

ORDINANCE 72 MANUFACTURED HOUSING

AN ORDINANCE PROHIBITING INSTALLATION OF MOBILE HOMES; REQUIREMENTS FOR EXISTING MOBILE HOMES; REQUIRING REMOVAL OF MOBILE HOMES UNDER CERTAIN CONDITIONS; LIMITING OCCUPANCY TYPE FOR MOBILE HOMES; REGULATING THE INSTALLATION OF MANUFACTURED HOUSING; LIMITING THE OCCUPANCY TYPE FOR MANUFACTURED HOUSING; REGULATING THE ESTABLISHMENT AND OPERATION OF MANUFACTURED HOUSING PARKS; REGULATING THE USE, STORAGE AND PARKING OF RECREATIONAL VEHICLES; REGULATING THE ESTABLISHMENT AND OPERATION OF RECREATIONAL VEHICLE PARKS; REGULATING OCCUPANCY FOR PORTABLE BUILDINGS; PROVIDING FOR PERMITS; SETTING FEES; ESTABLISHING AN APPEALS PROCESS; FIXING PENALTIES FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF BAYSIDE, TEXAS:

ARTICLE I PURPOSE

The purposes of this Ordinance are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of TEXAS MANUFACTURED HOUSING STANDARDS ACT Texas Civil Statutes, Article 5221f and to provide opportunities for the location of affordable and safe housing within the Town.

ARTICLE II APPLICABILITY & ADMINISTRATION

SEC. 1 Applicability. This Ordinance shall apply to all land within the Town of Bayside (or outside the City Limits when the structure will be connected to the City's water and/or sewer system or its Extraterritorial Jurisdiction as defined by State law) and to all factory-built housing located in the Town.

SEC. 2 Administration and Enforcement. The provisions of this Ordinance shall apply to all manufactured housing within the Town of Bayside and shall be administered and enforced by the Town of Bayside City Council.

ARTICLE III DEFINITIONS

For the purpose of this ordinance, certain terms, words and phrases shall have the meaning hereinafter ascribed thereto. Terms not defined shall have their customary dictionary meaning.

- A. Agent - Any person authorized by the licensee of a manufactured housing park to operate or maintain such park under the provisions of this ordinance.**
- B. Building Official. The State Inspector, City building inspector or his designated representatives, or fire marshal.**
- C. Certificate of Occupancy. A certificate issued by the Building Official for the use of buildings, structures, and/or land improvements which certifies that the buildings, structures, and/or land improvements complies with the provisions of all applicable City codes, ordinances, and regulations.**
- D. City. The Town of Bayside**
- E. City Official. The legally designated head of a City department or his authorized representative when acting in an official capacity.**

- F. **Common Access Route.** A private way that affords the principal means of access to individual manufactured housing lots or auxiliary buildings in a manufactured housing park.
- G. **Habitable.** (As defined by the Texas Manufactured Housing Standards Act as amended) The term "habitable" as applied to manufactured housing is limited to and means that there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating and electrical systems are in safe working order; that the walls, floor, and roof are free from any substantial openings not designed and are structurally sound; and that all exterior doors and windows are in place. (TCSA 5221f)
- H. **Habitability Inspection.** An inspection by the Building Official or his designee to determine if a manufactured home is habitable, or an inspection by a licensed professional engineer, a licensed architect, or other approved authority, in order to certify in writing that a manufactured home is habitable as defined in G of this section.
- I. **HUD-Code manufactured home.** 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 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 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. The term does not include a recreational vehicle as the term is defined by 24 C.F.R. Section 3282.8(g). (TCSA 5221f)
- J. **Industrialized Housing Or Buildings** means structures that are constructed in one or more modules or modular components built at a location other than the permanent site, which are transported to the permanent site and are erected or installed on a permanent foundation system. The terms include the plumbing, heating, air-conditioning, and electrical systems. Housing or buildings in excess of 3 stories or 49 feet are not covered. Industrial housing or buildings must be constructed under the Industrial Housing and Building (IHB) program which can be identified by the label (decal or insignia) affixed to the module or modular component by the manufacturer.
- K. **Installation.** When used in reference to manufactured housing, means the construction of the foundation systems, 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, and minor adjustments.
- L. **Law Enforcement Agency** means:
The Department of Public Safety;
The police department of a municipality;
A sheriff deputy or constable.
- M. **License.** A written document issued by the Town of Bayside, authorizing a person to operate and maintain a manufactured housing park under the provisions of this ordinance and regulations.
- N. **Licensee.** A person licensed to operate and maintain a manufactured housing park under the provisions of this ordinance.
- O. **Licensed Installer.** Any person or business, that holds a license issued by the Texas Department of Housing and Community Affairs authorizing them to perform installation functions on manufactured housing.

- P. **Manufactured housing or Manufactured home.** A HUD-code manufactured home or a mobile home and collectively means and refers to both. (TCSA 5221f)
- Q. **Manufactured Housing Park.** A unified development of manufactured housing spaces arranged on a tract of land under single person ownership, meeting all requirements of this ordinance, containing ten (10) or more spaces regardless of whether or not a charge is made for such accommodations.
- R. **Manufactured Housing Park Permit.** A written document issued by the city authorizing the construction, alteration, or extension of a manufactured housing park, under the provisions of this ordinance.
- S. **Manufactured Housing Subdivision.** The division of a tract of land into any number of lots, tracts, sites, parcels, or areas of any size, including any improvements as defined in the Subdivision Ordinance, that has been designated by the City Council as Manufactured Housing Subdivision.
- T. **Mobile Home.** 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 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. (TCSA 5221f)
- U. **Modular Component** means a structural portion of any dwelling or building that is constructed at a location other than the installation site in such a manner that its construction cannot be adequately inspected for code compliance at the installation site without damage or removal of a part thereof and reconstruction. Modules and modular components must be constructed under the Industrial Housing and Building (IHB) program which can be identified by the label (decal or insignia) affixed to the module or modular component by the manufacturer.
- V. **Parking Space.** A minimum space of ten (10) feet in width by twenty (20) feet in length, located within the boundary of a manufactured home space, or a common parking and storage area having unobstructed access to common access route.
- W. **Person.** Any natural individual, firm, trust, partnership, association, or corporation.
- X. **Placement Permit.** A document issued by the Town of Bayside authorizing the installation of a HUD-Code Manufactured home on a plated property or in a manufactured housing park.
- Y. **Placement Permit Application.** A document completed by the applicant for a Placement Permit providing required information about the owner, the HUD-Code manufactured home, the installer, the proposed location of placement and a plot plan.
- Z. **Plot Plan.** Graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.
- AA. **Property Owner.** The person listed on the Tax Roll as owner or agent of property.
- BB. **Recreational Vehicle.** Recreational Vehicle means a structure built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; self propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

