

Ordinance No. 11-13-3

Amendment to Ordinance 07-20-16 Amendment to Mobile Home/Manufactured House Ordinance No. 92-20-16 Amendment Includes Parks, Developments & Individually Owned Lots

Section 1. Definitions:

Agent means any person authorized by the licensee of a manufactured house or mobile home park to operate or maintain such park under the provisions of this article.

Building Official means the legally designated Building Official of the City or his authorized representative.

Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower.

Driveway means a minor private way used by vehicles and pedestrians on a manufactured home or mobile home space

HUD-code manufactured home means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length; or, when erected on site, is 320 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 included the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined 24 CFR 3282.8 (g)

Independent mobile home means a mobile home which has a flush toilet, a bath or shower and a sink.

License mean a written license issued by the City of Redwater allowing a person to operate and maintain a manufactured house/mobile home park under the provisions for this article and regulations issued under this Ordinance and other City Ordinances that apply. (Including, but not limited to the following: City of Redwater Ord(s). 06-16-08, 06-26-01, 06-26-02, 06-23-20, 06-23-22.

Licensee means a person licensed to operate and maintain a mobile home/manufactured housing park under the provisions of this Ordinance.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or , when erected on site, is 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/Manufactured Housing Park means any plot of ground upon which facilities are provided for locating one or more mobile homes/manufactured housing to be occupied for dwelling or sleeping purposes regardless of whether or not a charge is made for such accommodation and which must operate under all City Ordinances which apply (Including, but not limited to the following: City of Redwater Ord(s). 06-16-08, 06-26-01, 06-26-02, 06-23-20, 06-23-22

Mobile home/manufactured housing space means a plot of ground within a mobile home/manufactured house park designed for the accommodation of one mobile home/manufactured house.

Manufactured House means a HUD-code manufactured home, as defined above.

Manufactured Housing Subdivision means a unified development of manufactured homes situated on lots platted for such purpose, which lots may be sold to the owners of manufactured homes situated thereon, designed to accommodate manufactured houses on a permanent basis and developed following ordinances of the City of Redwater (Including, but not limited to the following Ord. (s): 06-16-08, 06-26-01, 06-26-02, 06-23-20, 06-23-22

Natural or artificial barrier means any embankment, fence, hedge or other feature that serves to block direct pedestrian access or visibility.

Operator is defined to include the person in charge of operating any mobile home/manufactured house park either under written or verbal lease, or any other arrangement whereby he exercises control over the premises.

Owner is the person in whose name the title to the lot, block, tract or parcel of land is shown to be.

Section 2. License

(a) It shall be unlawful for any person to maintain or operate a mobile home/manufactured house park within the limits of the city, unless such person shall first obtain a license therefore, except that the maintenance or operation of a mobile home/manufactured house park in existence on the effective date hereof may be continued according to City Ordinances and which include, but are not limited to the following ORD.: Ord.06-20-16 and Ord. 06-26-01

(b) The Licensee is to be of good moral character, and the park plans and specifications accompanying the application for license comply with all provisions of this Chapter and all applicable ordinances and statutes,

Section -3. License fees.

(a) The annual license fee for each mobile home/manufactured house park shall be in accordance with the following schedule:

- (1) \$5.00 for 1 to 5 mobile home spaces provided.
- (2) \$25.00 for 6 to 25 mobile home spaces provided.
- (3) \$50.00 for 26 or more mobile home spaces provided.
- (b) The fee for transfer of a license shall be five (5) dollars.

Section -4. Application for license.

(a) *Application for initial license.* Application for an initial mobile home/manufactured house park license shall be filed with and issued by the City Secretary and the department of public works, City of Redwater, Texas. The application shall be in writing, signed by the applicant and shall include the following:

- (1) The name and address of the applicant.
- (2) The location and legal description of the mobile home/manufactured house park.
- (3) A complete plan of the park drawn to scale in conformity with the requirements of Section 6 of this Ordinance and other City Ordinances which apply and which include but are not limited to: Ord. (s) 06-16-08, 06-26-01, 06-26-02, 06-23-20, 06-23-22.
- (4) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home/manufactured house park; and
- (5) Such further information as may be requested by the inspection division of the department of public works of the City of Redwater, Texas, to enable it to determine if the proposed park will comply with legal requirements.

