

CITY OF BLOSSOM

P.O. Box 297 ~ 1240 W. Front ~ Blossom, Texas 75416
Phone 1-903-982-5900 ~ Fax 1-903-982-6599

ORDINANCE NO. 02-006 **(Supersedes Ordinance 6-1-93)**

An Ordinance of the governing body of the City of Blossom, Texas, regulating recreational vehicles, mobile homes, and manufactured housing as a permanent or temporary residential dwelling; providing for repeal of all existing ordinances, or amendments thereto, in conflict with the terms and conditions of this ordinance; providing for an application procedure, establishment of certain fees, and standards for issuance of permits; providing for enforcement of the ordinance to include punitive sanctions for violations of the ordinance; providing for a severability clause; providing for this ordinance to take effect immediately upon its passage, the public welfare requiring such.

Whereas, Texas Manufactured Housing Standards Act authorizes municipalities to regulate by ordinance the installation of mobile homes and manufactured housing as permanent residential structures;

Whereas, such ordinance is necessary to promote the health, safety, morals, and general welfare of the municipality and the safe, orderly and healthful development of the City of Blossom;

Whereas, a public hearing on the matter, after proper public notice, has been held prior to adoption of this ordinance; and

Whereas, the City Council finds that this ordinance should be adopted as an ordinance of the City of Blossom, Texas;

Therefore, be it ordained by the City Council of the City of Blossom, Texas that the following rules and regulations governing recreational vehicles, mobile homes, and manufactured housing as residential structures within the City limits of Blossom, and any property to be served by the City of Blossom Water Supply System, are hereby adopted:

SECTION 1. Administration – This ordinance shall be administered by the City Administrator, Chief Administrative Officer appointed by the City Council, or any City Official so designated by the City Council.

SECTION II. Adoption of Texas Manufactured Housing Standards Act – The City of Blossom, Lamar County, Texas, hereby adopts the Texas Manufactured Housing Standards Act as an integral section of this ordinance as though fully copied herein.

SECTION III. General Land Use Requirements – The City of Blossom Comprehensive Plan, developed with financial and administrative support from the Texas Department of Housing and Community Affairs, completed by Hayter Engineering, 1999, is hereby adopted by reference as though fully copied herein as the standard for land use and types of construction to be considered in the approval of all building permits and mobile home/manufactured housing installations. Plat maps of the City of Blossom, integral to the City's Comprehensive Plan, "Existing Housing Conditions, 1999" and "Existing Land Use, 1998" are specifically adopted as an element of this ordinance for utilization in approval consideration for installation of manufactured housing.

SECTION IV. Definitions

A. **Recreational vehicle** – A self-contained vehicle or trailer manufactured to be utilized on public highways and streets as a continuously mobile vehicle, primarily designed for recreational travel.

B. **Mobile home** – means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the 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 square feet, and which is built on a permanent chassis 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.

C. **HUD-code manufactured home** – means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections which, in the 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 square feet, and which is built on a permanent chassis 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. The term does not include a recreational vehicle as that term is defined by 24 CFR Section 3282.8(g).

D. **Installation** – means, when used in reference to manufactured housing, the transporting of manufactured homes or manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air conditioning, and minor adjustments.

SECTION V. Application for Permit – Application for the City to consider approval for placement or replacement of any mobile structure to be utilized as a temporary or permanent residential structure shall be presented to the City as follows:

- A. Application must be presented to the City on a form provided for such purpose and shall be signed by the property owner and/or the owners of structure proposed to be moved onto such property.
- B. Application must be fully completed, detailing the following information:
 - 1. Name, address and telephone number of the property owner, and name, addresses and telephone number of the owner of the manufactured home proposed for consideration for installation.
 - 2. Location of property proposed for installation of manufactured home, and size and dimensions of the property.
 - 3. Specifications of proposed manufactured home, and size and dimensions of the same; including make, model and year of manufacture.
 - 4. Name, address and license number of the proposed licensed installer.
- C. Application must be completed and presented to the Blossom City Hall a minimum of ten (10) working days prior to next regular meeting of the City Council.
- D. Incomplete applications, or applications for mobile structures obviously in non-compliance with regulations established within this ordinance, shall be rejected at the administrative level. Appeals to such rejection may be considered by the City Council, when such appeal is filed with the City.

SECTION VI. Application/Installation/Inspection Fees

- A. Non-refundable application fee for completed and acceptable applications shall be \$20.00, and shall be paid with the completed application prior to consideration of the same by the City Council.
- B. A plumbing inspection fee, as required by existing City ordinance, in the amount of \$40.00, shall be paid subsequent to approval by the City Council, but prior to installation of the structure. All plumbing connections to City service must be in compliance with existing City ordinances and TNRCC regulations.

