

ORDINANCE NO. 83-2007

AN ORDINANCE OF THE CITY OF ORCHARD REPEALING ORDINANCE NO. 043-99, PASSED AND APPROVED THE 13TH DAY OF OCTOBER 1999, IN ITS ENTIRETY; PROHIBITING THE INSTALLATION OF MOBILE HOMES AND MANUFACTURED HOMES OUTSIDE A MOBILE HOME PARK; PROVIDING DEFINITIONS; REQUIRING A LICENSE TO OPERATE A MOBILE HOME PARK; SETTING FORTH THE SITE REQUIREMENTS; ESTABLISHING HUD-CODE MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PRESCRIBING REGULATIONS FOR THE MANAGEMENT OF MOBILE HOME PARKS; PROVIDING FEES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND CONTAINING A SEVERABILITY CLAUSE.

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BE IT ORDAINED BY THE COMMISSION OF THE CITY OF ORCHARD, TEXAS:

Section 1. The Code of Ordinances of the City of Orchard, Texas, is hereby amended by deleting Ordinance No. 043-99 and replacing such Ordinance as follows:

“Article I.

Section A. Definitions:

HUD-code manufactured home shall mean a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on sites three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Mobile home shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) feet or more square feet, and which is build on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air conditioning and electrical systems contained therein.

Manufactured home shall mean a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Mobile home lot shall mean a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

Mobile home park shall mean a contiguous development of land under single entity ownership which has been planned and improved for the placement of manufactured homes, upon

which two or more manufactured homes are located.

Mobile home subdivision shall mean a duly recorded subdivision for manufactured homes approved by the City in accordance with all applicable codes, ordinance laws, rules and regulations.

Skirt shall mean concealment from view of the under carriage on all sides of a manufactured home and or recreational vehicle. Skirting must be accomplished with metal, vinyl or other material approved by the City.

Solid fence shall mean any fence constructed of masonry, metal, or wood, or any combination of such materials, that obscures visibility.

Article II.

Section A. City Commission's Authority.

Except as otherwise specified in this Chapter, the City Commission (the "Commission") of the City of Orchard (the "City") has power and authority to approve permits and licenses required pursuant to this Chapter. The Commission shall prescribe forms therefor including all information reasonable and necessarily required for the Commissioner's enforcement of the provisions of this Chapter. The Commission shall also have the authority to establish reasonable and necessary administrative rules and regulations relating to the performance of the Commission's duties under this Chapter such as the place where license and permit applications will be received and the times when inspections will be made.

Section B. Notices and orders.

The Commission or other duly authorized personnel, employees, agents or representatives of the City, and their respective authorized deputies, officers, inspectors and agents, are hereby authorized to issue and enforce all necessary notices, citations, orders or other papers and processes to remove or abate illegal or unsafe conditions and to ensure compliance with all the requirements of this Chapter for the safety, health and general welfare of the public.

Section C. Compliance.

When any person shall be notified by a written notice by the City that any condition may exist or work being done by him as owner, agent, or in any other capacity, is in violation of the provisions of this Chapter, it shall be his duty to abate the violation within the time specified in the written notice. Such time shall not exceed ten (10) days and the Commission may provide for immediate compliance when a serious threat to life or substantial damage to property may exist.

Section D. Penalty.

Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000.00). Each day of violation shall constitute a separate offense. In addition to the penalties herein above provided any condition caused or permitted to exist in violation of any of the provisions of this Chapter or any Ordinance shall be deemed a public nuisance and may be abated by the City as provided by law.

Article III.

Section A. Manufactured Homes Prohibited in the City.

1. It shall be unlawful for any person to install, locate, relocate, place, maintain, or change occupancy in a manufactured home in any location within the City, or within one hundred fifty (150) feet from the furthest location or property to which utilities are provided by the

City, except as otherwise authorized under the terms of this Ordinance.