The application and all accompanying plans and specifications shall be filed at City Hall. The Mayor, City Council and the inspection division of the department of public works of the City of Redwater, Texas, shall inspect the application and the proposed plans and specifications; and the proposed mobile home/manufactured house park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this Ordinance and all other applicable ordinances and statutes, the City Council of the City of Redwater, Texas, may approve the application, and upon completion of the park according to the plans, shall issue the license.

(b) *Application for renewal license.* Upon receipt of notice for renewal of license, and upon payment of the annual license fee, the inspection division of the department of public works of the City of Redwater, Texas, shall inspect applicant's mobile home/manufactured house park, and if said park complies with all the requirements of this Ordinance and with all applicable ordinances and statutes, a renewal license shall be issued by the City Secretary for a period of one year.

(c) *Application for transfer of license.* Upon application in writing for transfer of a license and payment of the transfer fee, the City Secretary of the City of Redwater, Texas, shall issue a transfer if after investigation the transferee appears to be of good moral character.

(d) *Expiration date of license.* All licenses issued under the terms and conditions of this Chapter shall expire on the 31st day of December following the issuance date.

Section-5. Location.

- (a) Mobile home/manufactured house parks may be located in any district as prescribed by the City of Redwater, Texas, Zoning Ordinance as amended. Each boundary of the park, except those adjacent to a street or highway right-of-way, shall be provided with a continuous natural or artificial barrier.
- (b) If Mobile home/manufactured house park is to be located in Zone A of the FIRM of the City of Redwater, all stipulations covering such location must be followed per Flood Damage Prevention Ordinance 07-06-10 of the City of Redwater.

Section -6. Mobile home/Manufactured house park plan.

The mobile home park plans shall be approved by the city engineer and shall conform to the following requirements:

- (a) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from standing pools of water.
- (b) All internal streets, roads or driveways shall be privately owned, built and maintained and shall be designed for safe and convenient access to all spaces and to all facilities of common use by all park residents and visitors.
- (c) All streets are to be constructed of all-weather material and shall have 18 feet of driving surface with a 10 foot utility right-of-way on each side; utility right-of-way to begin at the outside edge of the street.
- (d) Closed end streets are to have a turn-a-round having a radius of not less than 38 feet.
- (e) Mobile home/manufactured house spaces shall be provided consisting of a minimum of five thousand five hundred (5,500) square feet for each space which shall be at least fifty (50) feet wide, at least one hundred and five (105) feet in depth and clearly defined by having iron posts or some form of permanent markers driven into the ground at the 2 corners not closest to designated parking spaces; provided, however, that mobile home/manufactured house parks in existence on the effective date hereof which provide mobile home spaces/manufactured house spaces having a width or area less than that hereinabove prescribed may continue to operate with spaces of the existing width and area, but in no event shall any mobile home space be less than thirty (30) feet wide and have an area of less than one thousand two hundred and fifty (1,250) square feet.
- (f) Mobile homes/manufactured houses shall be so harbored on each space that there shall be at least a fifteen (15) foot clearance between mobile homes/manufactured houses; including the end-to-end clearance which shall be the same. No mobile home/manufactured house shall be located closer than fifteen (15) feet to any building within the park or to any property line boundary bounding the park.
- (g) All mobile home/manufactured house spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street, alley or highway. Off-street parking facilities in the ratio of 2 spaces for each mobile home/manufactured house space shall be provided.
- (h) Walkways not less than two (2) feet shall be provided from the mobile home/manufactured house spaces to any service buildings.
- (i) All driveways and walkways within the park shall be provided with an all-weather surface.
- (j) An electrical service supplying at least 200 AMPS shall be provided for each mobile home/manufactured house space.

(k) It shall be unlawful for any person operating a mobile home/manufactured house park or occupying a mobile home/manufactured house to construct or permit to be constructed in such park or in connection with such mobile home/manufactured house any additional structure, building or shelter in connection with or attached to a mobile home/manufactured house, provided, however, carports and awnings of canvas, wood, brick or metal, suitably constructed, may be attached to said mobile home/manufactured house.