- CC. Replacement. The act of moving a mobile home from its existing location and replacing it with a habitable HUD-Code manufactured home that meets the requirements of this ordinance.
- DD. Service Building. A structure which houses park service equipment, Laundromat, etc.
- EE. Space. A plot of ground within a manufactured housing park designated for the accommodation of one manufactured home, together with such open space as required by this ordinance. This term also shall include the terms "lot", "stand", and "site".
- FF. Texas Department of Licensing and Regulation (TDLR). Responsible for issuing decals for certification of modular buildings and components.
- GG. Texas Manufactured Housing Standards Act or (TCSA 5221f). Administrative Rules of the Texas Department of Housing and Community Affairs, 10 Texas Administrative Code, Chapter 80.123. Texas Civil Statute Article 5221f, known as the Texas Manufactured Standards Act, including all amendments.
- HH. Utility. Utility shall mean water, sewer, electrical, and/or gas service.

ARTICLE IV MOBILE HOMES

SEC. 1 Mobile Homes Prohibited. From and after the effective date of this ordinance, placement permits shall not be issued for the installation of a mobile home, as defined in ARTICLE III of this ordinance, within the City limits of the Town of Bayside or outside of the City limits where it is to be connected to the City's water and/or sewer systems.

SEC. 2 Non-Conforming Structures. Any mobile home or house-trailer that was lawfully established prior to the effective date of this Ordinance shall be considered a non-conforming structure and may continue to be maintained, repaired, improved, expanded, or relocated on another portion of the same lot. No mobile home shall be used for any purposes other than residential occupancy without recommendation of the Planning Commission and approval of the City Council.

SEC. 3 Replacement Option. A mobile home owner may replace an existing mobile home with a habitable HUD-Code manufactured home that meets the requirements of this ordinance.

ARTICLE V EXISTING MANUFACTURED HOUSING AS OF THE EFFECTIVE DATE OF THIS ORDINANCE.

SEC. 1 Texas Manufactured Housing Standards Act. Owners of existing manufactured housing as well as the owners of the property on which manufactured housing is located should be cognizant of the requirements of the Texas Manufactured Housing Standards Act.

SEC. 2 Existing Conditions. The existing conditions of any manufactured home existing as of the effective date of this ordinance, located within the City limits or located outside City limits and connected to the City water and/or sewer system, which are not in strict compliance with this ordinance, may be permitted to continue, provided that the manufactured home is "habitable", as defined by the Texas Manufactured Housing Standards Act. All existing lots on which manufactured homes are currently located or which are currently served by utility connections intended for use by manufactured housing, as of the effective date of this ordinance, shall be permitted to continue as a manufactured home lot.

SEC. 3 Habitability Required. All existing manufactured housing shall be habitable as defined by the Texas Manufactured Housing Standards Act. If at any time following 90 days after the effective date of this ordinance, any manufactured home is found to be in a non-

habitable condition in the opinion of the Building Official, it shall be the dual duty and responsibility of the owner of such manufactured home and the owner of the property on which the said manufactured home is located, to make such repairs as necessary to bring the manufactured home into a habitable and safe condition, or have the manufactured home removed from the City limits, within 90 days of the notification by the City.

- A. Upon completion of any needed repairs, habitability will be established by either a habitability inspection by the Building Official, or a habitability inspection by an authorized individual other than the Building Official, as defined in ARTICLE III.
- B. Persons licensed to perform such work by the State of Texas shall perform all electrical, plumbing or mechanical work that requires a permit. (State Board of Plumbing Examiners; Texas Department of Licensing and Regulation; or a City master electrician license). A home owner who constructs or repairs his own residence or other property owned and operated by the owner is exempt from the licensing provision of this ordinance but it must be to code and pass inspection, however, any subcontractors other than the property owner must be licensed.
- C. All plumbing connections shall be in accordance with the City's adopted Plumbing Code and the rules and regulations of the State agency regulating water and sewer service.
- D. The exterior electrical system shall be in accordance with the National Electric Code. The frame of the mobile home shall be bonded to the electrical grounding system.

SEC. 4 Extension of Time for Compliance. Property owner(s) may make application for a 30-day extension of time to comply with SEC. 3 of this ARTICLE. Such application must be submitted to the City Council and shall contain a detailed description and schedule of work to be done to bring the manufactured home into compliance. Such extension may be granted when the City Council determines such extension will not directly or indirectly result in an immediate health or safety hazard to the occupants and/or others.

SEC. 5 Maintenance Required. It shall be the dual duty and responsibility of the owner of existing manufactured housing, as defined in ARTICLE III of this ordinance, and the owner of the property on which the manufactured home is located within the City Limits or manufactured homes located outside the City Limits and connected to the City water and/or sewer system, to maintain the manufactured home in a habitable condition.

ARTICLE VI HUD-CODE MANUFACTURED HOUSING

From the effective date of this ordinance:

SEC. 1 Permit Requirements. No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Bayside or move a manufactured home from one lot or parcel of land to another without a placement permit from the City. A placement permit shall be required to install a HUD-Code manufactured home within the City Limits or outside the City Limits when the manufactured home will be connected to the City's water and/or sewer system. Application for placement permit must be accompanied by a plot plan approved by the City. A HUD-Code Manufactured Home, not purchased directly from a licensed dealer, shall have a habitability inspection, as defined in ARTICLE III, prior to issuance of a placement permit. No manufactured housing may be sited within the Town of Bayside, Texas without either a bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating such housing in this Town; or evidence of certification of payment of the sales tax. A copy of each document required for each housing unit shall be filed with the City prior to the siting of said unit. The City shall issue the permit within seven (7) days of receipt

of a written application and submission of proof that the manufactured home meeting the requirements of this ordinance.

- A. **Wind Zone II Standards.** A HUD-code manufactured home constructed on or after September 1, 1997 must meet the Wind Zone II standards adopted by the United States Department of Housing and Urban Development in order to be installed in a Wind Zone II county. (TCSA 5221f; Sec 6B(b)). The Town of Bayside is situated in Refugio County, which is a Wind Zone II county.

