

ORDINANCE 99- 3

ORDINANCE ADOPTING REGULATIONS AND STANDARDS FOR LOCATING AND INSTALLING, OCCUPYING AND USING RECREATIONAL VEHICLES, MOBILE HOMES AND UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) CODE MANUFACTURED HOMES; ESTABLISHING STANDARDS AND DEFINITIONS FOR MANUFACTURED HOMES COMMUNITY PARKS AND MANUFACTURED HOME COMMUNITY SUBDIVISIONS; REQUIRING A LICENSE AND ESTABLISHING CERTAIN LICENSE FEES FOR THE REGULATION AND OPERATION OF MANUFACTURED HOME COMMUNITY PARKS; AUTHORIZING THE INSPECTION OF MANUFACTURED HOME COMMUNITY PARKS; PROVIDING FOR A PENALTY NOT TO EXCEED \$1,000.00 FOR VIOLATION THEREOF; PROVIDING FOR A WAIVER OF THREE SEPARATE READINGS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR A PUBLICATION AND AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

WHEREAS, the United States Department of Housing and Urban Development and the Texas Department of Community Affairs have implemented standards relating to manufactured homes; and

WHEREAS, the provisions are outlined in the Texas Manufactured Housing Act (Article 5221F) Vernon's Texas Civil Statutes, as amended; and

WHEREAS, such new standards no longer refer to units as resembling "mobile homes", manufactured on or after June 15, 1976, as such, but rather as "HUD Code Manufactured Homes" and further prohibiting the continued manufactured "mobile homes" as constructed prior to that time; and

WHEREAS, it is the consensus of the Board of Alderman of the City of Penitas to repeal Ordinance 1997-02 and that Ordinance 1999 be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PENITAS, HIDALGO COUNTY, TEXAS, THAT:

Section I. ADMINISTRATION AND COMPLIANCE. That Ordinance 1997-02 shall be repealed, and Ordinance 99- 3 shall be adopted to read as follows, to-wit:

PART I
ADMINISTRATION AND COMPLIANCE

Short Title

This ordinance shall be known and be cited as the "Penitas Manufactured Home Ordinance".

Sec. 1. Findings And Policy

A. The Board of Alderman of the City of Penitas finds in approving this ordinance, that it will:

1. Promote the safety and health of the residents of the City of Penitas.
2. Encourage economical and orderly development in the City of Penitas.

B. It is, therefore, declared to be the policy of the Board of Alderman of the City of Penitas to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planned and supervised manufactured home communities and by providing for the standards and regulations necessary to accomplish these purposes.

PART I(A)
MOBILE HOMES AND THE UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT CODE MANUFACTURED HOMES

1. Shall have skirting installed prior to occupancy. The skirting must be of suitable material such as steel, plastic, aluminum or any other material approved by the City Engineer.
2. Awnings, carports, storage sheds, must be placed on concrete slabs;
3. All mobile homes; HUD-code manufactured home, manufactured home must be a minimum of 14x60 feet and not more than one year old, subject to variance by the Planning & Zoning and City commission.
4. A permit issued by the City, shall be required before occupancy of any mobile home, HUD-code manufactured home, or manufactured home.

Sec. 2. Definitions

As used in this ordinance, the following terms shall have the respective meanings ascribed to them, those words not expressly prescribed herein are to be constructed in accordance with other applicable ordinances of the City, or in the absence of such provisions, then in accordance with customary usage in municipal planning and engineering practices:

Agent: Any person authorized by the licensee of a manufacture home community park to operate or maintain such park under the provisions of this ordinance.

Certificate of occupancy: A certificate issued by the City for the use of a building, structure, or land when it is determined by the code enforcement officer that the building, structure or land comply with the provisions of all applicable city codes, ordinances, and regulations.

HUD-code manufactured home: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the travelling 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 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.

Installation: When used in reference to manufactured housing, means the transportation of manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air-conditioning and minor adjustments.