(l) It shall be unlawful to locate any dependent mobile home within the City Limits of Redwater, Texas

Section-7. Water supply.

An adequate supply of pure water for drinking and sanitary purposes shall be supplied by pipes to all buildings and to all mobile home/manufactured house spaces within the park to meet the requirements of the park. Each of the individual mobile home/manufactured house spaces shall be provided with a cold water tap at least four inches above the ground.

All plumbing work performed within the park shall comply in all respects with the requirements of the Plumbing Code of the City of Redwater, Texas.

Section -8. Service buildings and grounds.

(a) Service buildings housing sanitation and laundry facilities, or any of such facilities, shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(b) The service buildings shall be well lighted at all times of the day and nights, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing. The floors of the service buildings shall be of water impervious material.

(c) All service buildings and the grounds of the park shall be maintained in a clean, attractive condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance. The use of any service building or the grounds of any mobile home park for the storage of inoperative or unsightly motor vehicles or other such materials is prohibited.

Section -9. Sewage and refuse disposal.

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances.

(b) Each mobile home/manufactured house space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home/manufactured house harbored in such space and having any or all of such facilities. The trapped sewer in each space shall be connected to discharge the mobile

home/manufactured house waste into a public sewer system in compliance with applicable ordinances

Section -10. Garbage receptacles.

Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located on each mobile home/manufactured house space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of in accordance with applicable City ordinances. Fees for collection and disposal of garbage shall be in accordance with the applicable ordinances of the City of Redwater, Texas, governing and regulating residential services.

Section -11 Fire protection.

Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. State and local regulations applicable to the handling of bottled gas and fuel must be followed.

Section -12. Animals and pets.

No owner or keeper of any dog, cat or other pet animal shall permit it to run at large or to become a nuisance within the limits of any mobile home/manufactured house park. All applicable ordinances and statutes regarding the keeping of animals within the City of Redwater, Texas, shall apply to mobile home/manufactured house parks.

Section -13 Supervision/Management.

The licensee or permittee, or a duly authorized manager, attendant or caretaker, shall be in charge at all times to keep the mobile home/manufactured house park, its facilities and equipment in a clean, orderly and sanitary condition. The manager, attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this chapter to which the licensee or permittee is subject.

Section -14. Revocation of license.

The inspection division of the department of public works, City of Redwater, Texas, may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this chapter or of failing to permit inspections under any provision of this chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with law.

Section -15. Posting of license.

The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

Section -16. Mobile home /manufactured house outside licensed park.

It shall be unlawful for any person to locate or maintain any mobile home/manufactured house in any place in the City of Redwater, Texas, other than a duly licensed and lawful

mobile home/manufactured house park, unless such person shall first secure the approval of the Planning and Zoning Commission and the City Council.

Any person desiring to locate a mobile home/manufactured house outside an approved park; in a non-conforming use area, shall:

1. File an application with the City Secretary at the city offices of the City of Redwater, Texas
2. Shall pay a twenty-five dollar (\$25.00) fee.

Following application, the following action shall be taken by the City:

