

ORDINANCE NO. 365

An Ordinance amending prior Ordinance No. 339; regarding Manufactured Housing and prohibiting certain units of Manufactured Housing within the city limits of the City of Poteet, Texas and requiring the acquisition of permits and declaring it unlawful to bring into the City of Poteet, Texas certain designated units of Manufactured Housing and declaring a penalty.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS:

A. Definitions

The following words, when used in this section, shall have the meaning respectively ascribed:

- (a) Mobile Home shall mean a structure, transportable in one (1) or more sections, and which is permanent foundation, when connected to the required utilities.
- (b) Permittee shall mean a person for whom a permit has been issued to place or use a mobile home outside a licensed mobile home park.
- (c) Person shall mean any individual, corporation, legal entity.

B. Permit Required

It shall hereafter be unlawful for any person to locate or maintain any mobile home in any place in the City of Poteet, Texas other than in a mobile home park unless such shall first secure a permit from the City Council. The City Council shall refuse to grant any such permit unless the applicant first shows to the satisfaction of the City Council that there are adequate public water and wastewater treatment facilities available within reasonable distance of such mobile home location and that the applicant upon said premises shall provide or cause to be provided the same. It shall be unlawful for any person, firm, or corporation to maintain or live in any such mobile home without first obtaining such permit from the City of Poteet, Texas. No permit shall be issued unless the applicant can demonstrate ability to comply with all the terms and provisions of this ordinance.

C. Application for Permit and Fee

An application for a permit to locate a mobile home not inside a licensed mobile home park shall be submitted to the City Secretary accompanied by a complete description of the mobile home and a plot plan showing the purposed location of the mobile home.

A non-refundable permit fee in the amount of \$100.00 shall be submitted with the application.

D. Permit Required for Existing Mobile Homes

Every person now maintaining a mobile home in the City of Poteet, Texas outside a duly licensed mobile home park shall, within sixty (60) days after the effective date of this section, submit a written application for a permit. Every person desiring to move in a mobile home after the effective date of this section shall submit a written application for a permit prior to moving in the mobile home.

The authorized representative of the City of Poteet will review each application and make recommendations thereon to the City Council. In considering the disposal of any such application, the City Council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the mobile home is located. On approval of an application by the City Council, the City Secretary will issue a permit.

E. Nonconforming Use Permit

If the City Council denies a permit to any applicant whose mobile home was in place of the effective date of this section, the City Secretary will issued to such applicant a nonconforming use permit that specifies the nonconformity's with provisions stating the reasons for denial of the permit and authorizing continued use of the mobile home, subject to permittee's compliance with the stated provisions of the nonconforming use permit. However, the permit does not make lawful the extension or enlargement of a specified nonconformity.

F. Permit Conditions

The following use and maintenance regulations shall be applicable to mobile homes located within the City of Poteet, Texas.

- (a) All mobile homes shall be installed and anchored in accordance with Texas Department of Labor and Standards rules and regulations.
- (b) All mobile homes occupied as living quarters shall contain operable smoke detectors.
- (c) Only mobile homes manufactured within 10 years from the date of the permit application will be permitted.
- (d) All mobile homes occupied as living quarters shall be located and placed on separate lots with the front door facing the street in the same manner as other residential structures in the block in order to conform as closely as possible. All building setback requirements shall be followed when placing a mobile home for permanent occupancy as provided for in the zoning regulations.
- (e) All mobile homes installed after the date of this section shall be required to be mounted upon a permanent foundation system which shall be either a solid concrete or masonry foundation or a concrete or masonry skirt around the perimeter of the building. If the mobile home is mounted upon a concrete slab, then a fire resistant skirting shall be required around the bottom of the perimeter of the mobile home. In addition, all mobile homes shall have their own wheels removed.
- (f) All permits shall be issued subject to compliance with all other applicable codes and ordinances of the City of Poteet, and with all applicable deed restrictions.

G.

All mobile homes or manufactured housing units shall be located and place don separate lots. Any person who owns two or more contiguous lots, may locate a mobile home over and across the lines of the property for which the permit is sought. In the event the owner of two or more contiguous lots places a mobile home or manufactured housing unit on more than one lot, no further permits for

any mobile home or manufactured housing unit shall be allowed for any lot which has any portion of a mobile home or manufactured housing unit located on it.

H. Exceptions

No permit shall be required and the provisions of this section not be applicable to unoccupied mobile homes displayed for sale on mobile home sale lots and mobile homes in storage on mobile home manufacturing plant premises.

I. Liability or City

Neither the City nor any authorized agent under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this ordinance.

J.

No mobile home or Manufactured Housing Unit which does not have either a current title in the name of the person seeking a permit, or for which there is not any satisfactory evidence or the pending issuance of a title form the Texas Department of Labor and Standards in the name of the person seeking a permit, may be delivered to, located in, installed upon, or affixed to any real property in the City of Poteet, Texas, or sold, leased or otherwise conveyed to any other person, residing with the City of Poteet, Texas, nor shall any existing permit be transferred to any person who does not provide evidence of title to such mobile home or manufactured housing unit.

K. Penalties

It shall be unlawful for any person to violate any provision of this ordinance. Such violation shall be punishable as a misdemeanor and each separate day that any violation of the subchapter shall continue to exist and shall constitute a separate offense. Upon conviction any person violating any provision of this ordinance shall be assessed a fine of not less than \$10.00 or more than \$200.00.

L. Repealer

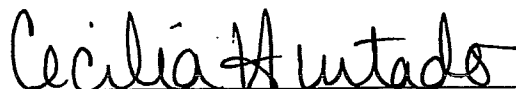
All prior ordinances regulating mobile homes and/or manufactured housing within the city limits are hereby repealed, insofar and only insofar as they may conflict with this ordinance.

PASSED AND APPROVED on this 16TH day of June, 2009.



IRENE RAMOS
MAYOR

ATTEST:



CECILIA HURTADO
INTERIM CITY SECRETARY