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ORDINANCE #MH-1008
CITY OF HUNTINGTON
MOBILE HOME, MODULAR HOME AND HUD -
CODED MANUFACTURED HOME ORDINANCE

AN ORDINANCE OF THE CITY OF HUNTINGTON DECLARING A PUBLIC PURPOSE AND NECESSITY TO REPLACE THE CITY OF HUNTINGTON MOBILE HOME ORDINANCE #101905; MAKING IT LAWFUL TO PLACE MOBILE HOMES IN THE CITY OF HUNTINGTON WITH RESTRICTIONS AND APPROVED PERMIT. PROVIDING FOR FINES NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (500.00) PER DAY FOR EACH VIOLATION OF THE ORDINANCE.

WHEREAS, the City of Huntington, City Council wishes to protect the health, safety , and welfare of all area citizenry and preserve and protect real estate values within the community for all property owners, and

WHEREAS, the protection of the health, safety and general welfare of the City of Huntington citizenry and protection of real estate are valid public police powers, and

WHEREAS, the City Council wishes to repeal and replace the City of Huntington Mobile Home , Modular Home and Hud -Code Manufactured Home Ordinance #101905.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON, TEXAS AS FOLLOWS:

Section 1.
Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECAL / LABEL A devise or insignia issued by the State Department of Labor and Standards that is permanently affixed to each transportable section of each modular home to indicate compliance with the standards, rules, and regulations established by the Department.

DEPENDENT MOBILE HOME UNIT A manufactured home or recreational vehicle not equipped with bathing or toilet facilities.

HUD-CODE MANUFACTURED HOME 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 or more sections, which in the traveling mode, is eight body feet or more in width and 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 The connection of the foundation system, whether temporary or permanent, and the placement of a manufactured home on the foundation system, including supporting, blocking leveling, securing, anchoring, and connection of multiple or expandable units and minor adjustments.

LOT/SPACE A plot of ground designed for the placement of one manufactured home.

MANUFACTURED HOME or MODULAR HOUSING A HUD-Code manufactured home is to be used for residential purposes.

MOBILE HOME A structure transportable in one or more sections, which in 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, hearing, air conditioning and electrical systems contained in the structure.

MODULAR HOME A structure that is manufactured in two or more modules at a location other than the placement site and which is designed to be used for human occupancy when the modules are transported to the placement site, and the modules are joined together and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

RECREATIONAL VEHICLE Any motor home, mobile trailer, camper, recreational unit or any similar vehicle principally designed for temporary habitation, regardless of size.

Section 2
Rental Mobile Homes

It shall be hereafter unlawful to locate a mobile home or modular home as herein defined in the City of Huntington for rental purpose outside a duly licensed mobile home park or duly licensed mobile or modular home subdivision. Modular home subdivision shall be defined as meeting the requirement of a mobile home park for purposes of this ordinance.

A mobile home park ordinance is separate from this ordinance.

Section 3
Mobile Home Restrictions
Main Street and / or Highway 69 - City Limits

The City of Huntington Governing Body, Huntington Economic Development Board of Directors, Centennial Park Board of Directors and Huntington Beautiful Clean feel to be to the economic benefit of the citizens and businesses of the City of Huntington to make it unlawful to allow mobile homes on the Main Street and / or Highway 69 (Sixty-Nine) from city limit to city limit, thus interfering with Main Street, Beautification and Economic Development Projects.

Section 4
Placement of Manufactured or Modular Housing
Outside of Mobile Home Park or Subdivision

a. Manufactured or Modular homes shall be permitted to be located within the limits of the city on any space, lot or tract of land with the approval of the City Manager and upon his issuing a temporary permit, compliance of all restrictions, inspections signed off and final approval of the City Manager.

b. The Manufactured or Modular home was legally in existence at such location as of October 2008 and has been issued a grandfather permit to the current owner. The grandfather permit is not transferable.

Section 5
Temporary Permit

a. A temporary permit will be issued upon completion of the application process. A written application shall be submitted for a sixty day temporary permit, allowing ample time for placement and to meet all compliance issues. If the owner requires more time; for unforeseen reasons, they must request an extension from the City Manager.

- b. Fee for Permit. A non refundable fee of \$100.00 (hundred) will be due and payable upon completion of the application process , prior to issuing temporary permit.

Section 6
Permanent Permit

No city utilities will be turned on until all homes are in compliance.

- a. Application must be submitted to City Manager.
- b. Fee of 100.00 paid.
- c. Compliance check list must be completed and signed by inspector and City Manager.
- d. A plat submitted with legal description of proposed property, how the home is to be placed and how the utilities will be placed.
- e. Proof of ownership of both the property and the mobile home. Permit will not be issued to anyone who does not have legal proof of ownership of both. (Warrant Deed, Vendor Deed, Contract for Sale, etc.)
- f. Size, model and year of manufactured or mobile home.
- g. Photographs of all four sides of the mobile home to be placed.
- h. Submission of a form signed by applicant stating that he /she understands the requirements of the applicable ordinance for the area the manufactured home will be placed in.
- i. Submission of a form signed by the applicant stating that the manufactured or modular home will have tie-downs and will be skirted with fire-resistant skirting and will be maintained intact to prevent accumulations of flammable materials beneath the manufactured or modular home.
- j. Submission of form stating the property will be used for residential purpose only and that the ordinance was received read and understood by the owner.
- k. Understand that the Permanent Permit issued is only intended for the person and property it is issued to. It is not transferable and expires upon the sale of property. If property is sold the new owner must go through the application process.

