

ORDINANCE #040400

AN ORDINANCE OF THE CITY OF MILES, TEXAS REGULATING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY OF MILES REQUIRING A USE AND OCCUPANCY PERMIT FOR HUD-CODE MANUFACTURED HOMES AND PROVIDING FOR THE INITIAL AND PERIODIC INSPECTION OF HUD-CODE MANUFACTURED HOMES AND PROVIDING FEES AND CONTAINING A SEVERABILITY CLAUSE.

NOW WHEREAS, the City Council of Miles, Texas finds un-permitted and un-inspected HUD-Code Manufactured Homes to create a dangerous and hazardous situation, and:

NOW WHEREAS, the City Council of Miles, Texas finds it to be in the best interest of public safe, health and general welfare to regulate HUD-Code Manufactured Homes within the City:

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

SECTION 1. DEFINITIONS

- A. BUILDING OFFICIAL – Designated inspection authority of the City or its authorized representative.
- B. CERTIFICATE OF OCCUPANCE – 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 land complies with the provisions of applicable City Codes, Ordinances, and regulations.
- C. CITY COUNCIL – City Council of the City of Miles, Texas.
- D. 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, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred 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 plumbing, heating, air conditioning and electrical systems.
- E. MOBILE HOME – A structure constructed before 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 feet or more width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square fee, 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 plumbing,

heating, air conditioning, and electrical systems.

- F. PERMIT – Written permit / certification issued by the City permitting the construction, alteration or use and occupancy of a HUD – Code Manufactured Home under the provision of this Ordinance and regulations issued hereunder.
- G. HUD – CODE MANUFACTURED HOME PARKS – A parcel of land under single entity ownership, which has been placed and improved for the placement of HUD – Code Manufactured Homes.

Amendments H – L effective from 4-10-06

- H. INSTALLATION – means 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.
- I. INSTALLER – means a person, including a retailer or manufacturer, who contracts to perform or performs an installation function on manufactured housing.
- J. LABEL – means a device or insignia that is:
 - (a) – issued by the TDHCA to indicate compliance with the standards, rules, and regulations established by the United States Department of Housing and Urban Development; and
 - (b) - permanently attached to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, for sale to a consumer.
- K. SALVAGED MANUFACTURED HOME – means a manufactured home that is salvaged if the home is scrapped, dismantled, or destroyed, or if an insurance company pays the full insured value of the home. The reasonableness of the insurer's judgment that the cost of repairing the home would exceed the full insured value of the home does not affect whether the home is salvaged.

A person may not sell, convey or otherwise transfer to a consumer in this state a manufactured home that is salvaged. A salvaged manufactured home may be sold only to a licensed retailer or licensed re-builder.
- L. TDHCA – Texas Department of Housing and Community Affairs, a state agency that regulates manufactured housing in the State of Texas.

SECTION 2. RESPONSIBILITY OF CITY OFFICIALS

- A. BUILDING OFFICIAL – The Director or Public Works is designated as Building Official. This person is responsible for conducting inspections and certifying requirements for use and occupancy.
- B. PERMIT CLERK – The City Secretary is designated as Permit Clerk. This person will issue permits authorized by following the guidance of this ordinance.

- C. CITY COUNCIL – The City Council shall be the final authority on all matters Relating to this ordinance. The City Council shall be the sole authority for waivers of this ordinance.

SECTION 2.01. REGULATION BY MUNICIPALITY

- (a) The City of Miles prohibits the installation of any non-HUD approved Manufactured home for use as a dwelling in the municipality. The prohibition must be prospective and may not apply to a home previously legally permitted by and used as a dwelling in the city of Miles. If a mobile home is replaced by a HUD-code manufactured home in the city of Miles, the city of Miles shall grant a permit for use of the manufactured home as a dwelling in the city of Miles.
- (b) On application, the city of Miles shall permit the installation of a HUD-code Manufactured home for use as a dwelling in any area determined appropriate by the city of Miles, including a subdivision, planned unit development, single lot, and rental community or park. An application to install a new HUD-code manufactured home, for use as a dwelling, is considered to be granted, unless the city of Miles, in writing, denies the application and states the reason for the denial not later than the 45th day after the date the application is received.
- (c) Subsection (a) and (b) do not affect the validity of an otherwise valid deed restriction.
- (d) Except as approved by the TDHCA, a local government unit may not require a permit, a fee, a bond, or insurance for the transportation and installation of manufactured housing by a licensed retailer or installer. This subsection does not prohibit the collection of actual costs incurred by a local government unit that result from the transportation of a manufactured home.

