized designee to include Code Enforcement or Public Works Director shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

SECTION 5 NOTICES, HEARINGS, AND ORDERS

5.1 Notice of Violation; Requirements of Notice. Whenever it is determined that a violation of any provision of this Ordinance has occurred, the City shall give notice of such alleged violation to the owner as hereinafter provided. Such notice shall be:

1. in writing;
2. include a statement of the reasons for its issuance;
3. allow a reasonable time for the performance of the act required;
4. be served upon the owner, provided that the notice of order shall be deemed to have been properly served upon such owner when a copy thereof has been sent certified mail to his last known address, or when he has been served with the notice by any method authorized or required by the laws of this state; and
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and the time necessary to effect compliance.

SECTION 6 SITE PLAN/REQUIREMENTS

6.1 The site plan and survey shall be filed as required, and shall address the information that is required by this Ordinance and any other applicable City Ordinance. In no event shall a site plan be approved if:

- (a) more than one manufactured home is located on the lot; or
- (b) the manufactured home is located on a lot upon which another structure is occupied, or which could be occupied as a residential dwelling.

6.2 Plans for the foundation and anchoring system shall be sealed by a State of Texas Registered Engineer, or clearly demonstrate that the submitted system meets or exceeds all applicable standards set forth by the Texas Department of Housing and Community Affairs and the City's Building Code.

6.3 The site shall be located on a well-drained, properly graded lot with an elevated pad where the home is to be located, to insure rapid drainage and freedom from stagnant pools of water.

SECTION 7 PLUMBING AND GAS SYSTEMS

The Installation of plumbing and gas systems that connect the home to utilities, and replacement of an existing system or additions to the system shall comply with all applicable City Code requirements. Fees and inspections as per code requirement shall apply.

SECTION 8 ELECTRICAL

The installation of electrical systems that connect the home to utilities, and replacement of an existing system or additions to the system shall comply with all applicable City Code requirements. Fees and inspections are per code requirements shall apply.

SECTION 9 MECHANICAL SYSTEMS

The installation of mechanical systems that connect the home to utilities, and replacement of an existing system or additions to the system shall comply with all applicable City Code requirements. Fees and inspections as per code requirements shall apply.

SECTION 10 ANCHORAGE REQUIREMENTS

Anchoring systems shall be sealed by a State of Texas Registered Engineer, or clearly demonstrate that the submitted system meets or exceeds all the applicable standards set forth by the Texas Department of Housing and Community Affairs and any applicable City Code.

SECTION 11 MANUFACTURED HOME PROVISIONS

- 11.1** All requirements of the location in which application is made shall be adhered to, including but not limited to, lot size, yard requirements, height limitations, and parking standards unless otherwise required herein.
- 11.2** Each manufactured home shall be required to install view obstruction skirting with the necessary vents, screens, and/or openings around the base before utilities are released for connection.
- 11.3** The occupant shall comply with all requirements of this Ordinance, and shall maintain his/her manufactured home, its facilities, and its equipment in good repair in a clean and sanitary condition.

11.4 The occupant shall be responsible for proper placement of his/her manufactured home, and proper installation of all utility connections in accordance with this Ordinance and regulations pertaining thereto and the appropriate City officials.

11.5 Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions:

- (a) the storage area shall have a base of impervious material; and
- (b) stored items shall not interfere with the underneath inspection of the manufactured home.

11.6 Only one (1) manufactured home shall be located on a lot, and a manufactured home shall not be located on any lot having another dwelling occupied or which could be occupied as a residency.

11.7 All manufactured homes located on lots in the City shall comply with any and all applicable yard setbacks. A front lot line shall be deemed the lot line located on a public right-a-way. In the event a manufactured home is located on a corner lot, the front lot line shall be the lot line facing the main entrance of the manufactured home.

11.8 All manufactured homes, if unoccupied or if utility services to them are disconnected for six (6) months or more, shall require City inspection to determine compliance with City Code and City ordinances before occupation or utility restoration.

SECTION 12 OCCUPANCY

12.1 No more than one (1) family unit shall occupy any manufactured home and shall not be used as multi-family dwellings.

12.2 Recreational vehicles (or trailers) shall not be included in the definition of manufactured homes, and are prohibited within the City, unless said Recreational vehicle(s) is located within a designated area approved for Recreational vehicles.

SECTION 13 ZONING

All manufactured homes shall be located in an allowed zoning district and in accordance with all regulations of the City's Zoning Ordinance.

**ARTICLE VI.
REPEALER**

Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

**ARTICLE VII.
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, public health, or sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation exists shall constitute a separate offense.

**ARTICLE VIII.
PUBLICATION**

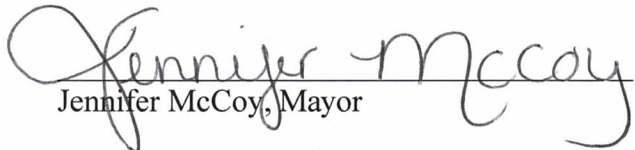
The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this ordinance as provided by law.

**ARTICLE IX.
EFFECTIVE DATE**

This Ordinance shall become effective upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ELKHART, TEXAS, this 5 day of July, 2022.

APPROVED:


Jennifer McCoy, Mayor

ATTEST:


Jan Stuteville, City Secretary