

ORDINANCE NO. 2020-03-05A

AN ORDINANCE OF THE CITY OF GORMAN, TEXAS REPEALING AND REPLACING ORDINANCE NO. 2005-03; ADOPTING AMENDED REGULATIONS REGARDING MANUFACTURED HOMES; PROHIBITING MOBILE HOMES; REQUIRING PERMITS FOR MANUFACTURED HOMES; REQUIRING PERMITS FOR RECREATIONAL VEHICLES USED AS RESIDENCES; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gorman (the "City") is a home-rule municipality created pursuant to Article XI Section 5 of the Texas Constitution with powers of local self-government, including the power to adopt and enforce ordinances necessary to preserve good government, order, and security to the City and its inhabitants;

WHEREAS, the Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupations Code, governs the manner in which cities may regulate mobile and manufactured homes, and the Board of City Commissioners of the City of Gorman (the "City Commission") finds that the current ordinance must be amended to comply with state law;

WHEREAS, the City Commission finds that policies contained herein are necessary to ensure the health and safety of, and are in the best interest of, the citizens of Gorman, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF GORMAN, TEXAS THAT the following provisions are hereby adopted as the Manufacturing Housing Ordinance of the City of Gorman, Texas:

Section 1. Definitions. The words and phrases contained herein shall have the following meaning ascribed to them unless the context states otherwise:

- (a) *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; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term "manufactured home" includes the plumbing, heating, air conditioning, and electrical systems of the home and does not include a recreational vehicle or a mobile home.

(b) *Mobile Home*. Means a structure constructed before June 15, 1976; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term “mobile home” includes the plumbing, heating, air conditioning, and electrical systems of the home.

(c) *Recreational Vehicle*. Means a motor vehicle primarily designed as temporary living quarters for recreational camping or travel use. Types of recreational vehicles include motorhomes, campervans, caravans, travel trailers, fifth-wheel trailers, popup campers, and truck campers.

(d) *Skirting*. Means concealment from view of all sides of the undercarriage.

Section 2. Installation.

(a) Installation of mobile homes inside the incorporated city limits of Gorman is prohibited. This prohibition does not apply to mobile homes in place as of July 7, 2005.

(b) Only one manufactured home may be installed on any lot. The lot on which the manufactured home is to be installed shall be at least a minimum of 9,600 square feet.

(c) Installation of a manufactured home is allowed upon application and issuance of the permit described by Section 5.

Section 3. Standards.

(a) All manufactured homes placed within the City limits must conform to the Federal “Mobile Home Construction and Safety Standards” dated June 16, 1976, and any supplements or amendments thereto, and shall bear a label or seal indicating such compliance.

(b) Minimum anchoring standards required are the same as the “Mobile Homes Tie Down Standards” contained in the Standard Building Code – 1990 Edition, State of Texas, as they apply to the anchoring and tie down of manufactured homes and pre-existing mobile homes within the City.

(c) All manufactured homes and pre-existing mobile homes located within the City shall comply with the City’s substandard building ordinance.

- (c) State law requires that any person, including a homeowner, must be registered with the Manufactured Housing Division of the Texas Department of Housing & Community Affairs in order to transport and install a manufactured home. This includes hooking up the water and sewer and electrical connections. Unregistered installers may be subject to a penalty up to \$10,000.00. For information about registration and installer training, call TDHCA at 1-800-500-7074.

Section 4. Skirting.

(a) All manufactured homes and all pre-existing mobile homes installed within the City, no matter when the installation occurred, must have a continuous skirt or underpinning constructed around the perimeter of the home within thirty (30) days of being placed on the property.

(b) The skirting shall meet the following requirements:

- (i) Be completed around the structure from the base of the home to the ground level beneath;
- (ii) Be of material which is similar in appearance to the manufactured home, or masonry material;
- (iii) Be weather resistant material for skirting and not scrap metal or polyurethane scrap material; and
- (iv) Be skirted in such a way as not to allow access to the underside of the manufactured home for storage and/or trash accumulation but access only for repair purposes;

Section 5. Permits and Inspections.

(a) A permit must be secured from the City by any person desiring to install or relocate a manufactured home within the City. The permit must be secured prior to moving a manufactured home in the city.

(b) To secure a permit, a person must pay the permit fee of \$50.00 and submit an application containing the following information. An incomplete application will not be considered.