Installer: Any person, including a retailer or manufacturer, who performs installation functions on manufactured housing.

Label: A device or insignia issued by the Texas Department of Housing and Urban Affairs to indicate compliance with the standards, rules and regulations established by the U.S. Department of Housing and Urban Development, and is permanently affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, for sale to a consumer.

License: A written license issued by the city permitting a person to operate and maintain a manufactured home community park under the provisions of this ordinance.

Licensee: Any person licensed to operate and maintain a manufactured home community park under the provisions of this ordinance.

Manufactured home: A HUD-code manufactured home or mobile home and collectively means and refers to both. The definitions of "mobile home," "HUD-code manufactured home," and "Manufacture Home" as set forth in this ordinance are binding on all persons and agencies under the jurisdiction of the City of Penitas. For purposes of this ordinance, a mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home. Also, for purposes of this ordinance, recreational vehicles may be referred to as "manufactured homes." Recreational vehicles, however, may be located and used only in approved "manufactured home community parks."

Manufactured home community park: A unified development of manufactured home lots arranged on a tract of land at least five (5) gross acres in size for the purpose of renting or leasing lots meeting all requirements of this ordinance and other applicable city codes and ordinances.

Manufactured home subdivision: A unified development of manufactured home lots arranged on

a tract of land at least five (5) gross acres in size for the purpose of selling lots meeting all requirements of the subdivision ordinance, this ordinance and other applicable city codes and ordinances.

Mobile home: A structure that was constructed before June 15, 1976, transported 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 320 or more square feet, and which was 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 plumbing, heating, air-conditioning and electrical systems.

Permit: A written permit or certification issued by the City permitting the construction, alteration, extension, installation or removal of any home into or within the city limits of the City of Penitas under the provisions of this ordinance.

Plot plan: Same as site plan. A graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, and meeting the requirements of Sections 8 through 17 herein.

Recreational vehicle: Any of the following while in use as a residence:

- (1) "Travel Trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
- (2) "Pick-up coach" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (3) "Motor home" means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) "Dependant trailer" means a trailer which is dependent upon a service building for toilet and lavatory facilities.
- (5) "Self-contained trailer" means a trailer which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Replacement: The act of moving one mobile home or recreational vehicle from its existing stand and replacing it with another mobile home or recreational vehicle. In the city, mobile homes shall be replaced only with approved HUD-code manufactured homes.

Sanitary station: A facility used for removing and disposing of wastes from "dependent" or "self-contained" mobile home or recreational vehicle holding tanks.

Seal: A device or insignia issued by the State Department of Housing and Community Affairs to be

affixed to used manufactured homes for titling purposes.

Service building: A structure housing toilet, lavatory, showers and other facilities as may be required by this ordinance.

Service sink: A slop sink with a slush rim for the disposal of liquid wastes from "dependent" or "self-contained" recreational vehicles.

Sewer connection: The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a manufactured home or recreational vehicle to the inlet of the corresponding sewer service riser pipe of the sewage system serving the manufactured home community park or subdivision.

Sewer service riser pipe: That portion of a sewer service which extends vertically to the ground elevation and terminates at a manufactured home community lot.

Site plan: Same as plot plan.

Space: A plot of ground within a manufactured home community park or subdivision designed for the accommodation of one manufactured home together with such open space as required by this ordinance. This term also shall include the terms "lot", "stand," and "site."

Water connection: The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a manufactured home community park or subdivision.

Water riser pipe: That portion of the private water service system serving a manufactured home which extends vertically to the ground elevation and terminates at a designated point at a manufactured home community lot.

Watering station: A facility for supplying potable water to storage tanks of "dependent" or "self-contained" recreational vehicles.

PART II.

