

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 23, "MOBILE HOME PARKS AND SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: Chapter 23, "Mobile Home Parks and Subdivisions," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

Chapter 23

**MANUFACTURED HOUSING
ARTICLE I. IN GENERAL**

Sec. 23-1. Definitions.

(a) *Administrator* means the City Manager or a person designated by the City Manager to administer licensing for Land Lease Communities.

(b) *HUD-code manufactured home* means a structure constructed on or after June 15, 1976, according to the rules of the United State 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 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. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

(c) *HUD-code manufactured home development* means a HUD-code manufactured home located on land other than a HUD-code manufactured home land lease community.

(d) *HUD-code manufactured home land lease community* or *land lease community* means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a

purchase option, for the installation of HUD-code manufactured homes for use and occupancy as residences.

(e) *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 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 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.

(f) *Manufactured housing* or *manufactured home* means a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Sec. 23-2. Parking of manufactured homes.

(a) It shall be unlawful for any person to park a manufactured home within the City of Temple for longer than 48 hours. It shall be an affirmative defense that a manufactured home is:

- (1) parked on property in accordance with an unexpired, temporary special permit for an accessory dwelling;
- (2) parked on property in accordance with a temporary permit for a field or construction office and not used as a dwelling;
- (3) a HUD Code Manufactured Home located in a Land Lease Community;
- (4) a HUD Code Manufactured Home located in a HUD Code Manufactured Home Development;
- (5) a HUD Code Manufactured Home parked on property where HUD Code Manufactured Homes are manufactured or sold and it is not used as a dwelling; or
- (6) a legal, nonconforming use.

(b) It shall be unlawful for any person to park a manufactured home on a public street or alley.

Secs. 23-3-23-10. Reserved.

ARTICLE II. LAND LEASE COMMUNITY

Sec. 23-11. License required.

It shall be unlawful for any person to operate a Land Lease Community without having a current license from the City.

Sec. 23-12. License term.

The term of an initial license or a renewal license is one year.

Sec. 23-13. Application fee.

The fee for processing initial, renewal and transfer applications shall be set by resolution of the City Council.

Sec. 23-14. Administration.

The City Manager shall designate a person to serve as administrator.

Sec. 23-15. Application process.

- (a) All applications shall be made in writing on a form provided by the City.
- (b) The filing date of a license application or a transfer request is the date on which the information and items required by this article are delivered to the Administrator. The City may require additional relevant information to clarify items on the application.
- (c) The Administrator shall, within 30 days from receipt of a complete application, either issue the requested license, renewal or transfer, or deny the application in writing, giving notice of reasons for finding that the applicant has not demonstrated satisfactory compliance with this article.

Sec. 23-16. Temporary or provisional license.

(a) If a license cannot be issued at the time within 30 days, the Administrator may issue a temporary or provisional license which shall be valid until such time as the annual license is issued or the temporary license is revoked for failure or refusal to comply with this article. The purpose for a temporary or provisional license is to allow a business to start or continue the business while a violation or condition is being remedied or otherwise resolved.

(b) A temporary license shall have the word "temporary" or "provisional" written across the face of the license and be issued under a cover letter that

- (1) provides a date that the temporary license is issued; and
- (2) states the condition which for which the provision is necessary; and
- (3) provides an expiration date for correction of the provision.

Sec. 23-17. Initial application.

An application for an initial license to operate a Land Lease Community shall include, at a minimum, the following information and items:

- (1) Receipt from the Business Office for payment of the application fee;
- (1) Trade name, address and legal description;
- (2) Total acreage; acreage of recreation area(s), gross density (number of units divided by total land area) and net density (number of units divided by [total land minus streets]);
- (3) Identification of real property owner by name, type of business organization, assumed name, if any, mailing address, and street address;
- (4) Identification of business owner by name, type of business organization, assumed name, if any, mailing address, and street address;
- (5) Identification of property manager by name, type of business organization, assumed name, if any, mailing address, and street address;
- (6) Name, mailing address and street address of person designated by applicant to receive notices from the City and other governmental agencies regarding license and compliance with laws;
- (7) Plot plan with 6 copies, showing:
 - (a) Date of preparation, name of preparer, scale, and north point;
 - (b) Location of property line boundaries and dimensions of tract;
 - (c) Location and width of streets and access aisles used for ingress and egress and for internal circulation;
 - (e) Location of permanent and accessory structures;
 - (f) Location and dimensions of front, rear and side yard setbacks for the community and individual home sites;
 - (g) Type of construction, vegetation, location and height of all screening devices;

- (h) Location and description of parking, recreational and landscaped areas;
- (8) Rules and regulations that apply to leases.
- (9) Signature of the business owner(s) or the owner's authorized representative.