- (i) Name of applicant;
- (ii) Owner of the manufactured home;
- (iii) Owner of the lot or other location where the home will be placed;
- (iv) Size of the manufactured home;
- (v) Legal description of the proposed location;
- (vi) Location site plan; and
- (vii) If owner of the manufactured home does not own the location where the home will be placed, documentation showing that the landowner authorizes the applicant's use of that land.

(c) Before issuing a permit, the City shall arrange for an inspection of the property and the manufactured home. By submitting an application, an applicant consents to the City accessing the applicant's property to perform inspection(s) to ensure compliance with this Ordinance.

(d) A permit application to install a new manufactured home as a dwelling is considered to be granted unless the City denies the application and states the reason for the denial not later than the 45th day after the date the application is received.

(e) The City shall issue a permit if the home will be placed in a location which complies with the City's zoning ordinance, if applicable, and the home meets the City's substandard building ordinance and other building codes.

Section 5. Replacement of Homes.

(a) An owner of a mobile home that was legally installed prior to July 7, 2005 may replace that home with a manufactured home, regardless of the location.

(b) Notwithstanding any zoning ordinance that may be adopted by the City, if a manufactured home occupies a lot in the City, the owner of the manufactured home may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home and is at least as large in living space as the prior manufactured home. This ability shall be limited to one replacement. Replacement of a manufactured home is destroyed by fire or natural disaster shall not count towards this limit.

Section 7. Recreational Vehicles.

(a) Recreational vehicles may be used as temporary residences in the City in certain instances. Before using a recreational vehicle as a residence, the person wishing to do so must obtain a permit from the City.

(b) The City Commission may grant a permit for a person to use a recreational vehicle as a residence during renovation of the person's primary residence, due to a natural disaster, for visiting relatives or friends, or any other circumstances deemed appropriate by the City Commission. In determining whether to grant a permit or a permit renewal, the City Commission will consider the need of the applicant as well as the health, safety, and welfare of the citizens of Gorman.

(c) Each permit application shall be accompanied by a fee of \$50.00. The permit shall be valid for 90 days, with possible renewal at the request of the applicant and permission of the City Commission. Each renewal shall be accompanied by an additional permit fee, and the base permit fee of \$50.00 will increase by \$10.00 for each renewal beginning with the first renewal.

Section 8. Penalty. Any person who violates or fails to comply with this Ordinance shall be charged with a Class C misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per day per offense, and each and every day's violation shall constitute a separate and distinct offense.

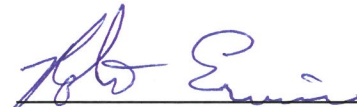
Section 9. Repeal. Ordinance No. 2005-03, adopted on July 7, 2005 and amended on April 16, 2019, is hereby repealed. Any other ordinance or ordinance provision is hereby repealed to the extent that such ordinance or provision of an ordinance conflicts or contradicts the amendments and provisions enacted herein.

Section 10. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 11. Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication of the caption and penalty clauses of the Ordinance in a newspaper of general circulation within the City, as required by law.

PASSED upon first reading this the 20th day of February 2020.

PASSED, APPROVED, AND ADOPTED upon second and final reading this the 9th day of March 2020.



Robert Ervin, Mayor

ATTEST:



Tacy Warren, City Secretary

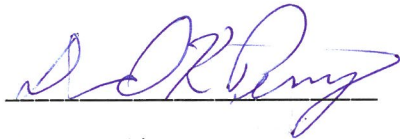
An addition to Ordinance 2020-03-05A, Section 7:

Add:

(d) Travel Trailers and fifth wheel recreational vehicles may be used as permanent dwellings only if they are setup following the same rules and regulations required for manufactured homes. This does not apply to any other types of recreational vehicles as described in section (c). Basic setup requirements are as follows:

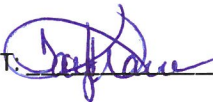
1. Tires and wheels removed
2. Set on cinder blocks, leveled, and anchored with screw in augers and steel tie down straps
3. Skirted with siding or corrugated steel
4. Sewer connected with PVC sewer line
5. Water line hard plumbed with PVC or copper
6. Electric may be directly wired to an external main breaker or by the factory supplied cord
7. Safe steps must be installed at the front and back door

Passed and approved on this second reading July 1, 2020.



Mayor David Perry

Tacy K. Warren

ATTEST:  _____