DESIGN STANDARDS FOR MANUFACTURED HOME PARKS/SUBDIVISIONS

Sec.3 Permits for manufactured home parks:

- A. Permit required: Any person wanting to construct, alter or extend a manufactured home community park within the limits of the city shall first obtain a permit from the city.
- B. Permit not required for subdivision: A permit shall not be required for a manufactured home community subdivision as it must receive plat approval in the same manner as a conventional residential subdivision.
- C. Application requirements: All applications for permits shall be made upon standard forms provided by the code enforcement officer and shall contain the following:

1. Name and address of the applicant
2. Location and legal description of the manufactured home park site. All park sites in the city or in the area of extraterritorial jurisdiction shall be platted as a one-lot subdivision and be accompanied by a site plan of the manufactured homes park.
3. Site plan of the manufactured home community park. To the application shall be attached ten (10) copies of a site plan, at a minimum scale of one (1) inch equals one hundred (100) feet or other appropriate scale. The site plan shall include all data required under Sections 8 through 17.

The site plan does not replace or supersede the subdivision plat required by state law to be recorded in the county plat records, after review and approval by the city planning and zoning commission.

D. Permit fee: All applications to the city shall be accompanied by a fee of one hundred dollars (\$100.00) plus five dollars (\$5.00) per proposed park space.

E. Issuance: 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. In addition, variances approved by the city council shall become a permanent part of the permit issued to each manufactured home community park existing at the time of the passage of this ordinance. The granting of a permit with variances as indicated above does not mean to infer that the degree of noncompliance shall be permitted to be increased beyond the level as established by the initial granting of said variance.

F. Denial; hearing: Any person whose application for a permit has been denied, may request a hearing on the matter under the procedure provided by Section 6.

G. Placement in residential or other districts:

1. Manufactured homes:

The placement of a manufactured home shall be permitted only in an approved, licensed manufactured home community park or approved manufactured home community subdivision. Where there are extenuating circumstances or severe hardship to a property owner, a permit for the placement of a manufactured home in a non-designated area may be granted by the city council after a public hearing and notification of property owners within 200 feet of the property seeking the permit. Placement may be permitted in non-designated manufactured community parks or manufactured community subdivisions only when such home meet all applicable building and fire code requirements of the City pertaining to structure located within such areas.

2. Mobile homes:

Mobile homes, as defined in Section 2, may not be located within the City of Penitas, Texas, with the following exceptions:

- a. Occupied mobile homes, in habitable condition and located within licensed parks or approved mobile home subdivisions at the time of passage of this ordinance.
- b. All occupied individual mobile homes or recreational vehicles, in habitable condition and located outside of licensed parks or approved mobile home subdivisions and existing prior to the passage of this ordinance for a period of one (1) year from the date of notification by certified mail to comply with the terms of this ordinance.

H. Permanent residential structures: No permit shall be issued for the construction or occupancy of a permanent residential structure in any manufactured home or recreational vehicle park, with the following exceptions:

1. One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.
2. An existing residence may be converted to a clubhouse, community center or service building for use by the residents of the park.

Sec. 4. Licenses for manufactured home park owners:

A. License required: It shall be unlawful for any person to operate any manufactured home community park within the limits of the city unless such person holds a valid license issued annually by the city in the name of such person for the specific park. All applications for licenses shall be made in writing on forms furnished by the city. The city shall not issue a license unless the applicant is a valid holder of a certificate of occupancy. At any time a certificate of occupancy is revoked, the license is automatically void. All manufactured home community parks must make annual application for a license in order to operate. All individual manufactured homes located outside of licensed parks or approved mobile homes subdivisions and existing prior to the passage of this ordinance shall have a period of one (1) year from the date of notification by registered mail to comply with this ordinance.

B. Application for original license: Application for the original license shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of the license fee hereinafter provided, and shall contain:

1. The name and address of the applicant.
2. The location and legal description of the park. All park sites in the city or in the area of extraterritorial jurisdiction shall be platted in conformance with the subdivision ordinance. Additionally, all sites in the city shall meet zoning requirements.
3. A site plan of the park showing all manufactured home spaces and other data as required under sections 7 through 17 herein.
4. Before the original license is issued, each community shall be inspected and approved by fire, utility, public works, code enforcement and planning officials.

