

ORDINANCE NO. 95

AN ORDINANCE AMENDING AN ORDINANCE REGULATING MOBILE HOME AND TRAVEL TRAILER PARKS; CONTAINING CERTAIN DEFINITIONS; REQUIRING A LICENSE AND ESTABLISHING CERTAIN LICENSE FEES; ESTABLISHING CERTAIN PHYSICAL REQUIREMENTS FOR SAID PARKS; REGULATING THE LOCATION OF SAID PARKS; ESTABLISHING CERTAIN RULES AND REGULATIONS FOR THE OPERATION OF SAID PARKS; ESTABLISHING CERTAIN REQUIREMENTS FOR WATER, SEWER, AND ELECTRICAL FACILITIES; CONTAINING A PENALTY; CONTAINING A SAVINGS CLAUSE; ESTABLISHING AN EFFECTIVE DATE HERETOFORE PASSED AND APPROVED BY THE BOARD OF ALDERMEN, BEASLEY, TEXAS, ON THE 21ST DAY OF MAY, 1974.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BEASLEY, FORT BEND COUNTY, TEXAS:

I. That Ordinance No. 17 regulating mobile homes and travel trailer parks as set out above and as passed and approved heretofore on the 21st day of May, 1974, as amended by Ordinance No. 41 and Ordinance No. 57 be amended to read as follows:

Section 2.04. Mobile Home and/or Travel Trailers Outside Licensed Parks.

1. It shall be unlawful for any person to locate or maintain any such mobile home or travel trailer in any place in the City of Beasley other than a duly licensed and lawful mobile home and/or travel trailer park, unless such person shall first secure a permit from the Board of Aldermen upon written application therefor filed with the Board of Aldermen giving the name and address of the applicant and a description of the property upon which said mobile home or travel trailer is to be located. The Board of Aldermen shall refuse to grant any such permit unless the applicant shall first show to the satisfaction of the Board of Aldermen that: (i) there are adequate water and sanitary facilities available within reasonable distance of such mobile home or travel trailer location, or that the applicant upon locating upon said premises, shall provide or cause to be provided the same; (ii) there shall be provided adequate off-street car parking spaces for each mobile home and/or travel trailer; (iii) a mobile home and/or travel trailer must have a skirt on all sides that matches the mobile home and/or travel trailer in color and design; (iv) when a mobile home and/or travel trailer is located in a residential area, it shall conform to the front and side building lines, but in no event be placed less than 10 feet minimum from front or side property lines and shall not be placed or remain on any tract of land consisting of less than 3,300 square feet of land per each mobile home and/or travel trailer; and (v) there shall be compliance by the mobile home and/or travel trailer with all provisions hereof, including but not limited to Section 3.05 and 5.03.

2. The fee for the issuance of the mobile home and/or travel trailer permit as set out in Section 2.04 a, above, shall be \$25.00.

3. In lieu of filing a written application for a permit authorizing any person to locate or maintain a mobile home and/or travel trailer outside a licensed and lawful mobile home and/or travel trailer park with the Board of Aldermen, as set out in Section 2.04 a, above, written application may be filed with the City Secretary who, upon being satisfied that the requirements of this Ordinance have been met by said applicant and upon receipt by said City Secretary of the \$25.00 permit fee as is set out above, may then issue a temporary permit to said applicant subject only to the approval by the Board of Aldermen at the next regularly scheduled meeting subsequent to the date of the filing of such application with the City Secretary. In the event the Board of Aldermen should refuse to approve the temporary permit as issued by the City Secretary, the \$25.00 permit fee theretofore paid shall be returned to the applicant.

4. All mobile homes and/or travel trailers installed outside of licensed parks after the effective date of this ordinance shall at all times conform to and comply with at all times the requirements of mobile homes and/or travel trailers that are installed within licensed parks.

5. It shall be unlawful for any person, firm or corporation to maintain or live in any mobile home or travel trailer without first obtaining such permit from the Town of Beasley, Texas.

#### Section 3.05. Tie Downs.

1. All mobile homes and/or travel trailers must at all times have adequate tie downs in compliance with all state laws.

2. Runners. All mobile homes and/or travel trailers shall be placed on runners meeting the following requirements:

a. Two (2) runners each thirty-six (36) inches wide and as long as the mobile home and/or travel trailer to be harbored upon such stand.

b. Runners to be four (4) inches thick reinforced concrete with four (4) number 4 bars over full length of runner and tied twelve (12) inches on center with number 4 bars.

c. Reinforcing steel shall be supported on chairs no less than every three (3) feet.

#### Section 3.07. Additions to existing nonconforming parks.

Any additions to existing nonconforming parks will have to meet the requirements of this ordinance.

Section 5.03. Electrical and safety concerns.

1. No mobile home and/or travel trailer, after being inspected by the Town of Beasley building inspector and/or Fire Marshall, shall have a permit issued if any of the following are found to exist:

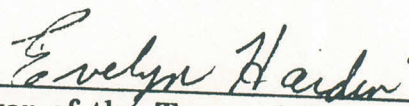
- a. To be in dangerous structural condition.
- b. To have substandard or faulty plumbing.
- c. To have faulty or aluminum wiring.
- d. To have defective or nonworking smoke detectors.

2. No electrical service will be allowed until all inspections have been performed and passed.


3. Before any re-connection of electrical service to any mobile home and/or travel trailer that is to be re-occupied after an electrical disconnection by the power company, the said mobile home and/or travel trailer shall pass a full inspection of plumbing, electrical, smoke detectors, and general safe living conditions to the satisfaction of the Board of Aldermen.

