**ORDINANCE NO. 1002212**

**AN ORDINANCE REQUIRING COMPLIANCE WITH STANDARDS WITHIN THE CITY OF CELESTE, PROVIDING INSPECTION OF MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES BY THE BUILDING OFFICIAL, REQUIRING TIE-DOWNS PRIOR TO OCCUPANCY, REQUIRING UNDERPINNING AND SKIRTING OF MOBILE HOME DWELLINGS AND HUD-CODE MANUFACTURED HOMES WITHIN THIRTY (30) DAYS OF OCCUPANCY, REQUIRING COMPLIANCE WITH ALL OTHER LAWS AND REGULATIONS PROMULGATED BY THE STATE OF TEXAS AS TO MOBILE HOME OR MOBILE HOME DWELLINGS, HUD-CODE MANUFACTURED HOMES, AND MODULAR HOMES, PROVIDING DEFINITIONS, AND PROVIDING FOR NONCONFORMING HUD-CODE MANUFACTURED HOUSING, AND CONTAINING PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE AND CONTAINING A SEVERABILITY CLAUSE.**

WHEREAS, the City Council of the City of Celeste believes that unregulated manufactured housing consisting of manufactured homes, mobile homes, modular homes, and mobile home dwellings can be dangerous and constitute a hazard to life and property; and

WHEREAS, the City of Celeste, Texas, has adopted various ordinances regulating mobile homes, those ordinances including the following: Ordinance No. 219, Ordinance No. 220, Ordinance No. 224, Ordinance No. 120898 and Ordinance No. 120898A ; and

WHEREAS, the ordinances are confusing and difficult to enforce, and need to be updated to comply with current law of the State of Texas and the current needs of the citizens of the City of Celeste, Texas; and

WHEREAS, the City Council of the City of Celeste, Texas realizes that the manufactured/mobile/modular home is now an integral part of the housing supply and a prime concern of the City Council is to have safe and clean housing; and

WHEREAS, the City Council of the City of Celeste finds it to be in the best interests of the public safety, health and general welfare to regulate manufactured housing and mobile home dwellings within the City; therefore,

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

**Section 1.** This Ordinance is hereby referenced as the Celeste Manufactured/Mobile/Modular Housing Ordinance.

**Section. 2**. **Amendment and Repeal of Prior Ordinances:** Ordinance Numbers120898 and 120898A, are hereby amended in accordance with the terms of this ordinance and further are hereby

repealed to the extent they conflict with the terms of this ordinance.

**Section 3. Definitions**: For the purpose of this Ordinance, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto.

1. BUILDING OFFICIAL: The legally, designated inspection authority of the City, or its authorized representative.
2. CERTIFICATE OF OCCUPANCY: A certificate issued by the City Council for the use of a building, structure and/or land, when it is determined by it that the building, structure and/or land complies with the provisions of all applicable City codes, ordinances and regulations.
3. CITY: As used herein reference to the City shall mean the City of Celeste, Hunt County, Texas, and its extraterritorial jurisdiction.
4. CITY COUNCIL: City Council of the City of Celeste, Texas.

E. "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 or more square feet, and which is built on a permanent chassis and designated 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. The term does not include a recreational vehicle as that term is defined by C.F.R. Section 3282.8(g).

F. “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 of 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 includes the plumbing, heating, air-conditioning, and electrical systems. It is a factory-fabricated transportable unit built on a chassis, designed to be used as a dwelling. It may consist of one or more units separately towable but designed to be joined into one integrated unit. Recreational vehicles and motor homes are not included as mobile homes and cannot be used as living quarters in the City except as follows: (1) Recreational vehicles and motor homes may be used as a dwelling during the process of the building of a residence; and (2) Recreational vehicles and motor homes may be used as a temporary dwelling for visitors but no longer than a two week period of time.

G. PERSON: Any natural individual, firm, trust, partnership, association, corporation, or other legal entity.

 H. Other terms herein shall have the meanings defined in other ordinances of the City of Celeste, Texas, except where the context clearly requires otherwise.

**Section 4. Standards for Manufactured Homes, and Mobile Homes.**

1. All manufactured housing design and construction shall comply with the construction and safety standards and rules of the United States Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974.
2. Prior to installation of any manufactured home or mobile home dwelling by a Person, such Person shall apply for a Permit consisting of a written Permit/Certification issued by the Building Official permitting the location and installation of such manufactured housing and shall secure a Certificate of Occupancy consisting of a Certificate issued by the Building Official for the use and habitation of such manufactured housing or mobile home dwelling certifying that such manufactured housing complies with the provisions of all applicable City codes, ordinances and regulations.
3. All manufactured housing or mobile home dwellings will be subject to inspection by the Building Official.
4. Tie-downs will be required and will be secured on or manufactured housing prior to the issuance of a Certificate of Occupancy.
5. All manufactured housing shall have underpinning and skirting which shall be installed within thirty (30) days of the date of the issuance of a Certificate of Occupancy.