SECTION 3. PERMITS AND CONDITIONS

- A. Permit Procedures – Before a HUD-code manufactured home may be moved to or within the city of Miles, permit seekers must apply for a permit with the Permit Clerk at the City Hall. The Permit Clerk will assist with the information regarding regulations, licensed installation and moving, prohibitions, requirements, paperwork and inspections.
- B. Permit Time Limits – The City will make every effort to approve permit requests in a timely matter. If the City takes no action on a permit request within 45 days, the permit is assumed to be approved.
- C. Authorized and Required Permits/Fees:
1. Installation Permit – No Charge – The City will issue installation permits only to installers who hold a current State of Texas Department of Housing & Community Affairs permit to install HUD – Code Manufactured Homes. The

City requires a copy of the license to be on file with the Permit Clerk. Home-owners may request the permit with written permission from the installer. Written permission must include the license number of the installer. Permit seekers: when signing the permit request, acknowledge the requirements for passing inspection under this permit request before utilities are connected.

(a) Permit Conditions – Installation permits will be issued only when these conditions are met:

- (1) Single Structure On Lot – The HUD – Code Manufactured Homes being issued a permit under this Ordinance shall be the only habitable structure on the lot names in the permit per the plat on file at the County Clerk's Office. Two HUD – Code Manufactured Homes, or one HUD Code Manufactured Home Installation Permit shall not be issued that violates this rule. HUD – Code Manufactured Home Parks are exempt from this entire paragraph.
- (2) Plat Requirement – HUD – Code Manufactured Homes shall not be issued a HUD – Code Manufactured Home Installation Permit unless the lot named in the permit under this Ordinance can be defined by: Lot number, Block number, (if applicable), and subdivision name. Lots described by metes and bounds rather than approved plats on file with the County Clerk's Office do not meet this condition and shall not be issued a HUD – Code Manufactured Home Installation Permit. HUD – Code Manufactured Home Parks are exempt from this entire paragraph.
- (3) Simultaneous Requests and Payments – Installation permits will be issued only after utility tap fees, utility deposits, and drainage culverts (if required) have been paid or arrangements made with the City Secretary.

2. Use and Occupancy Permit – thirty five and no/100 (\$35.00) dollars – This Permit is the prerequisite for a use and occupancy inspection.
3. Re-inspection Request – Twenty Five and no/100 (\$25.00) dollars – This fee Must be paid before the Building Official will conduct a Use and Occupancy re-inspection after a failed inspection. This fee will be paid after each subsequent failure before another inspection is made.

SECTION 4. REQUIREMENTS AND INSPECTIONS

- A. Initial Inspections to obtain use and occupancy certification – No utilities will be connected until a use and occupancy permit has been issued by the permit clerk and a use and occupancy certificate issued after the inspection by the building

official. A use and occupancy certificate will be issued after the building official verifies, in writing, that the HUD – code manufactured home passed inspection as to site preparation and the connection of utilities. The building official and permit clerk will work closely with franchised utility companies to adhere to this requirement.

1. Setback Requirements – HUD Code Manufactured Homes on single lots must have a minimum set back from the property line of 8 feet on each side and fifteen (15) feet front and rear.
2. Address – Address must be posted and visible from the street in front of the home.
3. Plumbing – General – All plumbing must meet Building Official's requirements.
4. Sewer Connection –
 - (a) A four (4) inch line with a four (4) inch trap.
 - (b) A four (4) inch two way cleanout downstream of trap.
 - (c) Connection to trap shall be air tight and made by mechanical mean.
 - (d) Cleanout and trap shall be no more than four (4) feet from the HUD-Code Manufactured Home.
 - (e) If the drain line from the home to the trap is exposed above grade, it shall be protected from sunlight and physical damage.
 - (f) Sewer connection must be capped when disconnected from the home to prevent damage to the public sewer system.

Trap and cleanout may be under HUD – Code Manufactured Home only if there is a minimum eighteen (18) inches vertical and thirty (30) inches horizontal clearance.

5. Water Connection –
 - (a) Shall not be less than $\frac{3}{4}$ inch nominal size.
 - (b) Shall have an accessible shutoff valve, within four (4) feet of the HUD – Code Manufactured Home.
 - (c) Connection shall be made with PVC schedule 40, copper, or equivalent.
 - (d) Above grade connecting line from valve to home hook up must be insulated.
6. Gas Connection – Natural Gas, LP Gas.
 - (a) Gas piping shall be rigid black pipe, and shall be the same size as the HUD – Code Manufactured Home inlet.
 - (b) No gas lines may be buried under the HUD – Code Manufactured Home.
 - (c) Each HUD – Code Manufactured Home equipped for gas shall have a gas valve and electrically insulated union upstream of said valve.
 - (d) The riser shall be so located so that the horizontal piping from the riser to the HUD – Code Manufactured Home does not exceed four (4) feet.

(e) LP Gas Connection – (Specific rules)

- (1) In general, LP Tanks shall be placed in accordance with LP Gas Safety rules on file with the Texas Secretary of State's Office.
- (2) Specifically, LP Gas Tanks shall not be placed closer than:
 - (i) Ten (10) feet from adjoining property lines.
 - (ii) Ten (10) feet from roadways, highways, pipelines, or utility right of ways including drainage easements.
 - (iii) Ten (10) feet from HUD – Code Manufactured Home
 - (iv) Ten (10) feet from any source of ignition.