SEC. 2 Installation, Habitability, And Use.

- A. A licensed installer as stipulated by and in accordance with the Texas Manufactured Housing Standards Act shall perform installation. Installation shall include full skirting.
- B. HUD-Code manufactured housing installed within the City Limits or the City's Extraterritorial Jurisdiction (as defined by State law) or outside the City Limits and connected to the City's water and/or sewer system shall be habitable and must be installed in accordance with all standards, rules, regulations and administrative orders and requirements of the State of Texas Department of Housing and Community Affairs, or its successor agency.
- C. The installation and connection of all utility wiring, piping and mechanical equipment shall require permits in accordance with City Ordinance governing such work. Licensed craftsmen as required by City Ordinance and/or State law shall perform all work.
- D. All HUD code manufactured homes shall have a permanent masonry foundation or a permanent concrete pier/beam foundation. Tie down requirements must be anchored and supported in accordance with the Texas Manufactured Housing Standards Act and the TDHCA Administrative Rules.
- E. No manufactured housing shall be used for other than residential occupancy without recommendation of the Planning Commission and approval of the City Council.
- F. All HUD-Code manufactured housing and foundations must pass a final inspection before utilities are connected.

SEC. 3 Maintenance Required. It shall be the responsibility of the owner of a HUD-Code manufactured home to maintain said unit in a habitable condition and good state of repair .It shall be the duty of the owner of the property upon which said unit is situated to insure that the owner of such unit is in compliance with all of the term and conditions of all applicable rules, ordinances and laws. In the event of non-compliance, dual notice shall issue to the homeowner and the property owner.

SEC. 4 Location of Manufactured Housing.

- A. Manufactured homes constructed after September 1, 1997 and meet the Wind Zone II standards, are permitted in all zones in which single family-dwellings are permitted.
- B. Mobile homes constructed before June 15, 1976 are not permitted in any zone, but any established prior to this ordinance is grandfathered and continues as non-conforming structure. Unless located within an approved manufactured home park, a modular or manufactured home, whatever its date of manufacture, must comply with the same setback and minimum lot size requirements as applicable to single-family dwellings in that district. Manufactured homes are not permitted in any business or industrial zones.
- C. HUD-Code Manufactured buildings, portable buildings, travel trailers are not permitted to be located within the corporate city limits of the Town of Bayside, Texas for private occupancy or business use unless located in an established mobile home or travel trailer park or subdivision or within the confines of Business Zone 505 and the West 1/2 of

Block 17, Town of Bayside, Texas. Individual HUD-Code Manufactured or portable buildings shall:

- 1. Comply with the National Mobile Home Construction and Safety Regulations established in 1976 and thereafter amended by the Federal Department of Housing and Urban Development, or with the International Residential Building Code 2000 as adopted and amended by the Town of Bayside.**
- 2. The HUD-Code Manufactured building shall be a minimum of 12 feet wide with acceptable house type exterior, with approved skirting. Manufactured homes not placed on a permanent foundation shall have all space between the pad and the floor of the home enclosed by skirting no later than fourteen (14) days after home is placed on the property. Skirting may consist of vinyl, concrete block, painted or stained wood or plywood, or other permanent material. Tongues, wheels and axles must be removed.**
- 3. Comply with all square footage requirements relating; to a single-family home contained in this Ordinance, and other applicable regulations in the Code of Ordinances of the Town of Bayside.**

SEC. 5 Standards. The standards shall apply to all manufactured housing built after September 1, 1997 that meet the Wind Zone II standards and must meet the procedures and requirements in the Town of Bayside adopted building code *International Residential Code* section E. The applicant shall have the burden of proving to the City that these standards are met.

- A. All manufactured housing located in the Town of Bayside and not in the zoned area provided in SEC. 4 C. of this ARTICLE or outside the City Limits when the manufactured home will be connected to the City's water and/or sewer system, shall be at least twenty-seven (27) feet in width and shall have a composition shingled and pitched roof and must be a new home, not previously occupied, and constructed with new material.**
- B. All manufactured housing shall contain at least 750 square feet of living space. Manufactured homes not placed on a permanent foundation shall have all space between the pad and the floor of the home enclosed by skirting no later than fourteen (14) days after home is placed on the property. Skirting may consist of vinyl, concrete block, painted or stained wood or plywood, or other permanent material. Tongues, wheels and axles must be removed.**
- C. Electrical System.** A person holding a master license issued by the State of Texas Electricians Examining Board shall inspect and certify in writing that the electrical system is safe and meets the National Electrical code in effect at the time the home was manufactured.
- D. Sewage Disposal.** All water carried sewage shall be disposed of by means of one (1) of the following:
 - 1. Individual subsurface sewage systems meeting the requirements of the State of Texas Plumbing Code.**
 - 2. Public sewer in accordance with the Town of Bayside Sewer Ordinance.**
 - 3. All subsurface sewage systems shall be approved by the local Plumbing Inspector.**
- D. Authority To Disconnect Utility Services.** The City Council and/or Building Official shall have the authority to authorize disconnection of utility services to the building, structure or system regulated by the Building Codes, in case of emergency where necessary to eliminate an immediate hazard to life or property or if in violation of city building codes. The city shall notify the serving utility, and whenever reasonably possible, the owner and occupant of the building, structure or user of the service system of the decision to disconnect prior to taking

such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter. The Building Official or City Council may, in writing, suspend or revoke a Certificate of Occupancy whenever it is determined that the certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, a portion of the building or structure is in violation of any ordinance, regulation, or provision of the building codes.

ARTICLE VII MANUFACTURED HOMES LOCATED WITHIN A FLOOD PLAIN

The following procedure does not apply to existing manufactured homes within a flood plain. The following procedure will be implemented only when a request is submitted to move a manufactured home into or within an existing manufactured home park and located within a flood plain.

SEC.1 The owner/manager of a mobile home park shall be responsible to ensure that he or the tenant obtains all appropriate permits as stipulated in this ordinance.

SEC.2 If a mobile home is being replaced or moved into or within an area designated as a flood plain, the following procedures shall be followed:

- A.** Staff shall review the flood plain map associated with the park in question, and identify the address of the location in which the new manufactured home is requested to be placed.
- B.** If the requested address is identified on the flood plain map, the owner/manager will be informed that the manufactured home will not be allowed in that specific location, and within the flood plain, unless it is raised where the lowest floor of the manufactured home is no lower than the base flood elevation.
- C.** A permit will be issued to allow for the placement and elevation of the manufactured home, however, no utilities will be released until an elevation certificate is submitted showing that the elevation of the manufactured home is equal to or above the base flood elevation.