1. Written notice shall then be mailed ten (10) days prior to the next planning and Zoning Commission meeting to all property owners within two hundred (200) feet of the proposed mobile home/manufactured house lot site.
2. The Planning and Zoning Commission will then meet to hear comments from applicant and residents
3. The Planning and Zoning Commission will then make recommendations to the City Council of the City of Redwater, Texas. The recommendation shall then be placed on the City Council agenda for approval or rejection at the next regular City Council meeting.
4. If the Council decides in favor of the applicant, the following regulations governing manufactured homes must be adhered to:
 - a. **Porches & Decks** – The manufactured home shall be served by a covered, recessed entranceway or a permanent covered porch with the porch roof integrated into the roofline of the manufactured home and covered in the same shingles or roofing material as the manufactured home; uncovered setbacks shall be permitted on the rear of the manufactured home.
 - b. **Off-Street Parking** – Each manufactured home shall provide two (2) paved off-street parking spaces located behind the front setback line and a paved driveway
 - c. **Minimum Width/Dimension** – Minimum dimension for any side of the manufactured home shall be no less than 20' – 0" (A home located in any residential district must be a double-wide or larger multi-section unit).
 - d. **Front Door** – The manufactured home shall be appropriately sited on the lot, with the front door or entry of the manufactured home oriented to the front of the lot (narrow dimension of the lot having frontage on the street or road). **All required setbacks (front, side, and rear) of the zoning district in which the manufactured home is located shall be met without any exceptions or variances from the City of Redwater Board of Adjustment.** However, corner lot owners have the option to face the front door of the manufactured home toward the street of their choosing.
 - e. **Foundation** – The manufactured home shall be attached and anchored to a permanent foundation in conformance with the manufacturer's installation specifications.
 - f. **Installation** – The manufactured home shall be constructed or installed in accordance with the installation instructions provided by the manufacturer and the rules and regulations of the State of Texas, including site preparation, pier foundations-footings, support-support columns, and

- anchoring. Towing devices must be removed if possible or concealed in a manner acceptable to the City.
- g. **Exterior Covering** – The manufactured home shall be covered with an exterior material customarily used on residential dwellings, and such material shall extend over the top of the foundation unless said foundation is constructed of solid brick, stone, or masonry material.
 - h. **Roof** – The manufactured home shall have a roof composed of materials such as fiberglass, wooden shake, asphalt, clay tile, or standing seam metal roofing which shall be installed in compliance with the Building Code. The roof shall have a minimum pitch of three feet (3') vertical rise for every twelve feet (12') of horizontal run (3:12).
 - i. **Certificate of Occupancy** – No manufactured home shall be occupied until it has received a certificate of occupancy issued by the building official subsequent to compliance with all provisions of this and other pertinent laws and ordinances.
 - j. **Construction** – The manufactured home shall be constructed in compliance with the Federal Manufactured Home Code and Safety Standards and the Texas Manufactured Housing Standards Act.
 - k. **Perimeter Foundation Enclosure (Skirting)** – The manufactured home shall have skirting or curtain wall constructed of materials approved by the City that have a useful or life expectancy of twenty-five (25) years or more. Such enclosure shall be installed and ventilated in accordance with the manufacturer's instruction or the rules and regulations promulgated by the Manufactured Housing Division (MHD) of the Texas Department of Housing and Community Affairs (TDHCA).
 - l. **Landing & Steps** – The manufactured home shall have permanent landings and steps provided at each exterior doorway from the door threshold to ground level.

It shall be unlawful for any person, firm or corporation to maintain, locate or live in any such mobile home/manufactured house without first obtaining the necessary building, plumbing and electrical permits from the inspection division of the department of public works of the City of Redwater, Texas.

In instances where an owner has a mobile home/manufactured house legally located in the city limits of the City of Redwater, Texas, the mobile home/manufactured house may continue at that location, but such mobile home/manufactured house may not be moved and another substituted in its place without securing approval of the Planning and Zoning Commission and the City Council of the City of Redwater, Texas.
See Redwater City Ord. 06-26-01; Sect. 1-1-22

Section -17. Penalty for violation.

Any person violating this chapter may be fined not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for each offense, with each day being a separate offense.

Section -18. Gas distribution in mobile home parks, apartment houses, and apartment units.

(a) *Definitions.* The following words and terms, when used in this section, shall have the following meanings unless the context indicates otherwise:

- (1) *Domestic use:* The use of natural gas for cooking, clothes drying, space heating, water heating or any other residential purpose.
- (2) *Master meter:* A single large volume gas measurement device by which gas is metered and sold to a single purchaser, who distributes the gas through a submeter or redelivers gas by other means to one (1) or more additional persons downstream from that meter.
- (3) *Mobile home:* A structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length 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 contained therein.
- (4) *Mobile home/manufactured house or apartment resident:* An occupant of a mobile home/manufactured house in a mobile home/manufactured house park or an occupant in an apartment house or apartment unit who is responsible for the payment of rentals and receives gas through a submeter.
- (5) *Submeter:* A single gas measurement device by which gas is metered to a mobile home unit, apartment house or apartment unit downstream of a master meter.
- (6) *Apartment house:* A building or buildings containing more than five (5) dwelling units, all of which are rented or available to be rented primarily for nontransient use, with rentals paid at intervals of one (1) week or longer. Apartment house shall include residential condominiums, whether rented or owner-occupied.
- (7) *Apartment unit:* A room or rooms suitable for occupancy as a residence, containing kitchen and bathroom facilities.