**Section 5. Mobile Homes Prohibited In the City of Celeste**. The installation of Mobile Homes, as defined herein, for use or occupancy as a residential dwelling in the City of Celeste, Texas, is prohibited. This provision is prospective and shall not apply to any Mobile Home used and occupied as residential dwelling in the City on the Effective Date of this Ordinance.

1. Mobile Homes as defined herein, shall not be allowed to be located or installed in the City from and after the Effective Date of this Ordinance.

 B. All Mobile Homes, Manufactured Housing, Modular Homes, HUD-Code Manufactured Homes and Mobile Home Dwellings located in the City shall

 comply at all times with all laws, rules, and regulations promulgated by the State

 of Texas or any of its agencies.

**Section 6. Unlawful Parking, Use or Location of HUD Code Manufactured Homes.**

From and after the effective date of this ordinance, it shall be unlawful for any person, firm or corporation to park, locate or permit the parking or location of any HUD CODE MANUFACTURED HOME upon any lot, street or tract of land which has less than five (5) acres of land whenever such lot or tract of land is unoccupied by any other HUD CODE MANUFACTURED HOME or any other dwelling within the City limits of the City of Celeste, Texas.

**Section 7. Permissible Parking or Location of Manufactured Housing**.

A HUD CODE MANUFACTURED HOME may be parked or located or permitted to be parked

or located upon any lot or tract of land which has five (5) acres of land or more, whenever such

lot or tract is unoccupied by any other HUD CODE MANUFACTURED HOME or any other

dwelling within the City limits of the City of Celeste, Texas, as long as such HUD CODE

MANUFACTURED HOME is a new HUD CODE MANUFACTURED HOME and it complies

with the terms and provisions of this ordinance and the provisions of state law. For the purposes

of this ordinance, new shall mean a HUD CODE MANUFACTURED HOME that has never

been occupied or lived in or located or set up as a residence.

A. **Setbacks**. No HUD CODE MANUFACTURED HOME may be placed on any lot or tract within the City of Celeste, Texas, in such manner that any part of the manufactured home or any extension thereto is situated within 10 feet of any side lot or tract line whenever the lot or tract is bordered by a lot or tract of land on either side of such lot or tract land so occupied, and is set back less than 25 feet from the front line. The front line is deemed to be the line of the tract or lot which adjoins a street or roadway upon which there is situated either street numbered houses or businesses or a combination of both. Whenever the lot or tract of land is situated at an intersection of two different streets, or roadways, the manufactured home or any extension thereof shall not be parked nearer than 10 feet from the inside lot or tract line and not nearer than 10 feet from the side lot line adjacent to the street intersecting the street upon which are situated homes or businesses which have street addresses and not nearer than 25 feet to the front property line.

B. **Anchoring**. Prior to connecting any HUD CODE MANUFACTURED HOME to the water, sewer and/or gas service of the City of Celeste, Texas, in accordance with the Plumbing Code of the City, said manufactured home shall be anchored in accordance with the manufacturer's installation instructions and anchored, as well as supported and blocked, in accordance with those standards for manufactured housing found in the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 69, adopted pursuant to the authority of Article 5221f, Texas Civil Statutes, and administered by the Texas Department of Housing and Community Affairs.

C. **Skirting**. In addition to the anchoring and blocking requirements specified above, any HUD CODE MANUFACTURED HOME shall be properly skirted prior to being allowed to connect to the water, sewer and/or gas service of the City of Celeste, Texas. Skirting shall be required around the complete perimeter of said mobile home in accordance with the following minimum specifications:

 1. The following material (or its equivalent as approved by the appropriate city officials) is approved to be used for skirting:

 a. manufactured skirting with vent panels;

 b. corrugated steel sheets;

 c. galvanized steel sheets;

 d. aluminum sheets;

 e. plywood sheets, with a 3/8 inch minimum thickness, rated for exterior use by the manufacturer;

 f. oriented strand board, with a minimum 3/8 inch thickness, rated for exterior use by the manufacturer;

 g. brick or concrete blocks.

2. Screened vents are required to be used with all skirting to allow for air circulation under mobile home.

D. **Water and Sewer Service.** Any HUD CODE MANUFACTURED HOME shall be connected the water and sewer service of the City of Celeste, Texas in accordance with the applicable codes and ordinances.