- C. Denial; hearing: Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on the matter before the city council under the procedure provided by Section 6.
- D. License fee: All original license applications or renewals thereof shall be accompanied by a fee of one hundred dollars (\$100.00) to be deposited to the general fund.
- E. Transfer notice: Every person holding a license shall give notice in writing to the city within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured community park. Application for transfer of license shall be made within ten (10) calendar days after notification of change covered in the above sentence of this paragraph. Within ten (10) calendar days thereafter, the city shall act on the application for license transfer and it shall be approved if the park is in compliance with the provisions of this ordinance.
- F. Transfer fee: All applications for license transfer shall be accompanied by a fee of fifty dollars (\$50.00).
- G. Violations; notice; suspension of license: Whenever, upon inspection of any manufactured home community park, the code enforcement officer, in consultation with other city officials, finds that conditions or practices exist which are in violation of any provision of this ordinance, such officer shall give notice in writing in accordance with Section 6 to the licensee or licensee's agent that unless such conditions or practices are corrected within a reasonable period of time specified in such notice, the license shall be suspended. At the end of such period of time, the code enforcement officer shall reinspect such park, requesting assistance from other city departments or agencies as may be required, and if such conditions or practices have not been corrected, it shall suspend the license and give notice in writing of such suspension of the license or licensee's agent. Upon receipt of notice of such suspension, license shall cease operation of such park, except as provided in Section 6.

Sec. 5. Inspection of manufactured home parks:

- A. Inspections required: The code enforcement officer, or the fire marshal or appropriate city utility, public works or law enforcement officials are hereby authorized and directed to make such inspections as are necessary to determine compliance with this ordinance.
- B. Entry on premises: The code enforcement officer, or the fire marshal and/or appropriate city utility, public works or law enforcement officials shall have the power to enter during regular business hours upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

Sec. 6. Notices, hearings and orders.

- A. Notice of violations; requirements of notice: Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this ordinance, the city shall give notice of such alleged violation to the licensee or agent as hereinafter provided. Such notice shall: (1) Be in writing; (2) include a statement of the reasons for its issuance;

(3) allow a reasonable time for the performance of the act it requires; (4) be served upon the licensee or licensee's agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by mail to such person's last known address, or when such person has been served with such 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.

- B. Appeal from denial of permit: Any person affected by the refusal of the city secretary to issue a permit under the provisions of this ordinance may request and shall be granted a hearing on the matter before the city council provided that such person shall file within fifteen (15) days after the day the permit was refused, in the office of the city secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the city secretary shall request the city council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such refusal should be modified or withdrawn.
- C. Appeal from notice issued by the city: Any person affected by any notice issued in connection with the enforcement of any provision of this ordinance, may request and shall be granted a hearing on the matter before the city council provided that such person shall file within fifteen (15) days after the day the notice was served, in the office of the city secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The filing of the request for a hearing shall operate as a stay of the notice and the suspension, except in the case of an order issued under Section E of this section. Upon receipt of such petition, the city secretary shall request the city council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.
- D. Hearing; order: After such hearing, the city shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in Subsection A(4) of this section. Upon failure to comply with an order by the city sustaining or modifying a decision thereof, the occupancy permit and the license of the park affected by the order shall be revoked.
- E. Order without notice: Whenever the city finds that an emergency exists which requires immediate action to protect the public health or safety, it may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as it may deem necessary to meet the emergency. Notwithstanding any other provisions of this ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon written petition to the city shall be afforded a hearing as soon as possible. The provisions of Subsection D of this section shall be applicable to such hearing and the order issued thereafter.