2. It shall be unlawful for any person to permit or suffer any manufactured home to remain within the City in any location not authorized pursuant to this Ordinance.
3. This provision is prospective and shall not apply to any manufactured home used and occupied as residential dwellings, and has been continuously located on a site located within the City as of the effective date of this Ordinance.
4. Placement of a manufactured home for use or occupancy as a residential dwelling shall be prohibited within the corporate limits of the City. Said prohibition will be prospective and shall not apply to a manufactured home previously legally permitted and used or occupied as residential dwelling within the City, provided that such occupation was lawful and that the continued occupation thereof does not possess a significant danger to the health or safety of persons within the manufactured home or to others. Permits for such use and occupancy shall be granted by the City for replacement of a manufactured home constructed prior to June 15, 1976 within the corporate limits with a HUD-code manufactured home, provided the placement of such replacement HUD-code manufactured home can meet the setback and distance requirements.
5. Except as permitted above and subject to lawful compliance with this Code, a manufactured home may be placed, or permitted to remain within the City, if and only if, it is situated:
 - a. in a licensed mobile home park;
 - b. in a mobile home subdivision, meeting all requirements of the City's Ordinance pertaining to subdivisions;
 - c. in a manufactured home sales lot;
 - d. upon a site that such manufactured home has continuously occupied since the effective date hereof, provided, that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the manufactured home or to others;
 - e. upon a site that such manufactured home has occupied prior to annexation of the site by the City, provided that such manufactured home has continuously occupied the site since the date the site was annexed, and further provided, that the continued occupation thereof does not pose a significant danger to the health or safety of persons within the manufactured home or to others;
 - f. the exemption for existing manufactured homes shall apply to a manufactured home being occupied at the time of adoption of this Chapter as defined in subsection (4) above, or to a manufactured home being occupied at the time of annexation as defined in subsection (5) above. This exemption shall include the repair of a HUD-code manufactured home or replacement of a manufactured home, utilized continuously as a residence, with a HUD-code manufactured home for such site provided such replacement is made within sixty (60) days of the date the manufactured home being repaired or replaced has been damaged, destroyed, or temporarily removed for maintenance purposes, if the placement of such replacement HUD-code manufactured home can meet the setback and distance requirements. No expansion or enlargement of manufactured homes shall be allowed; and
 - g. upon a site for which a hardship permit is in effect.

Section B. Hardship Permits.

The Commission may issue a hardship permit to place a manufactured home on a lot, tract or parcel of land located outside a mobile home park, or mobile home subdivision because of one or more of the following grounds when it is found that there would be serious hardship if a manufactured home could not be placed on the site and there is no permanent housing available that could fulfill the need. The grounds for granting of such a permit include, but are not limited to the following:

- a. Illness in the family or of relatives of the applicant;
- b. Temporary economic hardship that would only be relieved by temporary use of a manufactured home outside a mobile home park or subdivision;
- c. The applicant shall have the burden of showing the need for a hardship permit by clear and convincing evidence; and
- d. The permit shall be granted for a period of time necessary to relieve the hardship which would result if no permit were granted; provided, however, such permit shall not be valid for more than one year.

Section C. Appeal and Revocation.

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

Section D. Smoke Detectors.

1. All manufactured homes and recreational vehicles shall be maintained in a safe and sanitary condition.
2. No person shall occupy a manufactured home or recreational vehicle, regardless of the age of the home or vehicle, unless there is installed therein smoke detectors approved by the City, or is required by law for that particular manufactured home or recreational vehicle.
3. All smoke detectors in a manufactured home or recreational vehicle shall be maintained so that they are in good working order at all times.

Section E. Skirting Requirements.

1. All manufactured homes shall have skirts within thirty (30) days after being placed.
2. All manufactured homes used as residential dwellings within the City shall be skirted within 6 months (180 days) from the date this Ordinance is passed.

Article IV.

Section A. Placement Permit Required for Occupancy.