E. **Prohibitions.** Any HUD CODE MANUFACTURED HOME shall not have a tongue and shall not have wheels connected. It shall have a proper foundation for a permanent residence.

F. **Ownership.** The owner or purchaser of any HUD CODE MANUFACTURED HOME lawfully parked or located within the City of Celeste, Texas must own or be purchasing the land upon which their home is to be placed. The occupant of the HUD CODE MANUFACTURED HOME must be the owner.

**Section 8. Granting of Certificate of Occupancy.** The Building Official of the City of Celeste, Texas, shall make a prompt investigation of any application for a Certificate of Occupancy as specified in this ordinance, and shall grant the application for the certificate if the HUD CODE MANUFACTURED HOME meets the requirements specified herein. Failure of the applicant for a permit to meet all the requirements of this ordinance, shall be grounds for refusal to allow the applicant to connect to the water, sewer, and/or gas service of the City of Celeste, Texas, and shall further be grounds for denial of the certificate. Any such application shall be deemed approved and granted unless the Building Official denies the application in writing within 45 days from receipt of the application setting forth the reason for such denial.

**Section 9. Parking of More than One Manufactured Home Per Lot.** It shall be unlawful for any person, firm or corporation, to park, keep or permit the parking of more than one HUD CODE MANUFACTURED HOME upon any five acre lot or tract of land within the City of Celeste, Texas, unless said manufactured home is located within a duly licensed MANUFACTURED HOME PARK.

**Section 10. Recreational Vehicles and Travel Trailers.**

It shall be unlawful for any person, firm or corporation to park or permit the parking of a recreational vehicle and/or a travel trailer on any lot or tract of land within the City of Celeste, Texas, whenever such recreational vehicle or travel trailer is being used or occupied as a residence. This prohibition shall not apply to a recreational vehicle or travel trailer which is located in a duly licensed manufactured home park, as long as the recreational vehicle or travel trailer complies with the requirements of this ordinance for a use and occupancy permit. The provisions of this section shall not apply to a recreational vehicle or travel trailer which is being occupied temporarily by a person or persons visiting in the City of Celeste, Texas for a period of time **no longer than two weeks**  or to a recreational vehicle or travel trailer being used as a dwelling during the process of building of a permanent residence for a period of time no longer than 60 days.

**Section 11. Existing Manufactured Homes, and Mobil Homes**.

This ordinance does not make it unlawful for any mobile home or manufactured home that already is in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any nonconforming mobile home or manufactured home is removed from its location, the following shall apply:

1. The owner shall have thirty (30) days to replace it and if it is replaced within such thirty (30) day period it will not be in violation of this ordinance even if it does not meet the requirements of this ordinance, EXCEPT that is it must be a HUD CODE MANUFACTURED HOME 10 years newer then the one it replaced, and meet the requirement set for in Section 7 B, C. D. F. and G above: and

2. The City Council may grant exceptions to the thirty (30) day time period for replacing such a home for good cause on a case by case basis depending on the circumstances.

**Section 12. Inspection.**  Officials of the City may enter premises of any proposed or existing place where any manufactured home is located, in order to inspect for compliance with this ordinance.

**Section 13. Non liability**. The City and its officers, agents and employees shall have no liability of any nature for any actions, omissions, or other matters in any way concerning the subject matter of this ordinance.

**Section 14. Other Ordinance and Law**. All other ordinances of the City and all other laws shall apply according to their terms to the subject matter of this ordinance, except as this ordinance expressly and specifically contradicts said ordinances or laws. The fact that this ordinance specifically invokes some other laws and ordinances shall not mean that still other laws and ordinances not specifically invoked do not apply.

Section 15. Violations and Penalties. Any person, firm or corporation who commits any of the following shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than FIVE HUNDRED AND NO/100’S DOLLARS ($500.00) and each day that such violation continues shall be considered a separate offense and punishable accordingly.

 1. Any violation of this ordinance: or

 2. Providing false information to a City official concerning licensing or permitting

 Under this ordinance, this ordinance or compliance with this ordinance.

**Section 16. Controlling Ordinance.** This ordinance shall control over any conflicting terms of any other ordinance, except as may be otherwise stated herein.

**Section 17. Constitutionality and Severability**. If any part, section, clause or phrase of this ordinance is for any reason held to be illegal or unconstitutional, such invalidity shall not affect the reaming portions of this ordinance.

Section 18. Effective Date. This Ordinance shall be effective immediately upon its passage, approval and publication.

Passed and approved this 2 day of October, 2012.

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 Larry Godwin, Mayor

 City of Celeste, Texas

ATTEST:

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 Jenoa Lipsey, City Secretary

City of Celeste, Texas