Sec. 7. Site plan requirements for manufactured home parks:

A site shall be filed as required by Section 4, Subsection C.3 and shall show the following:

- A. The area and dimensions of the tract of land, with identification of location and boundaries;
- B. The number, location and size of all manufactured home spaces;
- C. The location, width and specifications of driveways, roadways and walkways;
- D. The location and specifications of water and sewer lines and riser pipes;
- E. The location and details of lighting, electrical, gas and TV cable;
- F. The location and specifications of all buildings constructed or to be constructed on site within the park;
- G. Existing and propose topography of the manufactured home community park and proposed drainage facilities;
- H. The location of fire mains, including the size, the hydrants and any other equipment which may be provided;
- I. Such other information as municipal reviewing officials may reasonable require.

Sec. 8. Site design standards for manufactured home parks/subdivisions.

Any manufactured home community park or subdivision constructed or extended after the adoption of the ordinance shall comply with the following site requirements:

- A. Site size: The total initial development of any manufactured home community park or subdivision shall be no less than five (5) gross acres.
- B. Manufactured homes shall have minimum living area of 840 square feet.
- C. Lot area/size requirements for manufactured home subdivisions:

1. Subdivisions:

a. Double-wide homes:

- (1) Minimum lot area: 6000 square feet
- (2) Minimum lot width: 60 feet
- (3) Minimum lot depth: 100 feet

- b. Single-wide homes:
 - (1) Minimum lot area: 5000 square feet
 - (2) Minimum lot width: 50 feet
 - (3) Minimum lot depth: 100 feet

2. Lot area/size requirements for manufactured home parks:

There shall be no minimum lot area in manufactured home parks but each lot shall meet setback or other required area or spacing requirements, as specified by ordinance. Lot corners shall be clearly defined on the ground.

D. Setback/open space requirements for manufactured home parks/subdivisions:

- 1. The minimum front yard setback shall be twenty (20) feet from the nearest corner of the manufactured home to the front line of the manufactured home lot.
- 2. Minimum rear yard shall be ten (10) feet.
- 3. Minimum side yards shall be six (6) feet.
- 4. Minimum exterior side yard on corner lots shall be fifteen (15) feet.
- 5. No manufactured home shall be closer than twenty (20) feet to the property line adjoining a public or private street.
- 6. For other structures on each space, the minimum front yard setback shall be at least twenty (20) feet.
- 7. The minimum distance between manufactured homes at any point shall be twenty (20) feet.
- 8. The minimum distance between recreational vehicles at any point shall be twelve (12) feet.

E. Height regulations for manufactured homes:

- 1. The height limit for any structure intended for occupancy shall be twenty (20) feet.
- 2. The average height of the manufactured home frame above the ground elevation, measured ninety (90) degrees to the frame, shall not exceed four (4) feet.

F. Soil and ground cover: Exposed ground surfaces in all parts of every manufactured home community shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust or be paved, covered with stone screening or other solid material.

G. Drainage: The ground surface in all parts of the community shall be graded and equipped to

drain all surface water in a safe, efficient manner.

H. Storage: No provision of this ordinance or other city ordinances shall be construed to prevent the provision of accessory storage buildings within a manufactured home community provided that such areas conform to the building setback and other space requirements.

I. Manufactured home stands: The area of the manufactured home lot or space shall provide adequate support and drainage for placement of the manufactured home.

Sec. 9. Access, traffic circulation, and parking requirements for manufactured home parks:

A. Streets, generally: Internal streets in manufactured home community parks shall be privately owned, built, and maintained. Streets shall be designed and constructed to city specifications for safe and convenient access to all spaces and to facilities for common use of park residents. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the manufactured home community park.

The police department shall be authorized to issue citations for the violation of the provisions hereof and to remove and impound offending vehicles.

B. No-parking signs: On all sections of internal streets on which parking is prohibited under this article, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be approved by the city prior to installation.

C. Construction: All internal streets shall be constructed to specifications established by the city and shall be maintained by the owner or agent free of cracks, holes and other hazards. Internal streets shall be designed by a registered professional engineer and designs shall be approved by the city.