Section 7.
Abandonment

An existing mobile home or manufactured home as defined, which continues to be used for any purpose subsequent to the continuance provisions of this ordinance and which is abandoned and not maintained for a continuous period of 45 calendar days, shall lose its continuance status, and shall be subject to the

application process. Abandonment and lack of maintenance may be evidence by, but are not limited to, termination of utility service, failure to maintain occupancy, change of type of use, or by any other reasonable means.

Any, manufactured or modular home which subsequently is abandoned or moved off property according to the definition contained in this ordinance, shall be deemed to have lost its permanent permit and location privilege and status, and the site status on which the structure had been located.

Section 8. **Removal**

Any mobile home or modular home, manufactured home, or recreational vehicle which is located within the, corporate limits of the city so as to be in violation of any term or condition of this ordinance shall be subject to removal from the city at the expense of the owner. If, upon a city directed order for removal, the owner fails to comply, the city may enter upon the property in question and take steps to have the subject vehicle, property or structure removed at expense of the owner.

Section 9. **Enforcement Procedures**

- a. In addition to other penalties set out in this ordinance, the city shall withhold public utilities and improvements of whatever nature, including the maintenance of streets and the furnishing of sewer and water service from all mobile homes, modular homes, manufactured housing, mobile home parks, manufactured housing sales areas, and, mobile home subdivision which are not in compliance with all applicable provisions of this ordinance.
- b. In addition to the enforcement procedures provided in this chapter, the City Attorney shall take such other legal action, injunctive relief or otherwise, as may necessary to enforce the provisions of this ordinance.
- c. Any mobile home not in compliance with city ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined no less than \$10.00 or greater than \$500.00, plus court cost. Each day that such violation continues unabated shall constitute a separate offense.
- d. The city may revoke any permit after notice of ten days due to any violation of this ordinance at city managers discretion. After such conviction the permit may be reissued if the circumstances leading to the revocation have been remedied and the property is in full compliance.

Section 10.
Prohibited Parking

It shall be unlawful for any person to park any manufactured home, modular home, mobile home or recreational vehicle on any public street, alley highway or other public place within the limits of the city for any reason.

Section 11.
Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 12.
Passage and Approval

PASSED, APPROVED AND ADOPTED by the City Council of the City of Huntington, Texas on this the 23rd day of October 2008.

Original on file signed by Mayor.

Herman Woolbright, Mayor

Attest:

Betsy Gregson

Betsy Gregson, City Secretary

Temporary Mobile Home Permit

Applicant: _____

Address: _____

Property Address: _____

Home #: _____ Cell #: _____ Work #: _____

Employer: _____

Description of Mobile Home:

Plat of property with mobile home location and all utility lines and easements:

I understand that a temporary permit is being issued on this the _____ day of _____, 20____.

This permit expires in sixty (60) days from this date and is being issued to allow the placement of the described mobile home. It allows you to have sixty (60) days to be in compliance or to move the mobile home out at your expense. It gives the City of Huntington permission to inspect the property and mobile home prior to issuing a permanent permit.

I have read the mobile home ordinance and will comply with the application process for a permanent permit.

Owner / Applicant

Approved by:

City Manager

Application For Mobile Home Permanent Permit

Part I

Name: _____ Telephone: _____

Address: _____ Cell/Work #: _____

Property Address: _____

Property Owner: _____

Legal Description of Property: _____

Description of Mobile Home: _____ Make: _____

Year Built: _____ Size: _____ Model: _____

I have received a temporary permit and the following requirements (Part II) are complete and ready to be signed off. I am requesting a permanent mobile home permit for personal use at this location. _____

I have received, read, understand and agree to keep my mobile home in compliance with the mobile home ordinance of the City of Huntington. _____

I understand this permit is for residential use and is not transferable. I further understand that the permit is intended for the person and property it is issued to and expires upon the sale of the property. I understand the new owner will be responsible to apply for a permit and will be notified by me in the sale. _____

A non-refundable fee in the amount of \$100 must be submitted with this application. The following application is found to be complete and meets the requirements for the issuance of a Permanent Mobile Home Permit.

DENIED – Does not meet requirements. Reason: _____

Dated: _____ By: _____
City Manager

Permit issued on this the _____ day of _____, 20____.

City Secretary

Application for Mobile Home Permanent Permit

Part II

Name: _____ Telephone: _____

Address: _____ Cell / Work: _____

Property Address: _____

Property Owner: _____

Mobile Home Owner: _____

The following must be signed off on by the City Secretary:

- a. Plat showing property, location of mobile home, utilities _____
- b. Fee of \$100 paid in full _____
- c. Part I of application attached _____
- d. Photographs of mobile home – all four sides _____
- e. Proof of ownership of land and mobile home
(Warranty deed, vendor's deed, contract for sale) _____
- f. Proof of paid taxes on property _____

The following must be signed off on by the Public Works Director

- a. Gas, sewer, water utilities (all in compliance and ready for hook up) _____
- b. Mobile home is the one represented in attached photographs _____
- c. Mobile home is skirted with fire resistant skirting _____
- d. Mobile home is properly tied down and blocked _____
- e. Mobile home is clear of all easements _____

The following must be signed off on by the City Manager

- a. I have inspected the above mobile home application _____
- b. I have inspected the property and the mobile home _____
- c. All utilities are in compliance and approved for hook up _____

It is my opinion that the above permit should be issued as designated in Part I.

City Manager

Issued to City Secretary for permanent permit on _____.
(date)