Sec. 23-18. License renewal.

An application for renewal of a license to operate a Land Lease Community shall include, at a minimum, the following information and items:

- (1) Receipt from the Business Office for payment of the application fee.
- (2) All changes in information furnished with application for initial license.

Sec. 23-19. Change in control.

It shall be unlawful for a license holder to transfer its interest in a Land Lease Community to another person without delivering notice of such transfer to the City Secretary within 3 business days after the closing date for the transfer.

Sec. 23-20. Transfer.

An application to transfer a license for the remainder of the license term shall include, at a minimum, the following information and items:

- (1) Receipt from the Business Office for payment of the application fee.
- (2) All changes in information furnished with application for initial license.

Sec. 23-21. Suspension or revocation.

The Administrator may suspend or revoke a license for failure to comply with the requirements of this Article.

Sec. 23-22. Inspection.

(a) The Administrator is authorized to make inspections of the premises of a Land Lease Community when application is made for issuance or transfer of a license and whenever necessary or expedient after that to determine the condition of a Community. The Administrator may be assisted by others, including but not limited to code enforcement, housing, building, plumbing, electrical, mechanical, or fire officials; Bell County Health Department personnel; or consultants.

(b) It shall be the duty of the license holder to give the Administrator access to the premises at reasonable times for the purpose of inspection.

Sec. 23-23. Notice of violation.

(a) Proper service to a license holder shall be deemed to have occurred when the Administrator sends by certified mail, or personally delivers, any notice about a license or a violation to the contact person and address designated in the license application or an amendment sent by certified mail to the Administrator at 2 North Main Street, Temple, Texas 76501.

(b) Notice of a violation shall include the following information:

- (1) a statement of the reasons for issuance of the notice;
- (2) an outline of remedial action, which if taken, will effect compliance; and
- (3) the earliest date when the premises will be re-inspected to determine compliance. action the administrator proposes to take if a violation is not remedied.

Sec. 23-24. Hearing.

Any person affected by a notice that has been issued in connection with enforcement of this Article, may request and shall be granted a hearing on the matter before the proper board or the City Council if there is no intermediate board having jurisdiction over the matter. The request shall be made and the hearing conducted under the ordinances and policies established governing the particular board. The request for a hearing shall operate as a stay of the notice and suspension except in the case of an emergency order. A person aggrieved by the decision of the board may seek appeal therefrom to the City Council.

Sec. 23-25. Emergency order.

The Administrator or other authority may take immediate action to protect public health, by issuing, without notice or hearing, an order reciting the existence of such an emergency and requiring specified action that is reasonably necessary. An emergency order is effective when signed. As soon as reasonably practical after issuing an emergency order, the Administrator shall give notice of the order, and upon request, afford the license holder a hearing as soon as possible.

Sec. 23-26--23-30. Reserved.

Sec. 23-31. Minimum standards for a Land Lease Community.

(a) No license shall be issued, renewed or transferred for a Land Lease Community that does not comply with this article.

(b) A Land Lease Community shall comply with all applicable federal, state, and local laws and regulations as a condition of holding a license.

(c) The provisions of this article are cumulative of other City ordinances, including but not limited to, ordinances governing plat approval, zoning, fire protection, and building and maintenance. The City may utilize any remedy available under other laws and ordinances in addition to or instead of the remedies provided in this article.

(d) Additional minimum standards for a Land Lease Community are set out in the following sections of this Article.

Sec. 23-32. Area and density.

A Land Lease Community shall contain at least 5 acres, with no more than an average of 10 HUD Code Manufactured Homes per acre. The lots or sites within a Community shall be not less than 35 feet wide at the narrowest point measured on a perpendicular between the side lot lines, or, if the side lot lines are not parallel, then on a line perpendicular to one side lot line.

Sec. 23-33. Fire protection.

(a) The premises of a Land Lease Communities shall be kept free of litter, rubbish and other flammable materials.

(b) Cooking shelters, barbecue pits, fireplaces and stoves, if any, shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property where used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. No campfires will be permitted under any circumstances.

(c) Gasoline or other flammable fluids shall never be placed or stored in any unit in a Land Lease Community or contained or stored in any manufactured home, except for a sufficient amount of gasoline or flammable fluid for domestic use, but the quantity so kept shall not exceed 1/2 gallon.

(d) Portable fire extinguishers shall be kept in service buildings and rest room facilities, if any. The extinguishers shall be of a capacity of not less than 5 1/2 pound ABC type.

Sec. 23-34. Fire protection; fire hydrants.