SEC. 3 Tie-Down Requirements For Manufactured Homes Within A Flood Plain:

Less Than 2 Feet Above Base Flood Elevation.

- A.** The lowest floor of any manufactured home shall be no lower than the base flood elevation.
- B.** All manufactured homes whose lowest floor is located less than two (2) feet above base flood level but no lower than the base flood elevation shall be anchored to resist flotation, collapse or lateral movement.
- C.** Specific Requirements for anchoring:
 - 1.** Over-the-top ties at each of the four (4) corners of the manufactured home, with two (2) additional ties.
 - 2.** per side at intermediate locations and for manufactured homes more than fifty (50) feet long, one additional tie per side;
 - 3.** Frame ties at each corner of the home with five (5) additional ties per side at intermediate points and for manufactured homes more than fifty (50) feet long, four (4) additional ties per side;

4. All components of the anchoring system must be capable of carrying a force of forty-eight hundred (4,800) pounds (These inspections must be confirmed by a State of Texas licensed installer);
5. Any additions of habitable space to the manufactured home must be similarly anchored.

SEC. 4 Tie-Down Requirements For Manufactured Homes Within A Flood Plain:

Two (2) Feet Above The Flood Base Elevation:

- A. Manufactured homes located at least two (2) feet above the flood base elevation shall be securely anchored to an adequately anchored foundation system in accordance with the Texas Manufactured Housing Standards Act, a State sealed engineering design, or the manufacturer's specification.

SEC. 5 No manufactured home shall be placed in a floodway or floodplain except in an existing manufactured home park or manufactured home subdivision.

**ARTICLE VIII
INDUSTRIAL AND MODULAR HOUSING**

SEC. 1 All industrial buildings and modules must have a decal affixed by the Texas Department of Licensing and Regulation (TDLR). The City will:

- A. require and review, for compliance with building codes, a complete set of design plans and specifications bearing the TDLR stamp for each installation within its corporate limits;
- B. require that all applicable local permits and licenses be obtained before any construction begins on a building site;
- C. require that all modules or modular components bear an approved decal reflecting that they have been inspected at the manufacturing plant or facility; and
- D. require inspection of the construction and installation of any industrialized housing or buildings to be located within City limits to assure compliance with the mandatory codes and the rules of the commissioner and for the inspection of all foundation and other on-site construction to assure compliance with approved designs, plans, and specifications.

**ARTICLE IX
MANUFACTURED HOUSING PARKS**

SEC. 1 General Requirements.

A. HUD-Code Manufactured Home Park Standards.

1. All HUD-Code manufactured housing located in manufactured housing park areas must meet the Wind Zone II standards adopted by the United States Department of Housing and Urban Development and must comply with all square footage requirements relating to a single-family home contained in this Ordinance, and other applicable regulations in the Code of Ordinances of the Town of Bayside.
2. All HUD-Code Manufactured Home Park facilities and HUD-Code Manufactured Homes contained therein shall conform without limitation to the codes and ordinances of the Town of Bayside, including the building, plumbing, electrical and fire codes and all applicable laws of the State of Texas.

3. **Foundation Systems and Anchorage.** Each manufactured home shall be anchored in accordance with Texas Department of Housing and Community Affairs Manufacturing Housing Standards and provide a HUD-Code Manufactured Home pad which shall provide an adequate foundation for the placement and tie-down of one single-family HUD-Code Manufactured Home thereby securing the superstructure against uplift, sliding rotation, and overturning. Further, such pad shall:
 - a. Be constructed of concrete which shall adequately support the weight of the HUD-Code Manufactured Home placed thereon and be durable and well drained under normal use and weather conditions.
 - b. Provide anchors and tie-downs such as cast-in-place concrete "dead men", eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors, or other devices which secure the stability of the HUD-Code Manufactured Home, and shall be placed at least at each corner of the HUD-Code Manufactured Home.
 - c. Cover an area of at least two hundred forty (240) square feet or at least one-third (1/3) the area of the largest HUD-Code Manufactured Home which is to be placed on the HUD-Code Manufactured Home space, whichever is greater. No surface provided for a purpose other than the foundation of HUD-Code Manufactured Home shall be considered a part of such HUD-Code Manufactured Home pad.
4. All HUD-Code Manufactured Homes located in Manufactured Home Parks shall have skirts within thirty (30) days after being placed. Skirting may consist of metal sheathing, concrete block, painted or stained wood or plywood, or other permanent material. Tongues, wheels and axles must be removed.
5. Manufactured housing parks shall be constructed in areas recommended by the Planning Commission and approved by City Council.

SEC. 2 Permits.

- A. **Permit Required.** It shall be unlawful for any person to construct, alter, extend or expand any HUD-Code Manufactured Home Park within the limits of the Town of Bayside (or its Extraterritorial Jurisdiction as defined by State law) unless said person holds a valid permit issued by the City in the name of the person for the specific construction, alteration or extension proposed. A subdivision plat shall be presented to the city for review. The documents shall include the location and specifications of all spaces, access ways, parking areas, service buildings, utility lines, fire hydrants and other construction within the subdivision. The plat will be presented to the Planning Commission for consideration and approval. Upon approval, the Planning Commission recommendation will be placed on the City Council agenda for final determination. No permit shall be issued for the construction or occupancy of a permanent residential structure in any manufactured home park, with the following exceptions:
 1. One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.
 2. The residents of the manufactured home park may convert an existing residence to a clubhouse, community center or service building for use.
- B. **Application Requirements.** All applications for permits shall be made upon standard forms provided by the city and shall contain the following:

1. Name and address of the applicant. If applicant is not the owner, the applicant shall provide written approval of said land owner of intended use.
 2. Location and legal description of the HUD-Code manufactured home park.
 3. To this application shall be attached a copy of a site plan, at a minimum scale of 1 inch = two hundred (200) feet for sites of thirty (30) acres or more, and at a minimum scale of 1 inch = one hundred (100) feet for sites under thirty (30) acres. This plan does not replace or supersede the subdivision plat of the property required by state law to be recorded in the county records of the county in which the property is located.
- C. Permit Fee for New or Additions to Existing Parks. All applications to the city shall be accompanied by a fee that is set by the city council said fees may be adjusted annually.
- D. Issuance of Permit. When upon review of the application and the city council is satisfied that the proposed plan meets the requirements of this ordinance, a permit shall be issued.
- E. Denial of Permit Hearing. Any person, whose application for a permit under this ordinance has been denied, may request a hearing on the matter.
- F. Transfer of License. Every person holding a license shall give notice in writing to the city within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park. Application for transfer of license shall be made within fifteen (15) calendar days after notification of change. Within ten (10) calendar days thereafter, the city shall act on the application for license transfer and it shall be approved if the park is in compliance with the provisions of this ordinance. A fee that is set by the city council shall accompany all applications for license transfer and said fees may be adjusted annually.
- G. Application for License. Renewal Application for renewal of a license shall be made in writing by the licensee on forms furnished by the city on or before January 1 of each year. Such application shall contain any change in the information occurring after the original license was issued or the latest renewal granted. Before the renewal license is issued, the city shall obtain the approval of the Fire Chief on the firefighting appliances, water supply, access ways or other applicable conditions as meeting fire safety requirements.
- H. Violations, Notice, Suspension of License. Whenever the city or the Building Official or his designee after consultation with the city official or officials he/she deems competent to judge, finds that conditions or practices exist which are in violation of any provision of this ordinance it shall give notice in writing in accordance with SEC. 4 of this ordinance, to the Permittee or Licensee or his agent that unless such conditions or practices are corrected within a reasonable period of time (not less than thirty days or more than one year) as specified in said notice, the license or permit shall be suspended. At the end of said period of time, and if such conditions or practices have not been corrected, the City may suspend the license and give notice, in writing, of such suspension to the licensee or his agent at the address provided in the application. Upon receipt of notice of suspension, the licensee shall cease operation of such park within ten (10) days after the notice is issued.
- I. Exception. Any Mobile/Manufactured Home Park that is substantially complete prior to adoption of this ordinance.

SEC. 3 Inspections.

- A. Inspections Required.** The Building Official, the Fire Chief and the Law Enforcement Agency are hereby authorized and directed to make such inspections as are necessary to determine compliance with this ordinance.
- B. Entry on Premises.** The Building Official, the Fire Chief and the Law Enforcement Agency shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.
- C. Inspection of Register.** The Building Official, the Fire Chief and the Law Enforcement Agency shall have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the manufactured home park.
- D. Duty of Occupants.** It shall be the duty of every occupant of a manufactured home park to give the licensee, his agent or authorized employee access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this ordinance.

SEC. 4 Notices, Hearings, And Orders.

- A. Notice of Violation; Requirements of Notice.** Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this ordinance, the city shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall be:
 - 1. In writing.
 - 2. Include a statement of the reasons for its issuance.
 - 3. Allow a reasonable time for the performance of the act it requires.
 - 4. Be served upon the licensee or his/her agent, provided that the notice of order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by certified mail to his last known address, or when he has been served with the notice by any method authorized or required by the laws of this state.
 - 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.
- B. Appeal from Denial of Permit by the Building Official.** Any person affected by the refusal of the Building Official to issue a permit under the provisions of this ordinance, may request and shall be granted a hearing on the matter before the City Council, provided that such person(s) shall file within thirty (30) days after the permit was refused, in the office of the City, a written petition requesting the hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such petition, the City Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such refusal should be modified or withdraw.
- C. Appeal from Notice Issued by the Building Official.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance applicable to such park by the Building Official may request and shall be granted a hearing on the matter by City Council, provided that such person shall file

within thirty (30) days after the day the notice was served, in the office of the City, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under Section 4 E. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

- D. **Hearing Order.** After such hearing, the City shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in Section 4. Upon failure to comply with an order by the City sustaining or modifying a decision thereof, the occupancy permit and the license of the park affected by the order shall be revoked.
- E. **Order Without Notice.** Whenever the City finds that an emergency exists which requires immediate action to protect the public health or safety, the city may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken, as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this ordinance, the order shall be effective immediately. Any person to whom an order is directed shall comply therewith immediately but upon written petition to the City shall be afforded a hearing as soon as possible. The provisions of Section 4 C shall be applicable to the hearing and the order issued thereafter.

SEC. 5 Minimum Requirements:

- A. **Site Plan Platting Requirements.** The site plan shall be filed as required by the ordinance and shall show the following:
 - 1. The area and dimensions of the tract of land with identification of location and boundaries.
 - 2. The name, address, fee owner and record owner of the proposed HUD-Code Manufactured Home Park to be constructed or of the existing HUD-Code Manufactured Home Park to be altered, extended or expanded.
 - 3. The name of the subdivision where the park is located.
 - 4. The names of adjacent public streets and roads.
 - 5. Locations and dimensions of all HUD-Code Manufactured Home spaces, utility easements, drives, recreation areas, streets and sidewalks. Each HUD-Code Manufactured Home space shall be numbered.
 - 6. Density in units per gross acre.
 - 7. Areas defined for waste containers and method of disposal of garbage and refuse.
 - 8. **Water and Sewer Plans** - Water and sewer plans must be submitted showing (a) sewer line locations, grades and sizes; and (b) water line locations and sizes and source of water supply.
 - 9. **Paving and Drainage Plans** - Paving and drainage plans must show the directions and calculated quantities of runoff and the proposed specifications for streets.
 - 10. Plans must indicate provision for street lighting along internal streets of the park.

11. A contiguous area of not less than five (5%) percent of the total park area shall be designated as a recreational area for the park's residents. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
12. The location and specifications of all buildings constructed or to be constructed within the park.
13. The location of fire mains including the size, the hydrants, and any other equipment which may be provided.
14. The location and details of the recreational area.
15. Such other information as municipal reviewing officials may reasonably require.
16. The city shall notify the applicant in writing as to whether the site plan was approved or disapproved, stating the reasons for disapproval and the modifications or conditions that must be made or met before approval can be obtained upon subsequent submission.

