

ORDINANCE NO. 94-06-01

AN ORDINANCE PROVIDING FOR SAFETY STANDARDS FOR MANUFACTURED HOMES; PRE-EXISTING USE, TO ALLOW MOBILE HOMES PRESENTLY IN USE TO REMAIN IN PLACE; TO REQUIRE PROOF OF OWNERSHIP OF THE HOME PRIOR TO ISSUANCE OF A SPECIFIC USE PERMIT; TO PROVIDE FOR A PENALTY; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; CONTAINING A SEVERABILITY CLAUSE; AND, PROVIDING FOR A METHOD OF PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BYNUM TEXAS, AS FOLLOWS:

SECTION 1.(1)"Mobile Home" means a structure, that was constructed before June 15, 1976, transportable in one (1) 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 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 system.

(2) "HUD-Code Manufactured Home" means a structure, constructed on or after June 15, 1976, according to the rules of the U. S. Department of Housing and Urban Development, transportable in one (1) 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 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. A mobile home is not a Hud-code manufactured home and a HUD-code manufactured home is not a mobile home for any purpose under this ordinance.

(3) "Manufactured housing" or "manufactured home" means a Hud-code manufactured home or a mobile home and collectively means and refers to both,

SECTION 2. STANDARDS FOR MANUFACTURED HOMES

The following standards in addition to any other standards imposed by the City Council, shall be applicable to manufactured homes occupied as living quarters when permitted by the City Council.

(a) After adoption of this ordinance, it is hereby declared to be unlawful for any person, firm, corporation or other entity to rent, lease or occupy a mobile home located within the city limits of Bynum for the purpose of residential use. Any mobile home which is occupied by a person or persons renting or leasing at the time of the adoption of this ordinance, and which home becomes vacant, may not be thereafter rented, leased, or occupied for residential use. All mobile homes located within such City may be occupied only by the owners thereof or their immediate families. "Immediate families", as used herein, shall mean children, grandchildren, parents, brothers, and sisters of the owner or owners.

(b) The owner of a HUD-code manufactured home to be placed in the city shall submit proof of ownership of said home with the application to the City Council.

(c) All HUD-code manufactured homes shall be anchored in accordance with Texas Manufactured Housing Standards Act Rules and Regulations. Fire resistant skirting with the necessary vents, screens, and /or openings shall be installed on each manufactured home within thirty (30) days after its emplacement on the land. The fire resistant skirting shall be maintained intact to prevent accumulations of flammable materials beneath the manufactured home. The skirting must be of a material complementary to the manufactured home. This would exclude unpainted galvanized metal, rusty metal, and unpainted wood. The skirting must be installed with proper

framing or supports and maintained in good repair.

(d)(1) The owner of any and all manufactured home which is located within the City limits at the time of the adoption of this ordinance, whether occupied or not occupied, shall show proof of said home being anchored in accordance with Texas Manufactured Standards Act Rules and Regulations and meeting any and all other rules and regulations set forth in this ordinance within forty-five (45) days of passage of this ordinance. (2) The failure to provide such proof of compliance shall deem said person guilty of violation of this ordinance and fines set forth by the same. (3)(a) Any person not meeting the guidelines set forth in Section 2, subsection (1) of this ordinance may apply for a Specific Use Permit which shall be issued one time and will have a validation period of forty-five (45) days to allow additional time to meet said requirements. (b) Any person failing to meet said requirements set forth in Section 2, sub-section (d), subtitle 3 (a) shall be punished by guidelines set forth in Section 5 of this ordinance.

SECTION 3. PERMITS REQUIRED

The owner of a HUD-code manufactured home who desires to locate said home on a lot within the City shall apply for a Specific Use Permit to so locate said home. The application for such permit shall be accompanied by a \$100.00 application fee, a color photograph of the home, and proof of ownership of said home.

An application to install a new HUD-code manufactured home for use and occupancy as a residential dwelling shall be deemed approved and granted unless the City denies the application in writing within forty-five (45) days from the receipt of the application, setting forth the reason.

SECTION 4. Pre-Existing Use

(a) Mobile homes heretofore installed in compliance with the ordinances of the City of Bynum, Texas, may remain in place, and continue to be used or occupied. Relocation of mobile homes within the City of Bynum is hereby prohibited. Exchange or

replacement of mobile home shall be permitted, but only upon application for a Specific Use Permit within the forty-five(45) days after removal of the existing home, provided the replacement home is a HUD-code manufactured home. (b) Relocation or additions shall be permitted only to HUD-code manufactured homes with the required Specific Use Permit and upon approval of City Council.

SECTION 5. Penalty.

Any person violating this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (\$25.00) dollars and not more than five hundred (\$500.00) dollars. Each day a violation of this ordinance continues shall be a separate offense.

SECTION 6. All ordinances and parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby expressly repealed.

SECTION 7. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or held unconstitutional, the same shall be judged invalid or held unconstitutional, the same shall not in any manner be construed as to affect the validity of the remainder of this ordinance as a whole or any part or provision hereof, other than the parts so decided to be invalid or unconstitutional.

SECTION 8. This ordinance shall take effect from and after the date of its publication, which publication shall be sufficient if it contains the caption of this ordinance.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Bynum, held on the 9th day of August, 1994.

Attest:

Jerry Hooker
Jerry Hooker, Mayor

Jeanie Goff
Jeanie Goff, City Secretary



The above and foregoing ordinance read, and adopted with the first and second reading being held in regular council meetings.

FIRST READING HELD ON July 12, 1994 WITH THE FOLLOWING VOTES CAST:

_____ Mayor, voting _____

Michael Sanders Councilmember, voting Yes

Bob Schlotter Councilmember, voting Yes

AARON Walters Councilmember, voting Yes

CRISTYN BAKER Councilmember, voting Yes

Alan Markwardt Councilmember, voting Absent

Ayes: 4
Noes: 0

SECOND READING HELD ON August 9, 1994 WITH THE FOLLOWING VOTES CAST:

_____ Mayor, Voting _____

Michael Sanders Councilmember, voting yes

Bob Schlotter Councilmember, voting yes

Aaron Walters Councilmember, voting absent

Alan Markwardt Councilmember, voting absent

Cristyn BAKER Councilmember, voting yes

Ayes: 3
Noes: 0

STATE OF TEXAS)
COUNTY OF HILL)
BYNUM, TEXAS)

I Jeanie Goff Jeanie Goff, City Secretary of the City of Bynum, Texas, do hereby certify that the above and foregoing is a true and correct copy of the roll call for the voting of Ordinance NO. 94-06-01.

Witness my hand this the 9 th day of August, 1994.

Jeanie Goff
City Secretary

Seal