Fire hydrants shall be installed if the water supply is capable to serve them in accordance with the following requirements:

- (1) The water supply system shall permit the operation of a minimum of two 1-1/2 inch hose streams.
- (2) Each of 2 nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.
- (3) Fire hydrants shall be located within 500 feet of any home, service building or other structure in the park.

Sec. 23-35. Fuel oil and liquefied propane gas.

Fuel oil shall not be used or stored in a Land Use Community.

Liquefied Propane Gas:

(a) Liquefied petroleum gas (L.P. gas) systems may be installed and if installed, shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.

(b) Such systems shall be provided with safety devices to relieve excessive pressure and shall be arranged so that the discharge terminates at a safe location.

(c) Such systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the home and shall be maintained in effective operating condition.

(d) All L.P. gas piping outside of the homes shall be well supported and protected against mechanical injury. Undiluted L.P. gas in liquid form shall not be conveyed through piping equipment and systems in homes.

(e) L.P. gas containers installed on a home site shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be more than 250 U.S. gallons gross capacity.

(f) No L.P. gas vessel shall be stored or located inside or beneath any storage cabinet, carport, home, or any other structure, unless such installations are approved by the fire marshal.

Sec. 23-36. Garbage and refuse.

(a) Each Land Lease Community site shall be provided with one fly tight, watertight and rodent proof container.

(b) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

(c) Storage, collection and disposal of refuse shall be so conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(d) Refuse and garbage collection shall be made by the City under the terms and conditions set out in the applicable ordinances.

(e) Garbage and refuse may not be incinerated in a Land Lease Community.

Sec. 23-37. Lighting.

A Land Lease Community shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the same movement of pedestrians and vehicles at night:

- (1) All parts of the street systems: 0.6 foot candle, with a minimum of 0.1 foot candle,
- (2) Potentially hazardous locations, such as major street intersection, stoops or stepped ramps shall be individually illuminated, with a minimum of 0.3 foot candle.
- (3) Lights shall be so located and shielded that illumination does not exceed .2 foot candles at the bounding property line.

Sec. 23-38. Natural gas.

(a) A natural gas piping systems may be installed, extending from the point of delivery to the terminal of the gas riser at each home site.

(b) Piping shall be buried to a sufficient depth or covered in a manner so as to protect the piping system from physical damage.

(c) Piping shall not be installed underground beneath homes with an enclosing foundation.

(d) Outlets for individual homes and gas piping to any building supplied by the system shall be provided with a readily accessible manual shutoff valve.

(e) Trailers (in communities developed when trailers were allowed) shall be connected to the gas piping system with rigid pipe or listed connectors approved under American Gas Association 3.87 or semi-rigid tubing of adequate size and installed so as to be protected against physical damage. Provisions for flexibility shall be provided when necessary.

(f) Where information is not available on the location trailer supply connection, the gas riser to each trailer site should be placed in there are one-third section of the site and not less than 18 inches from the roadside wall of the trailer. It shall be located and protected or supported so as to minimize the likelihood of damage by moving vehicles. When the gas pressure at the terminal of the gas riser at each trailer site is 0.5 psi or less, the minimum size of the gas piping outlet shall be three-quarter ($\frac{3}{4}$) inch for other than undiluted liquefied petroleum gases.

Sec. 23-39. Parking

There shall be provided 2 parking spaces for each home site. The minimum street width requirement shall be increased by 7 feet for each parking lane if on-street parking is the only type of parking provided in the park. One additional parking space for each four lots or sites shall be provided for guest parking. Guest parking spaces shall be located in the vicinity of the sites intended to be served.

Sec. 23-40. Recreation area.

There shall be required in each Land Lease Community a recreation area(s) equal in size to at least 5 percent of the total area, which shall be easily accessible to all residents. A recreation area shall be so located as to be free of traffic hazards and should be, topography permitting, centrally located.

Sec. 23-41. Sewerage requirements.

(a) A Land Lease Community shall be connected to the City wastewater system.

(b) Each HUD Code Manufactured Home shall be connected to the City's wastewater system through its own sewer riser pipe at least 4 inches in diameter. The sewer riser pipe shall be located so that the connection to the home drain outlet approximates a vertical position.

(c) The sewer connection shall have a minimum nominal inside diameter of at least 4 inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. The sewer

connection shall consist of one pipe only without any branch fittings. All joints shall be watertight.

(d) All materials used for sewer connections shall be PVC Schedule 40 or SDR 35. The inner surface shall be smooth.

(e) Provision shall be made for plugging the sewer riser pipe when a home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.