SECTION VII. Installation

- A. Any HUD code manufactured home permitted by regulations established within this ordinance must be installed in compliance with this ordinance, permanently installed by a licensed manufactured home dealer or installer, skirted to specifications

established by the manufacturer of the structure, and installed to specifications and standards established by the Texas Manufactured Housing Standards Act.

B. Failure to comply with installation requirements established herein shall cause any such prior permit by the City to be null and void, and the City may file appropriate removal orders for mobile structures not properly installed.

C. The City shall not provide new or continuing water and other utility service to structures not installed in compliance with this section.

SECTION VIII. Mobile Structures Prohibited – Subsequent to the passage of this ordinance, it shall be unlawful to install, move in, or utilize any mobile structure, listed within this section, as a permanent residence within the City of Blossom, or onto any property, regardless of location, served by the City Water Supply System:

A. Except as permitted by the City Council as a temporary dwelling, as defined by SECTION XI below, any type or size of recreational vehicle is prohibited.

B. Any mobile home, as defined in Section IV, paragraph B, is prohibited.

C. Any recreational vehicle, mobile home or HUD-code manufactured home, to be utilized as a permanent second residence on any lot or property, less than one acre in size, is prohibited.

D. Installation of any mobile structure, either as a temporary or permanent residence, in Flood Zone A, as defined by FEMA Flood Insurance Rate Map, is prohibited.

SECTION IX. Replacement of Existing Mobile Home with HUD-Code Manufactured Home – After proper application process, a HUD code manufactured home, to be utilized as a replacement for a mobile home previously legally permitted and used or occupied as a residential dwelling shall be permitted by the City contingent upon the following conditions:

A. Application must be completed and presented in compliance with SECTION V and VI of this ordinance.

B. The City must be provided certification that proposed mobile structure was manufactured after June 15, 1976, and was manufactured to HUD-code standards.

C. Proposed mobile structure must be sound, in good condition, and must meet all existing health, safety and fire standards.

D. Such HUD-code structure must be installed in compliance with regulations established within this ordinance.

E. Such installations must meet setback requirements established by City ordinance or, at least, setbacks shall not exceed setbacks of existing structure.

F. Water and sewer installations must meet established requirements of all existing City ordinances or State regulations.

G. Relating to properties on which mobile homes were previously installed, if previous structure has been moved for more than 90 days, or structures that have not been occupied for more than 90 days, such properties do not automatically qualify for approval under this section.

SECTION X. Specific Use Permit for Placement of HUD-Code Manufactured

Home – The City Council of Blossom, Texas may consider the application for a specific use permit for placement of a HUD-code manufactured home, not otherwise authorized in SECTION IX, above, based upon the following conditions and standards established herein:

A. Application must be completed and presented in compliance with SECTION V and VI of this ordinance.

B. HUD-code manufactured home proposed to be utilized as a permanent residence, acceptable for consideration for a specific use permit, must have been manufactured subsequent to November 3, 1998, and must incorporate a minimum of 864 square feet of heated living space.

C. The City must be provided certification that proposed mobile structure was manufactured after November 3, 1998, and was manufactured to HUD-code standards.

D. The City shall properly post and hold a public hearing by the City Council to consider such approval. All property owners or residents, who are known to the City and whose properties are adjacent to the property or whose properties are within 400 feet of the property proposed for placement of manufactured housing, must be notified by mail or by hand delivery at least 72 hours prior to such public hearing.

E. Applicant must circulate a petition to property owners, detailed in paragraph D above, and provide the response to such petition to the City Council at the public hearing held to consider approval for specific use permit to install a manufactured home.

F. Subsequent to the required public hearing, the City Council, meeting in legally posted public session, must approve or disapprove the application for specific use permit based upon the additional following conditions and standards:

1. Property or lot size must meet or exceed 80 feet by 100 feet or the reasonable equivalent thereof,
2. Compliance with all City ordinances, to include, but not limited to those pertaining to plumbing inspection and water and sewer taps,
3. The percentage of property owners, defined in paragraph D above, who are in agreement with application for specific use permit, and
4. The application for a specific use permit shall not be approved unless two-thirds of the elected alderman (4 members of the City Council) vote in favor of a motion to approve the application based upon a roll call vote.