D. Street dimensions:

An internal street or common access route shall be provided to each manufactured home space. Such street shall have a minimum paved width as per subdivision regulations of the City of Penitas, back of curb to back of curb. On-street parking shall be permitted on only one side of the street. The internal streets shall be continuous and connect with other internal streets or with public streets, or shall be provided with a cul-de-sac having a minimum diameter. No internal street ending in a cul-de-sac shall exceed the minimum length as per the subdivision regulations of the City of Penitas.

E. At least two (2) off-street parking spaces shall be provided at each manufactured home space.

F. Street names; lot numbers: Within each manufactured home community park or subdivision, all streets shall be named, and manufactured home lots numbered to conform with block numbers on adjacent public streets. All street name signs and house numbers shall be of reflective material. Street signs for private streets shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

G. Location of public street intersections: Interior streets shall intersect adjoining public streets at approximately ninety (90) degrees and at locations which will eliminate or minimize interference with traffic on those public streets.

H. Parking vehicles in spaces only: No vehicle may be parked on any manufactured home site except on a paved or concrete surfaced, off-street parking space.

Sec. 10. Street lighting for manufactured home parks/subdivisions:

Street lighting within the manufactured home community park or subdivision shall be provided by the developer. Light standards shall meet city standards.

Sec. 11. Recreation area for manufactured home parks:

All manufactured home community parks may have recreation areas.

A. Extent: Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings shall be provided which in the judgment of the park licensee or agent will meet the anticipated needs of the clientele which the park is designed to serve. Provision of separate adult and child recreation areas is encouraged.

B. Size of recreation area: Not less than five (5) per cent of the gross site area of the Manufactured home community park shall be devoted to recreational facilities, generally provided in a central location. In large parks, this may be decentralized. Recreation areas include space for community buildings and community use facilities such as adult recreation and child play areas, swimming pools, and drying yards, but not including vehicle parking areas:

C. Playground location: When playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

Sec. 12. Water supply for manufactured home parks/subdivisions:

A. General: An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home community park or subdivision. Connection shall be made to the public supply of water unless a special exception is granted by the city to use a private water supply system. If a private supply is utilized for service to the manufactured home community, the private supply shall be adequate both for domestic requirements and for fire fighting requirements established by the city.

B. Water distribution system:

1. The water supply system of a manufactured home community park or subdivision shall be connected by pipes to all manufactured home community lots, buildings and other facilities requiring water.

2. All water piping fixtures, and other equipment shall constructed and maintained in accordance

with state and city regulations and requirements.

3. All water lines will be provided with a cutoff valve at each manufactured home community lot and a main cutoff valve in appropriate locations at main lines running through the park.

C. Riser pipes and connections: Individual water riser pipes and connections shall be in accordance with requirements of the city plumbing code.

Sec. 13. Sewage disposal for manufactured home parks/subdivision:

On site sewage disposal shall be pursuant to County regulations until city has a sewer system in place.

A. General requirements: An adequate and safe sewerage system shall be provided in all manufactured home community parks and subdivisions for conveying and disposing of all sewage. The sewer system for a manufactured home community shall be constructed in accordance with the city plumbing code. All proposed sewage disposal facilities shall be approved by the city prior to construction except that the use of septic tanks for the disposal of sewage shall not be approved within the city limits. Use of septic tanks outside the city may be approved by the city with appropriate certification and licensing from county health authorities. Effluents from sewage treatment facilities shall not be discharged into any waters of the state.

B. Sewer lines: All sewer lines shall be constructed and of materials in accordance with the city plumbing code.

C. Individual sewer connections:

1. Each manufactured home stand shall be provided with at least four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

2. The sewer connection to the manufactured home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the city plumbing code.

3. All materials used for sewer connections shall be in accordance with the city plumbing code.

4. Provision shall be made for plugging the sewer riser pipe when no manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

5. No liquid wastes shall be discharged onto or allowed to accumulate on the ground surface.

Sec. 14. Electrical, telephone; TV cable, and gas distribution systems for parks/subdivisions:

A. General requirements: Every manufactured home community park or subdivision shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations for such systems.

