

COPY

## ORDINANCE NO. 2004-8

AN ORDINANCE OF THE CITY OF BEASLEY ORDINANCE NO. 2004-8 IN ITS ENTIRETY.  
PROHIBITING THE INSTALLATION OF MOBILE HOMES AND MANUFACTURED HOMES  
IN THE CITY LIMITS.

### Article 1.

#### *Section A. Definitions:*

1. **Hud-code manufactured home** shall mean 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 (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 sites 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 the plumbing, heating, air conditioning and electrical systems.
2. **Mobile home** shall mean a structure that was constructed before June 15, 1976, transportable in one 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 three hundred twenty (320) feet or more square feet, and which is build 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 contained therein.
3. **Manufactured housing or manufactured home** shall mean a HUD-code manufactured home or a mobile home and collectively means and refers to both.
4. **Mobile home lot** shall mean a plot of ground within a manufactured home park designed for the accommodation of one (1) mobile home.
5. **Mobile home park** shall mean a contiguous development of land under single entity ownership which has been planned and improved for the placement of mobile homes, upon which two or more mobile homes are located.
6. **Mobile home subdivision** shall mean a duly recorded subdivision for mobile homes approved by the city in accordance with all applicable codes, ordinance laws, rules and regulations.
7. **Skirt** shall mean concealment from view of the under carriage on all sides of a manufactured home and or recreational vehicle. Skirting must be accomplished with metal, vinyl or other material approved by the city.
8. **Solid fence** shall mean any fence constructed of masonry, metal, or wood, or any combination of such materials, that obscures visibility.

### Article 11

Section A. Mobile homes prohibited in the city.

1. It shall be unlawful for any person to place, or maintain a mobile home or manufactured home in any location within the City of Beasley, or within 150 feet from the furthest location or property to which utilities are provided by the City of Beasley, other than in a mobile home park duly licensed and authorized under the terms of this ordinance.
2. It shall be unlawful for any person to permit or suffer any mobile home to remain within the city in any location not authorized pursuant to this ordinance.
3. This provision is prospective and shall not apply to any mobile homes used and occupied as residential dwellings, in the city on the effective date of this ordinance.
4. Placement of a mobile home for use or occupancy as a residential dwelling constructed prior to June 15, 1976 shall be prohibited within the corporate limits of the city. Said prohibition will be prospective and shall not apply to a mobile home previously legally permitted and used or occupied as residential dwelling within the city, provided that such occupation was lawful and that the continued occupation thereof does not possess a significant danger to the health or safety of persons within the mobile home or to others. Permits for such use and occupancy shall be granted by the city for replacement of a mobile home constructed prior to June 15, 1976 within the corporate limits with a HUD-code manufactured home, provided the placement of such replacement manufactured home can meet the setback and distance requirements.

Except as permitted above and subject to lawful compliance with this Code, a mobile home may be placed, or permitted to remain within the ditty, if and only if, it is situated:

- a. In a licensed mobile home park;
- b. In a mobile home subdivision, meeting all requirements of the city's ordinance pertaining to subdivisions;
- c. In a mobile home sales lot;
- d. Upon a site that such mobile home has continuously occupied since the effective date hereof, provided, that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the mobile home or to others;
- e. Upon a site that such mobile home has occupied prior to annexation of the site by the city, provided that such mobile home has continuously occupied the site since the date the site was annexed, and further provided, that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the mobile home or to others;
- f. The exemption for existing mobile homes shall apply to the mobile home being occupied at the time of adoption of this chapter as defined in subsection (4) above, or to the mobile home being occupied at the time of annexation as defined in subsection (5) above, and shall include any replacement mobile homes for such site provided such replacement is made within six (6) months of the date the mobile home being replaced has been removed, damaged or destroyed, if the placement of such replacement mobile home can meet the setback and distance requirements.
- g. Upon a site for which a hardship permit is in effect.

#### Section B. Hardship Permits.

1. The council may issue a hardship permit to place a mobile home on a lot, tract or parcel of land located outside a mobile home park, or mobile home subdivision because of one or more of the following grounds when it is found that there would be serious hardship if a mobile home could not be placed on the site and there is no permanent housing available that could fulfill the need. The grounds for granting of such a permit include, but are not limited to the following:
  - a. Illness in the family or of relatives of the applicant
  - b. Temporary economic hardship that would only be relieved by temporary use of the mobile home outside a mobile home park or subdivision
  - c. The applicant shall have the burden of showing the need for a hardship permit by clear and convincing evidence

No permits for Ord. 2012-1 allowed as of 01-2012



- d. The permit shall be granted for a period of time necessary to relieve the hardship which would result if no permit were granted; provided, however, such permit shall not be valid for more than one year.

**Section C. Appeal and revocation.**

1. The decision of the council is final and no further administrative appeal shall be granted.
2. The council shall have the right to revoke a hardship permit on a finding that the facts set forth in the application were untrue, incorrect, false or misleading, or that the grounds and basis upon which the issuance of the hardship permit was based are no longer operative or applicable.
3. The council shall schedule a revocation hearing. Written notice of the date, time and place thereof shall be mailed to the permittee by certified United States mail, postage prepaid, return receipt requested, addressed to the address set forth on the application. Such notice shall be mailed at least ten (10) days prior to the date of hearing, shall set forth the grounds upon which revocation will be sought in sufficient detail to advise the permittee thereof and shall advise the permittee of his right to be present in person and through counsel to present evidence and cross examine witnesses appearing at such hearing.
4. If council determines that grounds for revocation exist, it shall order the hardship permit revoked by written decision. A copy thereof shall be furnished the permittee.

the preliminary plat expires at the expiration of a period of six (6) months unless the final plat has been submitted for approval.

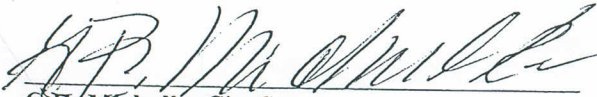
If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.,

This ordinance shall become effective immediately upon its passage and adoption.

Passed and Adopted this 17<sup>th</sup> day of August 2004



Frances Smith Mayor  
City of Beasley, Texas



G.B. Michulka City Secretary  
City of Beasley, Texas