SECTION XI. Recreational Vehicles as a Temporary Dwelling – Recreational vehicles, as defined in SECTION IV, paragraph A, may be considered for approval by the City Council as a temporary dwelling, based upon the following conditions and standards established herein:

- A. Application must be completed and presented in compliance with SECTION V and VI of this ordinance.
- B. Recreational/mobile structure must be a minimum of 8 feet by 30 feet, must be self-contained, or when connected to proper utilities providing heating, air conditioning, contain kitchen, bath and sewer facilities, and must be in an acceptable condition for living quarters.
- C. Applicant for temporary permit must have filed for a site-built residence-building permit, with the recreational vehicle to be used only as a temporary residence pending completion of the building of a permanent residence.
- D. Such permit for a temporary residence shall not exceed six (6) months. At the expiration of the six (6) months period, the applicant must re-apply for continued use as a temporary residence, and must justify request for renewal.

SECTION XII. New or Continuous City Water and Utility Services to Recreational Vehicles, Mobile Homes or Manufactured Housing

- A. The City shall not provide new or continuing water or other utility service to any structure not in compliance with this ordinance or to any recreational vehicle, mobile home or HUD-code manufactured home not permitted or installed in compliance with regulations established herein. The City shall, after 10 days notice, curtail water and sewer service to any mobile structure or residence not in compliance with this ordinance.

B. No property owner or resident may furnish water or sewer service to any mobile structure not permitted or installed in compliance with regulations established herein. The City shall, after 10 days notice, curtail water and sewer service to any property, resident, or owner who furnishes such water or sewer service or violates any of the regulations established within this ordinance.

SECTION XIII. Modular/Industrial Homes and Buildings - Nothing in this ordinance or regulations adopted pursuant thereto, shall be construed as adoption of regulations pertaining to modular industrial homes or structures, as defined by the "Texas Industrialized Housing and Buildings Act (IHBA)."

SECTION XIV. Private Covenants and Deed Restrictions - Nothing in this ordinance or regulations adopted pursuant thereto shall be construed as abrogating or limiting a recorded covenant or deed restriction.

SECTION XV. Decisions of Council Final - The decisions of the City Council shall be final in all questions regarding the application of the provisions of this ordinance.

SECTION XVI. State Statutes Prevail - Provisions of this ordinance or sections, sentences or clauses contained herein, which may be in conflict with the Texas Manufactured Housing Standards Act and Regulations promulgated thereto, Local Government Code, or other State statutes or regulations, are hereby superseded to the degree that State statutes shall prevail..

SECTION XVII. Supersession Clause - Ordinance No. 6-1-93, Regulating Mobile Homes, is hereby superseded by the regulations established herein. Any clause, sentence, paragraph or section of any other existing ordinance of the City of Blossom is hereby superseded to the degree that the provisions of this ordinance shall prevail.

SECTION XVIII. Ordinance Is Cumulative - Except as provided in Section XVII, above, this ordinance shall be cumulative of, and in addition to all other ordinances of the City of Blossom.

SECTION XXIX. Severability Clause - If any section of this ordinance shall be declared invalid by a court of competent jurisdiction, such ruling shall not affect the validity of the remainder of this ordinance.

SECTION XX. Penalty and Enforcement

A. Failure to properly apply for approval of the City Council for permit for installation or placement of any mobile structure, as defined within this ordinance, as a temporary or permanent resident or dwelling, or any other violation of any section of

this ordinance, shall be subject to a fine of up to five hundred dollars (\$500). Each day of any violation shall constitute a separate offense.

B. The City is entitled to injunctive relief and recovery of damages and any other enforcement procedures in order to bring about compliance with any section or requirement of this ordinance.

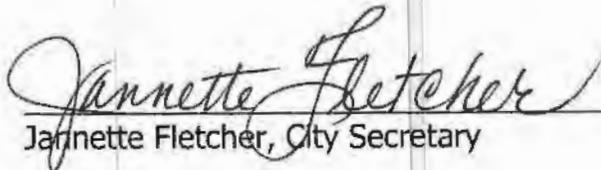
SECTION XXI. Ordinance in Immediate Effect/Emergency Clause - In order to protect the public safety, health, and general welfare of its citizens, the governing body of the City of Blossom, Texas hereby declares that this ordinance shall take effect immediately, and shall be in force from and after its passage.

Passed and adopted by the City Council of the City of Blossom, Texas, convened in public session in the City Council Chambers, City Hall, 1240 W. Front Street, Blossom, Texas, this 11th day of JULY, 2002.



Roger S. Johnson, Mayor

ATTEST:



Jannette Fletcher, City Secretary