B. Power distribution lines, individual electrical connections and grounding: Power distribution lines shall be located underground. Individual electrical connections and grounding of the manufactured home and equipment shall comply with the city electrical code.

C. Telephone and TV cable systems: All telephone and cable T.V. distribution systems shall be underground and in accordance with applicable codes and regulations.

D. Natural gas cutoff: All natural gas lines will be provided with a cutoff valve at each manufactured home lot and main cutoff valve in appropriate locations at main line running through the park.

E. Natural gas connection required: Occupants of all parks shall connect to natural gas where it is available.

F. Fuel: Trailer gas connections must include a "regulator" unless they are individually metered. Bottled gas for cooking purposes shall not be used at individual manufactured home lots unless the containers are properly connected by copper or other metallic tubing. Bottled gas cylinders shall be securely fastened in place. No cylinder containing bottled gas shall be located in a mobile home or recreational vehicle or within (5) feet of a door. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed.

Sec. 15. Service building for manufactured home parks:

A. General requirement: A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in recreational vehicle parking areas which provide parking spaces for dependent recreational vehicles. Service buildings shall be conveniently located with a radius of approximately three hundred (300) feet to the spaces to be served.

B. Minimum emergency sanitary facilities: Where a recreational vehicle park is designed for and exclusively limited to use by self-contained recreational vehicles, only the following minimum emergency sanitary facilities shall be required: For each one hundred (100) recreational vehicle spaces, or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each gender. For parking areas having more than one hundred (100) recreational vehicle spaces there shall be provided: One (1) additional toilet and lavatory for each gender per each additional thirty (30) recreational vehicle spaces; one (1) additional shower for each gender per each additional forty (40) recreational vehicle spaces; and one (1) additional men's urinal per each additional one hundred (100) recreational vehicle spaces.

C. Business establishment sanitary facilities: When a recreational vehicle park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for recreational vehicle spaces and shall be used on the total number of persons using such facilities.

D. Exemptions: Any person desiring to furnish temporary facilities for accommodating a recreational vehicle rally, or other group of recreational vehicles assembled for the purpose of traveling together, shall make application for such activity to the code enforcement officer. The requirements for a service building and other sanitary and physical facilities may be waived by the

code enforcement officer on the determination that public health will not be endangered; but the location of the site, the facilities which are provided, and the method of conducting such rally shall be specifying the location of the site, the period of operation not to exceed ten (10) days, and any conditions of issuance.

Sec. 16. Responsibilities of park management.

A. All responsibilities set out elsewhere in this chapter.

B. The licensee (owner) or licensee's agent (manager) shall operate the park in compliance with this ordinance and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

C. The licensee (owner) or licensee's agent (manager) shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities.

D. The licensee (owner) or agent (manager) shall maintain a register of park occupancy which shall contain the following information:

1. Name and address of park residents. Dates of arrival and departure.
2. Manufactured home and recreational vehicle registration data, including make, length and width.
3. Location of each manufactured home and recreational vehicle within the park by space or lot number and street address.

E. A new register, in a hard-bound book, shall be initiated on January first, of each year, and the old register be retired but shall be retained on the premises for at least three (3) years following the retirement. Registers shall be available for inspection at all reasonable times by an official of the city whose duties may necessitate access to the information contained therein.

F. The licensee (owner) or licensee's agent (manager) shall furnish to the code enforcement officer with ten (10) days after the first day of January of each year, a list of all manufactured homes and recreational vehicle residents in the park as of the first day of January. The list shall contain the owner's name and address; the make, length and width of the home; and the address or locations description of each manufactured home and recreational vehicle within the park.

G. A map showing the location, size and depth of all utility, gas or other lines shall be maintained on the premises for inspection and other purposes.