Sec. 23-42. Streets and parking.

(a) A Land Lease Community shall be provided with safe and convenient vehicular access from abutting public streets or roads to each site, with a minimum of two means of vehicular access.

(b) Entrances shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No on-street parking shall be permitted for a distance of 100 feet from an entrance, unless the entrance is constructed as a collector street.

(c) Major and minor streets constructed in accordance with the Subdivision Ordinance.

(d) Interior street construction shall meet the standards and specifications for street construction for subdivisions.

Sec. 23-45. Water supply required.

(a) The internal potable water supply system shall be connected to the City water system. The water distribution system shall be looped, subject to the approval of the Utilities Director.

(b) Every home site shall be served by an internal potable water supply system that is constructed and maintained in accordance with state laws and regulations and plumbing codes adopted by the City.

Sec. 23-46. Water supply; riser pipes.

(a) Individual water riser pipes shall be located within each home site at a point where the water connection will approximate a vertical position.

(b) A water riser pipe shall extend at least 4 inches above ground elevation. The pipe shall be at least 3/4 of an inch in diameter. The water outlet shall be capped when a home does not occupy the site.

(c) Surface drainage shall be diverted from the location of the riser pipe.

(d) The main feed to each home site shall have a shutoff valve placed at a sufficient depth below grade or covered in a manner so as to protect the valve from physical damage.

(e) Underground stop and waste valves shall not be installed on any water system.

Secs. 23-47--23-60. Reserved.

ARTICLE III. SPECIAL TEMPORARY PERMIT

Sec. 23-61. Special permits.

(a) With satisfactory proof that the applicant qualifies for the exception set out below, a temporary special permit may be issued by resolution of the City Council for use of a HUD Code Manufactured Home as an accessory residence to a principal residence for the sole purpose of housing immediate family members, subject to the following conditions:

- (1) Upon satisfactory proof of emergency conditions constituting a documented medical hardship, a temporary special permit may be issued to the owner of a HUD Code Manufactured Home for location on a lot or tract owned by him or a member of his immediate family;
- (2) The HUD Code Manufactured Home shall be occupied only by said landowner and his family or another member or members of his immediate family and shall never be rented out or used for any commercial purpose whatsoever;
- (3) The property shall be zoned agricultural and minimum contiguous land area which must be owned to allow for placement of a HUD Code Manufactured Home as an accessory residence to a principal residence shall be 3 acres. In all other respects, the Agricultural District area regulations shall apply;
- (4) The principal residence shall meet all applicable building codes in effect in the City (building, plumbing, mechanical, and electrical);
- (5) The HUD Code Manufactured Home shall meet minimum applicable codes in effect in the City;
- (6) The HUD Code Manufactured Home shall meet the minimum applicable septic tank ordinances in effect in the City;
- (7) A minimum separation of 50 feet shall be observed between the HUD Code Manufactured Home and any adjacent residence;

- (8) A single water utility service shall be provided for the principal residence and accessory HUD Code Manufactured Home residence in the property owner's name, where possible;
- (9) A detailed site plan shall be provided which assures compatible placement of a HUD Code Manufactured Home in relation to the principal residence, surrounding property lines and development, streets, and other relevant site factors;
- (10) The maximum term of permit approval shall not exceed 3 years; however, extensions may be considered and approved if such extension is not adverse to the surrounding area.

(b) Prior to approval of a temporary special permit under this section, a public hearing shall be held before the Planning Commission and the City Council in the same manner prescribed for a zone change in Section 20, Amendments, Zoning Ordinance.. All other provisions of said portion of the Code shall apply for the review, approval and reconsideration of a request.

(c) The City Council, following recommendation by the Planning Commission, may impose conditions on such permit as it deems necessary to be in the public interest after full hearing on an application and reserves, at all times, the right and power to revoke any such permit for violation of any of its terms after a hearing at which the holder has been given at least 10 days prior notice.

(d) Applications for consideration of a temporary special permit for a HUD Code Manufactured Home may be obtained from the planning director.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 5: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the 3rd day of May, 2001.

PASSED AND APPROVED on Second and Final Reading on the 17th day of May, 2001.

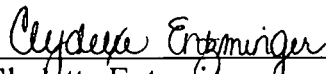
THE CITY OF TEMPLE, TEXAS



KEIFER MARSHALL, JR., Mayor

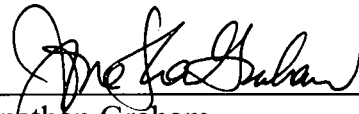
ATTEST:





Clydette Entzminger
City Secretary

APPROVED AS TO FORM:



Jonathan Graham
City Attorney