

ORDINANCE NO. 091609

AN ORDINANCE ESTABLISHING DEFINITIONS FOR THE REGULATION OF MANUFACTURED AND INDUSTRIALIZED HOUSING BY THE CITY OF PENELOPE; REQUIRING COMPLIANCE WITH DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT STANDARDS FOR SUCH HOUSING; PROVIDING FOR INSPECTION OF MANUFACTURED HOUSING; REQUIRING TIE-DOWNS PRIOR TO OCCUPANCY, REQUIRING UNDERPINNING AND SKIRTING OF MANUFACTURED HOUSING WITHIN THIRTY (30) DAYS AFTER OCCUPANCY; ESTABLISHING OTHER INSTALLATION REQUIREMENTS; PROHIBITING THE INSTALLATION OF MOBILE HOMES FOR USE OR OCCUPANCY AS RESIDENTIAL DWELLINGS; PROVIDING FOR CERTIFICATION FOR INDUSTRIALIZED HOUSING; REQUIRING MINIMUM VALUE AND APPEARANCE STANDARDS FOR INDUSTRIALIZED HOUSING; REQUIRING COMPLIANCE WITH ALL OTHER LAWS AND REGULATIONS PROMULGATED BY THE STATE OF TEXAS AS TO MANUFACTURED HOUSING; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, it has come to the attention of the City Council of the City of Penelope that unregulated manufactured housing, including mobile homes can be dangerous and constitute a hazard to life and property; and

WHEREAS, the City Council of the City of Penelope finds it to be in the best interests of the public safety, health and general welfare to regulate manufactured housing and industrialized housing within the City, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PENELOPE, TEXAS:

SECTION 1. This Ordinance is hereby referenced as the "Penelope Manufactured and Industrialized Housing Ordinance."

SECTION 2. Definitions.

For the purpose of this Ordinance, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto:

- A. **Building Official:** The designated inspection authority of the City or its authorized representative.
- B. **Certificate of Occupancy:** A certificate issued by the City for the use of a building, structure and/or land, when it is determined by the City that the building, structure and/or the land complies with the provisions of all applicable City codes, ordinances or regulations.

- C. City: The City of Penelope, Hill County, Texas.
- D. City Council: The governing body of the City.
- E. HUD-Code Manufactured Housing or Home:
 - (1) A structure:
 - (a) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - (b) built on a permanent chassis;
 - (c) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (d) transportable in one or more sections; and
 - (e) in the traveling mode, at least eight (8) body feet or more in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet;
 - (2) Includes the plumbing, heating, air conditioning, and electrical systems of the home; and
 - (3) Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).
- F. Industrialized Housing or Modular Housing:
 - (1) A residential structure that is:
 - (a) designed for the occupancy of one or more families;
 - (b) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - (c) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
 - (2) Includes the structure's plumbing, heating, air conditioning, and electrical systems.
 - (3) Does not include:
 - (a) a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;
 - (b) housing constructed of a sectional or panelized system that does not use a modular component; or
 - (c) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.
- G. Installation: The temporary or permanent construction of the foundation system and the placement of a Manufactured Home or Manufactured Home component on the foundation. The term includes supporting, blocking, leveling, securing, anchoring, and properly connecting multiple or expandable sections or components and making minor adjustments.

- H. Label: A device or insignia that is: (1) issued by the Director of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs to indicate compliance with the standards, rules, and regulations established by the United States Department of Housing and Urban Development; and (2) permanently attached to each transportable section of each HUD-Code Manufactured Home constructed after June 15, 1976, for sale to a consumer.
- I. Manufactured Home or Manufactured Housing: A HUD-Code Manufactured Home or a Mobile Home.
- J. Mobile Home:
 - (1) A structure:
 - (a) constructed before June 15, 1976;
 - (b) built on a permanent chassis;
 - (c) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (d) transportable in one or more sections; and
 - (e) in the traveling mode, at least eight (8) body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet.
 - (2) Includes the plumbing, heating, air conditioning, and electrical systems of the home.
- K. Modular Component or Module: A structural part of housing or a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without (i) damage or (ii) removal and reconstruction of a part of the housing or building.
- L. Person: Any natural individual, firm, trust, partnership, association, corporation, or other legal entity.

SECTION 3. HUD-Code Manufactured Housing.

- A. Any Person seeking to install a HUD-Code Manufactured Home in the City shall apply for a Permit issued by the Building Official. The applicant shall provide proof to the Building Official that the structure carries the Label confirming its compliance with applicable standards as a HUD-Code Manufactured Home. The Building Official shall determine whether the proposed location has been approved through zoning for a HUD-Code Manufactured Home.
- B. Upon issuance of the Permit, the HUD-Code Manufactured Home may be installed for use as a dwelling in accordance with the City's zoning and subdivision ordinances. All HUD-Code Manufactured Housing will be subject to inspection by the Building Official.
- C. Tie-downs will be required and will be secured on HUD-Code Manufactured Housing prior to the issuance of a Certificate of Occupancy. All HUD-Code Manufactured Housing shall have underpinning and skirting which shall be installed within thirty (30) days after the date of the issuance of a Certificate of Occupancy.

SECTION 4. Mobile Homes Prohibited.

The installation of Mobile Homes for use or occupancy as a residential dwelling in the City is prohibited. This provision is prospective and shall not apply to any Mobile Home previously legally permitted by and used as a dwelling in the City on the Effective Date of the Ordinance.

SECTION 5. Industrialized or Modular Housing.

- A. A Person seeking to install Industrialized or Modular Housing shall, prior to such installation, present to the Building Official a complete set of design plans and specifications bearing the stamp of the Texas Industrialized Building Code Council for each unit. In addition, the Person must affirm that the building has not been altered from the original plans, or, if so altered, must submit documentation that the building has been recertified under the Texas Industrialized Housing and Building program.
- B. All applicable local permits and licenses must be obtained before any construction begins on a building site. All construction performed on site shall be inspected by the Building Official in accordance with regular site-built inspection procedures. The Building Official may require correction of code violations identified in the module or modular component during the site inspections. The Building Official may also require correction of items that are not in conformance with the approved plans and specifications. Construction uncovered during repairs of violations may be inspected for conformance to the applicable state codes and approved plans.
- C. All Modules or Modular Components must bear an approved Texas decal or insignia. The location of the decal or insignia on the Module or Modular Component must be indicated on the floor plan or the cover page of the approved plans.
- D. All Industrialized or Modular Housing shall comply with the following requirements:
 - (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the housing is to be located ("value" means the taxable value of the Industrialized Housing and the lot after installation of the home);
 - (2) have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the Industrialized Housing is to be located;
 - (3) comply with all City standards, including but not limited to building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to dwellings in the City; and
 - (4) be securely attached to a permanent foundation.

SECTION 6. Penalty Provisions.

Any Person violating this Ordinance or any portion thereof, shall upon conviction, be guilty of a misdemeanor and shall be fined not less than \$200.00 nor more than \$500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly.

SECTION 7. 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 the Ordinance.

SECTION 8. Effective Date.

This Ordinance shall be effective immediately upon its passage, approval and Publication.

READ, CONSIDERED, PASSED AND APPROVED BY THE CITY COUNCIL OF PENELOPE, TEXAS AT A REGULAR MEETING ON THE 16th DAY OF Sept., 2009 AT WHICH A QUORUM WAS PRESENT, AND FOR WHICH DUE NOTICE WAS GIVEN.

Approved this the 9th day of Sept., 2009.

Ben Mese
Mayor

ATTEST:

Sharon Howard
City Secretary