H. Additional construction: It shall be unlawful for any person operating a manufactured home community park or occupying a manufactured home or recreational vehicle to construct or permit to be constructed in such park, or in connection with such manufactured home or recreational vehicle any additional structure, building or shelter in connection with or attached to a manufactured home or recreational vehicle, except, however, awnings of canvas or metal, suitably constructed may be prefabricated, temporary rooms, for the express purpose of increasing manufactured home or recreational vehicle living area, commonly called "cabana" which meet the following requirements:

1. Conform with the city building, fire and health codes.
2. Such rooms shall be completely dismantled and removed from the site at the time the manufactured home or recreational vehicle to which it is accessory is moved.

Sec. 17. Responsibilities of park occupants are as follows:

- A. All responsibilities set out elsewhere in this ordinance.
- B. The park occupant shall comply with all requirements of this ordinance and shall maintain such occupant's manufactured home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- C. Skirting with the necessary vents, screens and openings shall be required on all manufactured homes and recreational vehicles. Skirts shall be installed prior to issuance of the occupancy permit. Skirting shall be constructed out of solid non-combustible material similar to the manufactured home.
- D. Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home or recreational vehicle for storage shall not be permitted where it constitutes a fire or health hazard in the opinion of the city inspector.
- E. It shall be the responsibility of each park occupant to anchor their manufactured home or recreational vehicle in accordance with state law governing such anchoring.
- F. The use of solid blocks shall be required for support.
- G. Occupants of all parks shall utilize common clothes drying areas where provided by park management.
- H. Maximum speed limit in all parks shall be fifteen (15) miles per hour.

Sec. 18. Conflict with other ordinances.

Whenever the standards and specifications in this ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

Sec. 19. Coordination with subdivision regulations.

- A. It is the intent of this ordinance that the subdivision regulations of the city be carried out simultaneously with the review of the manufactured home and/or recreational vehicle park provisions.
- B. The plans required under this ordinance must be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plans.

Sec. 20. Enforcement.

The city may elect, at its option, to enforce one or more of the following options to this ordinance:

- A. Denial of plat approval: Article 974a, Vernon's Annotated Civil Statutes, Section 5 "...that no plat shall be recorded unless it contains such data, nor shall any court clerk record a plat which has not received the prior approval of the appropriate city Council".
- B. Institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter.
- C. Denial of public utilities.
- D. Denial of building permit.
- E. Punish for misdemeanor offenses within the corporate limits of the city. Violations of the permit and location requirements herein shall be punished by a fine not to exceed one thousand dollars (\$1,000.00).

SECTION II. WAIVER. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

SECTION III. REPEALER. This Ordinance shall be cumulative of all other ordinances dealing with the same subject, and any provisions of any ordinance in direct conflict with any provision of this Ordinance shall supersede any provisions in conflict herewith, all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION IV. SEVERABILITY. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the Board of Aldermen in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION V. CODIFICATION. The provisions of this Ordinance shall be filed in the Book of Ordinances of the City of Penitas, Texas as soon as practicable.

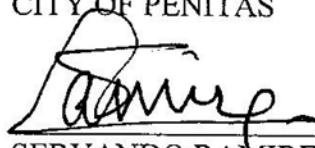
SECTION VI. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately after its passage and publication according to law. Publication of the caption in leau of the entire ordinance is hereby authorized.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Board of Aldermen of the City of Penitas, Texas, at which a quorum was present.

PASSED AND APPROVED by a vote of 5 to 0 at a Regularly Called Meeting of the Board of Alderman of the City of Penitas, on this the 6th day of April, 1999.

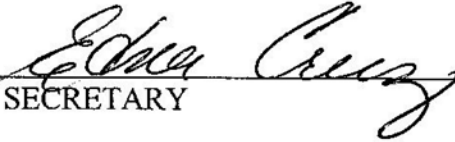
EFFECTIVE ON PASSAGE.

CITY OF PENITAS



SERVANDO RAMIREZ, MAYOR

ATTEST:


CITY SECRETARY