

ORDINANCE 302-E

AN ORDINANCE REPEALING ORDINANCE No. 302-D OF THE CITY OF WEST ORANGE, TEXAS AND ESTABLISHING ORDINANCE NO. 302-E, DEFINING THE INSTALLATION OF HUD-CODE MANUFACTURED HOMES WITHIN THE CITY, REQUIRING A PERMIT FOR THE INSTALLATION OF A HUD-CODE MANUFACTURED HOME AND SETTING FORTH THE SITE REQUIREMENTS, AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT, PROVIDING DEFINITIONS, AND PROVIDING FOR FEES, AND CONTAINING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND CONTAINING A SEVERABILITY CLAUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE:

That Ordinance No. 302-D is hereby repealed and replaced in its entirety by Ordinance No. 302-E as follows:

Section 1. DEFINITIONS - For the purpose of this ordinance, certain terms, words, and phrases shall have the meaning hereinafter ascribed thereto.

- (A) **Building Official**: Designated inspection authority of the City, or its authorized representative.
- (B) **City Council**: City Council of the City of West Orange, Texas.
- (C) **City Official**: Designated City employee with authority to enforce and interpret ordinances, as well as execute documents to conduct business for the city.
- (D) **Coach**: Any vehicle which is intended to be used as sleeping and/or living quarters, mounted on wheels, and which, is or may be, propelled either by its own power or by another power-driven vehicle to which it is, or can be, attached. This definition does not include HUD-Code Manufactured Homes.
- (E) **Code Enforcement Official**: Designated code enforcement authority of the City, or its authorized representative.
- (F) **Lot**: A parcel of land individually identified on the Orange County Appraisal District Records.
- (G) **HUD-Code Manufactured Home (formerly called a Mobile Home)**: Means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is ten (10) body feet or more in width or fifty (50) body feet in length, or, when erected on site, is five hundred (500) 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 includes the plumbing, heating, air-conditioning, and electrical systems.
- (H) **Mobile Home**: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is ten (10) body feet or more in width or fifty (50) body feet or more in length, or, when erected on site, is five hundred (500) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Mobile homes shall not be allowed in a HUD-Code Manufactured Home Park.
- (I) **HUD-Code Manufactured Home Park (formerly called Mobile Home Park)**: A parcel of land under single entity ownership, which has been placed and improved for the placement of HUD-Code Manufactured Homes, accessory uses, and service facilities, meeting all requirements of this Ordinance and any applicable deed restrictions and state laws.
- (J) **Person**: Any natural individual, firm, trust, partnership, association, or corporation.

Section 2. PARKING MANUFACTURED HOMES AND COACHES OUTSIDE MANUFACTURED HOME PARKS

It shall be unlawful for any person to park any manufactured home or coach on any street, alley, highway, sidewalk, or other public place in the city for a longer period than three (3) hours.

No manufactured home or coach shall be used, or occupied on any tract of ground within the city limits of West Orange, except in a duly licensed HUD Code Manufactured Home Park or provided however that:

- (A) Any manufactured home, HUD Code Manufactured home or coach now parked upon a lot outside of a duly licensed manufactured home park may be continued to be used and occupied from such tract of ground even if such use is a nonconforming use, but if any such nonconforming use of land shall cease for any reason for a period of more than thirty (30) days, restrictions of this ordinance shall hereby take effect.
- (B) The building official may permit the use, and occupancy of a manufactured home or coach outside of a duly licensed manufactured home park for a period not exceeding ten (10) days, when such home or coach is occupied by persons employed in the operation of a temporary recreational, amusement, disaster relief, or civic activity. Such temporary use and occupancy of a manufactured home or coach shall be permitted only when the home or coach is parked on the same premises on which the activity is located and only when adequate sanitary facilities are available upon the premises for the use of the occupants of the manufactured home or coach.
- (C) That coaches may be located on the owner's private property, or at a licensed storage facility, provided that such location is for the purpose of storage only, not habitation.
- (D) That the building official may permit the use and occupancy of a coach on property containing a dwelling for a period not exceeding ten (10) days. Such temporary use and occupancy of a coach shall be permitted only when adequate sanitary facilities are available upon the premises for the use of the occupants of the coach.
- (E) HUD Code Manufactured homes placed in the City, shall be required to comply with all the following items within thirty (30) days of installation, otherwise the HUD Code Manufactured Home will not be in compliance and must be removed.
 - 1. HUD Code Manufactured Home's owner shall obtain a HCMH permit from the City before transporting any HUD Code Manufactured Home inside City limits.
 - 2. HUD Code Manufactured Home must be placed upon a concrete slab, concrete runners, chain wall or other solid paved material approved by the Building Official.
 - 3. The axle(s), wheels, and tongue of the HUD Code Manufactured home must be removed.
 - 4. The HUD Code Manufactured Home must be skirted with a solid material which conforms with current code, is aesthetically pleasing, and is approved by City Official.
 - 5. The HUD Code Manufactured Home must meet base flood plain elevation requirements.
 - 6. Only one HUD Code Manufactured Home may be placed on any eligible lot with a minimum lot size of fifty (50) feet by one hundred (100) feet in width and depth.
 - 7. Sufficient tie-downs must be installed to make the HUD Code Manufactured Home safe during weather events and shall be approved by City Official.
 - 8. All installations, including utility installation(s), must be made in accordance with local building codes.
 - 9. No HUD-Code Manufactured Home more than 10 years old is allowed to be installed in the City. This provision is prospective and shall not apply to any mobile homes in use and occupied as residential dwellings in the City on the effective date of this ordinance.
 - 10. No additional permits will be issued for the property without the completion of the HCMH permit.

Section 3. PERMITS

- (A) Permit Required - It shall be unlawful for any person to do the following unless he / she holds a valid HCMH permit issued by the City Official. Permit shall be in the name of the owner of lot in which the HUD Code Manufactured Home is to be placed. This permit does not replace the moving permit required for transportation of HUD Code Manufactured Homes into or out of the City. A permit issued by the City Official will be required to:
 - 1. Install a HUD Code Manufactured Home.
 - 2. Remove, or cause to be removed, a mobile home (pre-1976 dated mobile home) or a HUD-Code Manufactured Home from any piece of property or HUD-Code Manufactured Home Park within the City of West Orange.
- (B) Application Requirements - 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. Legal description of the lot and proposed location of the HUD-Code Manufactured Home.
 - 3. Notarized written permission from all property owners, having property within three hundred (300) feet of the nearest property line, giving their permission for the installation of a HUD-Code Manufactured Home. If a property owner cannot be located or identified, the City Council shall have the option to waive specified piece of property during a regular scheduled meeting. Such written permission and/or request shall be presented at the time the permit application is presented to City for consideration.
- (C) Permit Fee - All applications to the City shall be accompanied by a non-refundable fee of one-hundred fifty dollars (\$150.00) and submitted to Building Official.
- (D) Issuance of Permit - When upon review of the application, the City is satisfied that the proposed plan meets the requirements of law, a permit, shall be issued.
- (E) Denial of Permit/Hearing - Any person whose application for a permit under the Ordinance has been denied may request, in writing, a hearing on the matter before the City Council and offer additional evidence, if desired.

Section 4. PENALTY PROVISIONS.

Any person, firm or corporation violating this ordinance, or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly.

Section 5. SEVERABILITY.

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

Section 6. EFFECTIVE DATE.

This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this, the 10th day of October 2022.

R R Branch
Randy Branch, Mayor

ATTEST:

Theresa Van Meter
Theresa Van Meter, City Secretary

APPROVED: [Signature]
Christopher D. Leavins, City Attorney