(b) *Prohibition.* An owner, operator or manager of a mobile home/manufactured house park, apartment house or apartment unit may purchase natural gas through a master meter and thereafter deliver that gas through a submeter to an individual mobile home/manufactured house or homes in the park or to apartment units within the apartment house for domestic use by the residents or occupants for the purpose of fairly allocating the cost of each unit's gas consumption. The natural gas shall not be delivered, sold or resold to a resident or occupant at a profit. An owner, operator or manager of a mobile home/manufactured house park, apartment house or apartment unit may not allocate or charge a resident for common areas, such as laundry or recreational areas, unless the resident's or occupant's unit rate is calculated based on the amount of total gas through the master meter.

(c) *Charges.* Any sale or resale made by such owner, operator or manager shall be based solely on the monthly average cost of gas on a volumetric basis to the owner, operator or manager and on the amount of usage by the mobile home/manufactured house resident or apartment house or apartment unit occupant, plus a submeter fee or surcharge for each bill rendered of not to exceed three dollars (\$3.00) per month. The computation of the average cost of gas shall not include any penalties charged to the owner, operator or manager for late payment. No other charges shall be made to the mobile home/manufactured house resident, apartment house or apartment unit occupant in connection with the delivery of natural gas to a submeter. The owner, operator or manager must prepare and deliver or send a bill to each mobile home/manufactured house resident, apartment house or apartment unit occupant. The owner, operator or manager by contractual agreement only, may collect reasonable deposits for gas

service, returned check fees and late charges from its tenants. Any change in the initial deposit, fees or charges must be approved by the Railroad Commission of Texas.

(d) *Record-keeping.* Adequate records shall be kept by the owner, operator or manager in connection with sale or resale of natural gas to mobile home/manufactured house residents, apartment house or apartment unit residents. These records shall be made available to the mobile home/manufactured house resident by the owner, operator or manager at the mobile home/manufactured house park, apartment house or apartment unit during normal business hours. Such records shall include the following:

- (1) The billings from the supplier of the gas to the owner, operator or manager of the mobile home/manufactured house park, apartment house or apartment unit for the current month and the twelve (12) preceding months;
- (2) The computation of the average cost of gas per month to the owner, operator or manager for the current month and the twelve (12) preceding months;
- (3) All submeter readings and mobile home/manufactured house residents', apartment house residents' or apartment unit residents' billings for the current month and the twelve (12) preceding months.

(e) *Billings.* The mobile home/manufactured house resident's, apartment house resident's or apartment unit resident's bill shall show all of the following information:

- (1) The date of submeter readings and the reading on the resident's submeter at the beginning and at the end of the period for which the bill is rendered;
- (2) The number and kind of units billed;
- (3) The computed rate per unit billed;
- (4) The total amount due for gas used;
- (5) Any surcharge, clearly identified;
- (6) The name and address of the resident to whom the bill is applicable;
- (7) The date by which the resident must pay the bill.

(f) *Enforcement.* The records specified herein shall be subject to inspection and audit by the Railroad Commission of Texas or its agents. Violations shall be subject to enforcement pursuant to Texas Revised Civil Statutes Annotated, Articles 6062 and 6063.


Sect. -19 Severability Clause

If any section, sub-section, paragraph, clause, phrase, or sentence of this Ordinance, or the application of the same to any particular set of persons or circumstances, should for any reason, be held invalid, such invalidity shall not effect the remaining portions of said ordinance, and the remaining portions shall remain in full force and effect.

Approved and passed this 12 day of December, 2011

Signed: 
Robert Lorange, Mayor

Attest:


Dessie Enns, City Secretary