II. Except as amended herein, all other provisions of Ordinance No. 17 as amended by Ordinance No. 41 and No. 57 shall remain in full force in effect. That this Ordinance shall become effective after its passage and publication according to law.

PASSED AND APPROVED this the 16th day of April, 1992.

  
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Mayor of the Town of Beasley

ATTEST:

  
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Town Secretary

ATTACHMENT TO ORDINANCE #95 REGULATING MOBILE HOMES

Permits for such use and occupancy must be granted by an incorporated city for the replacement of a mobile home within its corporate limits with a HUD-Code manufactured home.

(b) Upon application the installation of HUD-Code manufactured homes shall be permitted as residential dwellings in those areas determined appropriate by the city, including subdivisions, planned unit developments, single lots, and rental communities and parks. An application to install a new HUD-Code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the city denies the application in writing within 45 days from receipt of the application setting forth the reason.

(c) This section shall not affect the validity of any deed restriction that is otherwise valid. Section 4A amended by Acts 1987, 70th Leg., ah633, § 3, eff. August 31, 1987; Acts 1987, 70th Leg., ch.1134, § 1, eff. June 18, 1987.

(3) Needs for convenient access, circulation, control and safety of traffic; and

(4) Limitations of topography.

B. Where no existing subdivision controls, the blocks shall not exceed one thousand feet (1,000') in length nor be less than five hundred feet (500') in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific approval by the city. Blocks longer than six hundred feet (600') shall be avoided in business districts.

C. Blocks are to be numbered or lettered consecutively within the overall plat and/or section of an overall plat, as recorded.

#### 5.06 - Mobile Home Parks And Mobile Homes

A. Location

Mobile homes shall be allowed only in approved and recognized mobile home parks of not less than five (5) acres which must be located in zoning districts that allow any use except single-family residential.

B. Platting

Mobile home parks are governed by the same requirements for all other subdivisions. Both preliminary and final plats will be required and both will be subject to the specifications of Sections 4.03 and 4.04 of this document, respectively.

C. Streets

Each mobile home park must abut a public street and provide access therefrom. Each lot/unit may only be accessed from an interior street. Minimum pavement widths of interior streets shall be twenty-six feet (26') to allow for emergency vehicle and trash removal access.

D. Screening

Each mobile home park must include a landscaping/screening plan to buffer the park from adjoining land-uses. (This plan must receive approval from the city engineer.) A landscaped strip of not less than ten feet (10') in width shall be established and maintained within the park's property along the exterior boundaries. Fencing and other materials may also be used as approved by the city engineer.

I am writing in response to your letter to Ms. Jeanine Cadena regarding what restrictions may be placed on mobile homes. In particular, you are in the process of amending your mobile home ordinance and would like to know if any restriction can be placed on manufactured housing as to appearance. Also, you seek to prohibit mobile homes built before June 15, 1976.

The Texas Manufactured Housing Standards Act (hereinafter the "Act") governs the installation and construction of manufactured housing. Tex. Rev. Civ. Stat. ANN., art. 5221f(Vernon Supp. 1991) Manufactured housing, by definition, includes "mobile homes" as structures constructed before June 15, 1976 and "HUD manufactured housing" as structures constructed after June 15, 1976.

A city may prohibit "mobile homes" for use as residential dwellings. Tex. Rev. Civ. Stat. ANN., art. 5221f, Section 4A(a) (Vernon Supp. 1991) This prohibition must, however, be prospective and not apply to "to a mobile home previously legally permitted and used or occupied as a residential dwelling within the city." Therefore, the City of Bridgeport may not restrict mobile homes built before June 15, 1976 already located within the city, but may prohibit any additional mobile homes from being installed. The City may also control the location of mobile homes to certain areas within the city. City of Brookside Village v. Comeau, 633 S.W. 2d 790 (Tex 1982).

In contrast to "mobile homes", the Act does not allow a City to prohibit "HUD manufactured housing", but states in pertinent part that "upon application the installation of HUD-Code manufactured homes shall be permitted." Moreover, permits to replace a "mobile home" with a "HUD manufactured home" must be granted. Tex. Rev. Civ. Stat. ANN., art. 5221f, Section 4A(a)(Vernon Supp. 1991).

The Act authorizes the Texas Commission on Licensing and Regulation to establish the standards for construction and installation of mobile homes. A city may not adopt different standards unless expressly authorized by the Commission. See Article 5221f, section. 4(c). The state standards are consistent with the federal standards outlined in the Federal Manufactured Housing Construction and Safety Standards Act 42 U.S.C., Section 5403(d).

Neither the Act nor a Texas court address to what extent preemption as to mobile home "construction" necessarily includes preemption as to mobile home appearance. Arguably, the terms are synonymous and you are preempted from drafting an ordinance in any way regulating mobile home appearance.

You still may want to consider some appearance regulation through a zoning ordinance since courts generally presume zoning ordinances as valid. I am not in receipt of your ordinance and do not have a copy of your other provisions regarding zoning. You will want to have your local legal counsel review the terms of the ordinance and the rationale for imposing each specific restriction. Any zoning ordinance regulation must relate to a legitimate governmental goal of protecting health, safety, morals, or welfare and not be unreasonable. Texas Local Government Code, Chapter 211 (Vernon 1994). Any ordinance which conflicts or is inconsistent with state legislation is not permissible. Also, you must comply with certain notice and hearing provisions.