B. Site Requirements. Any HUD-CODE manufactured home park constructed after the adoption of this ordinance, and for any extension or addition to an existing manufactured home park in the city, shall be done in compliance with the following site requirements:

1. Each HUD-Code Manufactured Home Park shall be planned for and shall provide a minimum of five (5) acres in area. Location of the manufactured home park shall have no less than ten (10) manufactured home spaces and shall be located only on sites in compliance with the Zoning Ordinance. A HUD-Code Manufactured Home Park shall have no more than four (4) spaces per acre.
2. The perimeter of the manufactured home park shall be defined with fencing, visual screens or landscaping as approved by the city. All HUD-Code Manufactured Homes or structures in a HUD-Code Manufactured Home Park shall be located at least twenty-five feet (25) from any Manufactured Home park boundary line abutting upon a public/private street or highway and at least fifteen feet (15') from interior Manufactured Home park property boundary lines.
3. The following screening requirements shall be applicable: a landscaped strip, not less than ten (10) feet in width shall be located along all HUD-Code Manufactured Home Park boundary lines abutting upon a public dedicated street or abutting residential property. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing and maintenance of site-obscuring trees, shrubs and plants. Trees, shrubs, cane and/or other vegetation shall be planted, cultivated and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years.

C. Space requirements. Each manufactured home space shall provide a minimum area of five thousand (5,000) square feet; however, no manufactured home space shall have dimensions less than fifty (50) feet on the narrow dimension nor one hundred (100) feet in the long dimension.

D. Occupancy limitation. No more than one family unit shall occupy any manufactured home space.

E. Open Space Requirements:

1. The minimum front yard setback shall be ten (10) feet from the nearest corner of the manufactured home to the front line of the manufactured home space.
2. No manufactured home shall be closer than ten (10) feet to any property line or space or closer than twenty-five (25) feet to the property line or space adjoining a public street. There shall be no carports, covered porches, or structures within the setback areas.
3. For other structures on each space, the minimum front yard setback shall be at least ten (10) feet.

F. Height regulations:

1. The height limit for any structure intended for occupancy in the manufactured home park shall be thirty-five (35) feet.
2. The average height of the manufactured home frame above the ground elevation, measured at ninety (90) degrees to the frame, shall not exceed three (3) feet.

G. Soil and Ground Cover. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.

H. Drainage. The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner.

SEC. 6 Design and Location of Storage Facilities. Unless provided in current manufactured home models, storage facilities with a minimum capacity of two hundred (200) cubic feet per manufactured home space may be provided on the space or in compounds located within one hundred (100) feet of each space. Where provided, storage facilities shall be faced with a durable, fire-resistant material. Storage outside the perimeter walls of the HUD-Code Manufactured Home shall be permitted only if in such facilities. No storage shall be permitted under a HUD-Code Manufactured Home. Storage facilities shall not be located within ten (10) feet of any HUD-Code Manufactured Home space boundary line.

SEC. 7 Access, Traffic Circulation And Parking

A. Internal private streets, no-parking area signs and street name signs shall be privately owned, built and maintained. Private streets shall be designed for safe and convenient access to all spaces and to facilities for common use of park residents.

B. Internal private streets shall be kept open and free of obstruction in order that Law Enforcement Agencies and fire vehicles may have access to any areas of the manufactured home park.

C. The Law Enforcement Agency shall be authorized to issue citations for the violation of the provisions hereof and to remove and impound offending vehicles.

D. On all sections of internal private streets on which parking is prohibited under this ordinance, the owner or agent shall erect metal signs prohibiting parking.

E. The sign type, size, height and location shall be approved by the city prior to installation.

F. All internal private streets shall be constructed to specifications established by the city and shall be maintained by the owner or agent free of cracks, holes and other hazards.

G. An internal private street or common access route shall be provided to each manufactured home space. Internal streets shall be minimum pavement width of twenty-four (24) feet. Parking shall not be allowed on the minimum street width. An additional lane of nine (9) feet minimum width may be added to one or both sides for off-street parking.

H. When the park is constructed with internal private streets having a width less than twenty-four (24) feet, off-street parking shall be provided on each manufactured home space in the ratio of two parking spaces for each manufactured home space. On-street parking shall be permitted on only one side of the street.

I. No vehicular access to a HUD-Code Manufactured Home space is permitted from a public dedicated street.

J. The internal private streets shall be continuous and connect with other internal private streets or with public streets or shall be provided with a cul-de-sac having a minimum diameter of one hundred (100) feet.

K. Each parking space shall be hard-surfaced with all-weather material and located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park.

L. Internal private streets shall permit unobstructed access to within at least one hundred fifty (150) feet of any portion of each manufactured home.

M. Within each manufactured home park, all private streets shall be named and manufactured homes numbered to conform with block numbers on adjacent public streets.

N. All street name signs and house numbers shall be of reflective material.

O. These street signs shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets.

P. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

Q. Streets shall be laid out to provide a minimum distance of two hundred forty (240) feet, center to center of parallel streets, between intersections.

R. Interior private streets shall intersect adjoining public streets at ninety (90) degrees and at locations which will eliminate or minimize interference, with traffic on those public streets and shall be approved by the city.

S. Private streets that may connect two (2) public street rights-of-way shall, by the use of curves, offsets, location, and/or the use of two (2) or more streets be located so as to discourage through traffic.

SEC. 8 Street Lighting. The internal private streets, parking lots, walks and service areas shall be lighted at all times so the HUD-Code Manufactured Home Park shall be safe for occupants and visitors, provided further all entrances and exits shall be lighted. Street lighting shall be located at not more than two hundred foot (200') intervals along streets such as to maintain adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

SEC. 9 Fire Safety Standards.

- A. Access to Manufactured Homes for Firefighting.** Approaches to all manufactured homes shall be kept clear for firefighting personnel and equipment.
- B. Water Supply Facilities for Fire Department Operations.** Water supply facilities for Fire Department operations shall be connected to the city public water supply system. The park owner shall provide standard city approved fire hydrants located within five hundred (500) feet of all manufactured home spaces, measured along the path of travel using driveways and/or streets.
- C.** When fire hydrants are required the water mains and fire hydrants shall be dedicated to the city after construction of improvements is performed to the City Engineering Standards and accepted by the city.
- D.** The water mains and fire hydrants when located on private property shall be in a dedicated utility easement of the size set by the city adequate to service said lines and hydrants after all development has accrued.
- E. Dry Vegetation.** The manufactured home park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

SEC. 10 Recreation Area.

- A. Requirement.** All manufactured home parks shall have at least one recreation area.
- B. Extent.** Recreation areas and facilities, such as playgrounds, swimming pools and community buildings shall be provided which in the judgment of the park licensee or agent will meet the anticipated needs of the clientele which the park is designed to serve. Provision of separate adult and children lot recreation areas is encouraged.
- C. Size of Recreation Area.** Not less than five (5) percent of the total gross site area of the manufactured home park shall be devoted to recreational facilities, generally provided in a central location.
- D. Playground Location.** When playground space is provided, it shall be designated and shall be protected from traffic, thoroughfares and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

SEC. 11 Water Supply. All parks shall be City water customers. Water mains and meters shall be placed in approved easements through the park property in accordance with City specifications and policies. Manufactured housing parks located outside the City Limits shall be subject to the same requirements and city ordinances when the manufactured housing park will be connected to the City's water and/or sewer system.

