

AN ORDINANCE OF THE CITY OF ROSE CITY, TEXAS, REPEALING ORDINANCE NO. 82 AND ENACTING ANEW ORDINANCE PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY AND RESTRICTING OR PROHIBITING THE INSTALLATION OF HUD-CODE MANUFACTURED HOMES WITHIN THE CITY, SETTING STANDARDS AND CONTAINING PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City Council of Rose City, Texas, finds that there is a need for the protection of property values, general welfare, health and safety of the citizens of Rose City, Texas:

WHEREAS, the City Council of Rose City, Texas, finds that such protection should be in the form of an ordinance defining, prohibiting or restricting the installation of mobile homes and HUD-Code Manufactured homes, setting standards and penalties for violations thereof within the City Limits of Rose City, Texas;

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

#### ARTICLE I - DEFINITIONS

- (a) "*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 (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (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. This term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).
- (b) "*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 (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (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.
- (c) "*Person*" means an individual, partnership, company, corporation, association, or other group, however organized.

#### ARTICLE II - PROHIBITED OR RESTRICTED CONDUCT AND STANDARDS

Section 1. The installation of a mobile home for use or occupancy as a residential dwelling within the city limits of the City of Rose City, Texas, is prohibited. This prohibition is prospective and shall not apply to a mobile home previously permitted and used or occupied as a residential dwelling within the city limits prior to passage of this ordinance. However, any person who replaces such mobile

home shall replace the mobile home with a HUD-Code Manufactured Home in compliance with this ordinance. Failure to do so is a violation.

Section 2. the installation of a HUD-Code Manufactured Home for the use or occupancy of residential dwelling within the city limits of the City of Rose City, Texas, which is more than seven (7) years old at the time of installation is prohibited. This prohibition is prospective and shall not apply to a HUD-Code Manufactured Home previously legally permitted and used or occupied as a residential dwelling within the city limits prior to the passage of this ordinance. However, any person who replaces such HUD-Code Manufactures Home shall replace same with a HUD-Code Manufactured Home which is in compliance with this ordinance. Failure to do so is a violation.

Section 3. No person shall install, or allow to be installed, within the city limits of Rose City, Texas, a mobile home or HUD-Code Manufactured Home which is prohibited by this ordinance.

Section 4. All HUD-Code Manufactured Homes installed, within the city limits of Rose City, Texas, shall be securely anchored to the ground and shall have skirting installed around the full circumference of the HUD-Code Manufactured Home within thirty (30) days after installation. All mobile homes and HUD-Code Manufactured Homes used or occupied as a residential dwelling within the city limits of Rose City, Texas, at the time of the passage of this ordinance shall be safely secured to the ground and skirting installed around the full circumference of the mobile home or HUD-Code Manufactured Home within thirty (30) days after the passage and publications of this ordinance.

Section 5. Skirting shall be of a solid or lattice material and installed in a manner to prevent the ingress of rodents and other animals beneath the mobile home or HUD-Code Manufactured Home and shall be attached to same with galvanized screws. For aesthetic value, the skirting shall be painted to coordinate with the exterior of the mobile home or HUD-Code Manufactured Home.

Section 6. City water shall be denied to a person for as long as such person is not in compliance with this ordinance. City water shall not be provided to a person until such person has presented sufficient proof to the City of Rose City, Texas, to verify such person's compliance<sup>4</sup> with this ordinance.

#### ARTICLE III - NOTICE AND HEARING

Section 1. The City shall give notice of a violation to the owner of the mobile home or HUD-Code Manufactured Home and the owner of the land on which the mobile home or HUD-Code Manufactured Home is installed, if different. Such notice shall; (a) be in writing; (b) include a statement of the violation; (c) allow reasonable time of not more than forty-five (45) days, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the acts required to come in compliance with the ordinance; and (d) contain an outline of the remedial action required to affect compliance with the provisions of this ordinance.

Section 2. If the violation is not remedial in accordance with the notice, written notice of the date and time of the hearing on the violation shall be given to the owner of the mobile home or HUD-Code Manufactured Home and the owner of the land on which the mobile home or HUD-Code manufactured Home has been installed, if different.

#### ARTICLE IV - PENALTY PROVISIONS

Any person, upon notice and hearing, having been found to have violated this ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$2.00 nor more than \$500.00 per violation. A separate offense shall be deemed committed each day on which a violation occurs or continues.

#### ARTICLE V - SEVERABILITY

If any part of this ordinance is for any reason held to be invalid, that part shall be deemed a separate and distinct provision, and such invalidity shall not affect the validity of the remaining portions of this ordinance.

#### ARTICLE VI - REPEAL

Ordinance No. 82 is hereby repealed by this Ordinance and shall be of no further force and effect.

#### ARTICLE VII - EFFECTIVE DATE

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

PASSED AND APPROVED by the City Council of Rose City, Texas, on this 13th day of August, 1998.

Ruth Dubuisson

Mayor

ATTEST:

Veronica Jarrell

City Secretary