7. Electrical Requirements

- (a) Power Supply – Must be permanent installation or a cord assembly type.
 - (b) Power Cord Assembly – Must not be more than one (1) – Fifty (50) amperes factory molded cord cap; length OD assembly shall not exceed Thirty Six and one-half (36.5) feet in total length nor should be shorter than Twenty One (21) feet. Cord assembly must be marked “for use with HUD – Code Manufactured Home – 50 amperes” or “for use with HUD – Code Manufactured Home – 40 amperes.”
 - (c) Meter Loop – Point of attachment from utility company shall be a minimum of 10 feet above finished grade.
 - (d) Disconnect – Shall be a minimum of 100 amperes for gas homes and weather proof. Shall be a minimum of 200 amperes of all electric homes and weatherproof.
 - (e) Underground Feeders – Wires or cables shall be protected by metallic conduit where exposed to physical damage.
 - (f) Ditches – Underground installation shall be a minimum of eighteen (18) inches deep.
 - (g) Wire sizes – Minimum fused service shall be one hundred (100) amperes, three each #4 THHN/THWN with one #8 AWG for ground to service the Hud Code Manufactured home facility. An eight (8) foot ground rod must be driven and bonded to service disconnect, meter base, and HUD – code manufactured home with continuous continuity.
 - (h) Central Air outside the home shall be connected by a separate one hundred 100-amp service.
8. HVAC Requirements – Condensing unit shall be installed prior to a use and occupancy inspection if electrical power for condensing units and/or disconnects are provided by outside disconnect and whip.
9. Skirting – Skirting shall be installed that enhances the appearance of the HUD – code manufactured home. This shall be installed to protect pipes and prevent rodents from entering the home.

- (a) Skirting shall be done within 14 days of installation and be maintained in good repair for the duration of the time that the HUD – code manufactured home is on that location.

10. The City of Miles prohibits any tires from being placed upon the roof of a HUD – code manufactured home.

- B. Texas Department of Housing and Community Affairs Inspection – This inspection may be done by the City of Miles Building Official should the City of Miles enter into an agreement with the TDHCA. Such inspections shall be in accordance with TDHCA rules and regulations.

4.01 POWER OF LOCAL GOVERNMENTAL UNIT TO ADOPT DIFFERENT STANDARD

- (a) The City of Miles may not adopt a standard for the construction or installation of manufactured housing in the local governmental unit that is different from a standard adopted by the TDHCA, unless, after a hearing, the board expressly approves the proposed standard.
- (b) To adopt a different standard under this section, the local governmental unit must demonstrate that public health and safety require the different standard.

SECTION 5. NOTICES, HEARING, WAIVERS, AND ORDERS.

- A. General – Any person, firm, or corporation contesting any issue and/or interpretation and/or application of any rule, standard, regulation, determination, requirement, or necessity set forth in the Ordinance directly or by authority shall have the right, after filing a written request with the City Secretary to have a hearing thereon before the City Council at the next regularly scheduled City Council Meeting. The City Council shall be the final judge in all such cases.
- B. Requests for Waivers – Waivers requested to the City Council must show clean reason why a waiver should be granted or must demonstrate extreme personal hardship. Waivers granted by the City Council for one issue, rule, standard, regulation, requirement, or necessity does not imply a waiver of the remaining requirements of this Ordinance.

SECTION 6. EXPECTATIONS.

This Ordinance is prospective and does not apply to HUD – Code manufactured Homes and Mobile Homes currently used and occupied as residential dwellings in the City on the effective date of this Ordinance. HUD – Code Manufactured Homes currently used and occupied as residential dwellings are exempted as long as the current mobile home or HUD – Code Manufactured Home exists on that particular lot. If a mobile home (non HUD – Code Manufactured), is removed, destroyed, damaged beyond repair, or demolished, another mobile home (non HUD – Code Manufactured Home) cannot be put in its place.

Otherwise, no exception to this Ordinance shall be made for any condition, which existed at the time of its passage.

SECTION 7. EFFECTIVE PERIOD.

This ordinance shall be effective on the 4th day of April 2000.

Amended parts of this ordinance shall be effective on the 10th day of April 2006.

SECTION 8. PENALTY FOR NON-COMPLIANCE.

Any person, firm, or corporation violating this ordinance of any part of this ordinance, and found guilty by the Judge of the Municipal Court, will be guilty of a Class "C" Misdemeanor and be fined not more than Five Hundred and no/100 (\$500.00) Dollars, except for health violations which may be fined not more than Two Thousand (\$2,000.00) Dollars, each day such violation continues, or be permitted to continue, shall be a separate offense.

SECTION 9. 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 this ordinance.


PASSED AND APPROVED: this 4th day of April 2000.

AMENDED PARTS OF THIS ORDINANCE: PASSED AND APPROVED
this 10th day of April 2006.



Mayor

ATTEST



City Secretary