- A. Requirement.** An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Connection shall be made to the public supply of water. The public supply shall be adequate for both domestic and firefighting requirements and if improvements are needed to the public supply system the licensee will bare all cost of improvements to comply with the City Engineering Standards.
- B. Water Distribution System.** The water supply system of the manufactured home park or subdivision shall be connected by pipes to all manufactured homes, buildings and other facilities requiring water. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and city regulations and requirements.

- C. Riser Pipes and Connections.** Individual water riser pipes and connections shall be in accordance with requirements of the City Plumbing Code.
- D. Maintenance of the water distribution system within the manufactured Home park shall be the responsibility of the park owner.** Emergency repairs performed by the City within the Manufactured Home Park shall be at the expense of the park owner.

SEC. 12 Sewage Disposal. A Manufactured Home Park shall be connected to the City sewer system and installed in accordance with the City's adopted Plumbing Code. Public sewer systems shall be considered a utility and shall be installed in approved easements according to City and State utility specifications. Waste from all toilets, lavatories, sinks and showers in a HUD-Code Manufactured Home Park shall be discharged into a public sewer or a private disposal system approved by the City. Each HUD-Code manufactured home pad stand shall be provided with at least a four-inch diameter sewer riser pipe which shall be capped when not in use. Surface drainage shall be diverted away from the riser. The sewer riser pipe shall be so located on each stand so that the sewer connection to the manufactured home drain outlet will approximate a vertical position. The sewer connection to the manufactured home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the City Plumbing Code. Maintenance of sewer lines within the Manufactured Home Park shall be the responsibility of the park owner.

SEC. 13 Electrical Mechanical Systems Wiring. All electrical and mechanical systems in the manufactured home park shall be installed in accordance with the city codes.

SEC. 14 Service Building And Other Community Service Facilities.

- A. General.** The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities such as:
1. management offices, repair shops and storage areas;
 2. sanitary facilities;
 3. laundry facilities; and
 4. indoor recreation areas.
- B. Barbecue Pits, Fireplaces, and Stoves.** Cooking shelters, barbecue pits, fireplaces and wood-burning stoves shall be located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

SEC. 15 Structural Requirements For Buildings.

A. Protection from Damages.

1. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements.
2. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather and to comply with all applicable codes of the city.
3. **Sanitary or Laundry Facilities.** All rooms containing sanitary or laundry facilities shall have:

- a. Sound-resistant walls extending to the ceiling between male and female sanitary facilities.
- b. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures constructed of dense, nonabsorbent, waterproof materials or covered with moisture resistant materials.
- c. At least one window or skylight facing directly to the outdoors.
- d. The minimum aggregate gross area of windows for each required room shall not be less than ten (10) percent of the floor area served by them; and
- e. At least one window which can be opened easily or a mechanical device which will adequately ventilate the room.
- f. Toilets. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- g. Hot and Cold Water. Hot and cold water shall be furnished in every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.
- h. Heating. Service buildings shall be maintained at a comfortable temperature by heating equipment permitted by city regulations.

SEC. 16 Refuse And Garbage Handling. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards or air pollution and shall conform to all city ordinances and regulations pertaining thereto. Refuse and garbage shall be removed from the park at least once each week. The licensee or agent shall insure that containers at manufactured home spaces are emptied regularly and maintained in a usable sanitary condition.

SEC. 17 Insect And Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be so maintained as to prevent the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SEC. 18 HUD-Code Manufactured Home Park Management Requirements:

- A. Park management is responsible for all responsibilities set out elsewhere in this ordinance. The licensee or agent shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities. The licensee or agent shall operate the park in compliance with this ordinance and other applicable ordinances and shall provide for:
 - 1. Adequate supervision to maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.
 - 2. Maintaining all streets, parking, storage areas, and recreational areas within the Manufactured Home Park.

3. Maintaining the water distribution system, storm drainage and sewer system within the Manufactured Home Park.
 4. Insuring that all requirements of this ordinance are met and maintained.
 5. Allowing any duly authorized inspector of the City to make reasonable inspections of the Manufactured Home Park to determine compliance with this ordinance.
- B. The licensee or agent shall furnish to the city within ten (10) days after January 1 of each year a list of all manufactured home residents in the park on January 1. A new register shall be initiated on January 1 of each year and the old register is retired, but the old register shall be retained on the premises for at least three (3) years following the retirement. Registers shall be available for inspection at all reasonable times by an official of the city whose duties may necessitate access to the information contained therein. The licensee or agent shall maintain a register of park occupancy which shall contain the minimum following information:
1. Name and address of park residents.
 2. Manufactured home registration data, including make, length, width, and year of manufacture and identification numbers.
 3. Location of each manufactured home within the park by space or lot number and street address.
 4. Dates of arrival and departure.
- C. Any HUD-Code Manufactured Home Park issued an initial license after adoption of this ordinance that is found to be in violation of any provisions of this ordinance shall be notified in writing by the City, in accordance with Section 4 and upon failure to comply said license shall be revoked.

SEC. 19 HUD-Code Manufactured Home Park Occupant Requirements.

- A. Park Occupants shall be responsible for all responsibilities of occupants set out elsewhere in this ordinance and shall be responsible for:
1. Maintaining his/her manufactured home space, its facilities and its equipment in good repair and in a clean and sanitary condition.
 2. Proper placement of his/her manufactured home in its manufactured home stand and proper installation of all utility connections in accordance with the instructions of the park management or appropriate city official.
 3. Skirting, porches, awnings, and other additions when installed shall be maintained in good repair.
 4. Keeping the area under the Manufactured Home clear of flammable and combustible items and not using the space for storage.
 5. Maintaining those portions of the interior of a Manufactured Home under his or her control to be free from rubbish, garbage, and other substances that may encourage infestation by insects, rodents, or vermin and from all unsanitary conditions.
 6. Keeping all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all times.
 7. Connecting plumbing fixtures and heating equipment that the occupant supplies and maintaining the connections in accordance with applicable codes of the City.

8. Maintaining said Manufactured Home and its facilities without alteration creating nonconformity with this ordinance or any other applicable law.
9. Maintaining said Manufactured Home unit, plot, its facilities, equipment and accessory structures in good repair and in a clean and sanitary condition.

ARTICLE X RECREATIONAL VEHICLES

SEC. 1 Occupied recreational vehicles shall be installed in licensed recreational vehicles parks or manufactured housing parks. Recreational vehicles installed in manufactured housing parks shall be subject to the same installation requirements as manufactured housing.

SEC. 2 Exception: Recreational vehicles used to house temporary guest may be occupied on individual residential lots that has a residence on the property for a period not to exceed 30 days.

SEC. 3 Recreational vehicles shall not be parked or stored in any street or public right-of-way. Recreational vehicles parked and/or stored on individual lots shall not be provided with permanent utility facilities.

ARTICLE XI RECREATIONAL VEHICLE PARKS

SEC. 1 Recreational Vehicle Parks shall meet the same requirements as that of a manufactured housing park as listed in ARTICLE IX of this Ordinance.

SEC. 2 Exceptions:

- A. Recreational vehicle parks shall be identified as recreational vehicle parks.
- B. Recreational vehicles located in a recreational vehicle park are not required to be tied down or otherwise secured.
- C. Separation between recreational vehicles shall be a minimum of 10 feet.
- D. Minimum spaces shall be 20 feet by 70 feet.
- E. The water distribution and sewage collection system shall be connected to City utilities and subject to the City's Plumbing Code. Water to be provided through a master meter.
- F. Existing Conditions. The existing conditions of any recreational vehicle park existing as of the effective date of this ordinance located within the City limits or located outside City limits and connected to the City water and/or sewer system, which are not in strict compliance with this ordinance, may be permitted to continue.

ARTICLE XII PORTABLE BUILDINGS

That the use of portable metal buildings or the modification and adaptation thereof shall not be allowed for purposes of residential dwelling unless the design and construction thereof has been specifically found by the Building Official not to constitute a hazard to life, health or property and to be in full compliance with all requirements of the International Residential Code, Building Ordinance, and Zoning Ordinance adopted by the City.

ARTICLE XIII FEES

Fees for Manufactured Housing Park License, Recreational Vehicle Parks, Manufactured Housing Placement permits are set by the city council and shall be paid as required at the time of filing application. Said fees may be adjusted annually.

ARTICLE XIV APPEALS AND VARIANCES

SEC. 1 Variances. The City Council, may upon written application of the affected landowner, grant a variance from the strict application of this ordinance if it would result in undue hardship to the applicant.

A. The term “undue hardship” shall mean:

- 1. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;**
- 2. That the granting of a variance will not alter the essential character of the locality; and**
- 3. That the hardship is not the result of action taken by the applicant or a prior owner. A variance shall not allow the placement of a manufactured home in a zone in which such structures, including modular homes, newer mobile homes, older mobile homes or trailers, are prohibited as dwellings. A variance is authorized only for dimensional requirements. A variance shall not be granted to permit a use or structure otherwise prohibited.**

B. After hearing an appeal the City Council may vary the application of any provision of this ordinance to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this ordinance or public interest, and determination that the granting of such variance will not be detrimental to the public health, safety, and general welfare.

C. Conditions of the variance: In granting a variance, the City Council may prescribe a reasonable time limit within which the action, for which the variance is required, shall be commenced or completed or both. In addition the City Council may prescribe appropriate conditions and safeguards in conformity with this code. Violations of the conditions of a variance shall be deemed a violation of this code.

SEC. 2 Notice of Appeal:

- A. The owner of any manufactured home, or his duly authorized agent, may appeal any decision of the Building Official, or his duly authorized representative, regarding the habitability or placement of a manufactured home, to the City Council. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the building official or his duly authorized representative.**
- B. Appeal to Superior court. An appeal may be taken within thirty (30) days after any decisions is rendered by the City Council, by any party to Superior Court in accordance with State law.**

ARTICLE XV PENALTIES

SEC. 1 Where work for which a permit is required by this code is started prior to obtaining said permit, a penalty equal to the building permit fee shall be assessed. Payment of such penalty fee shall not relieve the persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

SEC. 2 Whenever in this Ordinance or in any ordinance of the City, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be

unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Ordinance or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for violations of municipal ordinances that govern fire safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be two thousand dollars (\$2,000.00) for each offense. However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

SEC. 3 Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation.

ARTICLE XVI ASSESSMENT OF EXPENSES; LIEN

SEC. 1 To obtain a lien against the property, the mayor or city official designated by the mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expenses as a lien against the property upon which the structure is located.

SEC. 2 The lien obtained by the city is security for the fines, expenses and interest accruing at the rate of ten (10) percent on the amount due. The lien attaches upon the filing of the lien statement with the county clerk.

SEC. 3 The lien is inferior only to Tax liens.

SEC. 4 The city council may authorize the city attorney to bring a suit for foreclosure in the name of the city to recover the fines and interest due. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs.

SEC. 5 The city council may authorize the city attorney to foreclose a lien on property.

ARTICLE XVII ATTORNEY AUTHORIZATION

Notwithstanding any penal provision herein, the city attorney is authorized to file suit on behalf of the city for such injunctive relief as may be necessary to abate such violations whenever any violations as herein defined is found in any place within the city.

ARTICLE XVIII SEVERABILITY & CONFLICT

SEC. 1 Severability. If any section, paragraph, sentence, clause, phrase or word contained in this ordinance shall be held unconstitutional by any court of this State or the United States of America, the invalidity of such portion of the ordinance shall not be construed to affect any other part of this ordinance.

SEC. 2 Conflict with other Ordinances. All ordinances or parts of ordinances including but not limited to 38 and 38A in conflict herewith are hereby repealed. This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

SEC. 3 Validity. The validity of any section, clause, sentence, or provision of this ordinance shall not effect the validity of any other part of this ordinance that can be given effect without such invalid part or parts. This ordinance shall not affect the validity of any deed restriction that is otherwise valid.

ARTICLE XIX
EFFECTIVE DATE

This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper 10-23-03

1st Hearing Date 8-19-03

Passed, ordained, approved and adopted this the 14th day of October, 2003.

Attest:

Connie Garner

City secretary

By: Billy P. Felt

Mayor Town of Bayside, Texas

[Signature]

Town Attorney

Date

November 3, 2003