It shall be unlawful for any person to use or occupy in whole or in part, make use of any utility service, or to furnish utility to any manufactured home which has been placed or replaced with the City until and unless a placement permit therefor has been issued and finalized.

Section B. Application.

1. Any person desiring to place or replace a manufactured home shall make application therefor upon one (1) or more forms prescribed by the Commission setting forth:
 - a. A description of the manufactured home by dimensions manufacturer and serial or identification number;
 - b. The name and address of the person having title to the manufactured home;
 - c. The date of manufacture of the manufactured home;
 - d. Whether the manufactured home has affixed to it a seal, label, or decal certifying its compliance with standard adopted by the Texas Department of Labor and Standards pursuant to Vernon's Ann. Civ. St. art. 5221f or a seal or label or decal issued by another state certifying its compliance with standards promulgated for manufactured home by the United States Department of Housing and urban Development;
 - e. If the manufactured home has affixed to it a seal, label or decal as alterations to the manufactured home since the seal, label or decal as described in Article IV §B.1.d, above, the applicant shall certify whether or not there have been any alterations to the manufactured home since the seal, label or decal was affixed;
 - f. The proposed location of the manufactured home by legal description, plot plan, diagram or other means which is adequate to advise the Commission of the exact placement and its relationship to property lines and other structures;
 - g. The number of hardship permits that have been issued by the City;
 - h. The license number of the mobile home park operator if the manufactured home is to be placed in a mobile home park;
 - i. The county clerk's recording information for the plat thereof if the manufactured home is to be placed in a mobile home subdivision;
 - j. Any information necessary to determine compliance with any applicable regulations pertaining to flood-prone areas;
 - k. The utilities to be provided to the manufactured home and the source and availability thereof;

- l. Any additional information the Commission finds will aid them in the enforcement of this Chapter or other laws applicable to manufactured home; and
- m. The application shall be signed by the owner of the manufactured home or his agent, and if the manufactured home or his agent, and if the manufactured home is to be placed outside a mobile home park, the owner of the land on which the manufactured home is to be located.

Section C. Finalization of Placement Permit.

1. A placement permit shall be finalized by the Commission and occupancy of the manufactured home shall be authorized when:
 - a. the applicant has obtained all applicable permits and inspections under this Code and the City building codes; and
 - b. the Commission has found that the manufactured home and its placement meet all applicable requirements of the City's Ordinances and all state laws, which may be enforced by the City.

Section D. Placement Inspection and Fees.

Each manufactured home placed or replaced within the City for the first time shall be inspected by the City to determine that its placement is in accordance with the provisions of the Ordinance. A fee for such placement inspection is hereby established in the amount of seventy-five dollars (\$75.00). In consideration of such fee the applicant shall be entitled to the original inspection of the placement of the manufactured home and one reinspection for deficiencies, if required. An additional fee of fifty dollars (\$50.00) is hereby imposed and shall be collected for the second and subsequent reinspection due to deficiencies concerning the manufactured home or its placement.

Article V.

Section A. Procedure for Preliminary Plat Approval.

Four (4) copies of the preliminary plat of any proposed mobile home park shall be submitted to the City for approval. Such preliminary plat shall be filed with the City at least five (5) days prior to the regular meeting of such body at which approval is requested.

Section B. Scale Contents.

1. The plat shall be drawn to a scale of one inch equals two hundred feet (1" =200'), or larger and shall show or be accompanied by the following data and information:
 - a. Proposed mobile home park name and the City, county, and state in which the park is located;
 - b. Name, address of record owner, engineer, surveyor, land planner or any other designer responsible for the survey and design;
 - c. Location of boundary or property lines; width and location of platted streets, alleys and easements within or adjacent to the proposed mobile home park; present physical features on the land including natural and artificial watercourses, ditches, ravine, culverts, bridges, present structures and any other features pertinent to the proposed mobile home park, location of any existing utilities, pipeline, showing pipe sizes and capacities of sewer and water mains and drainage facilities, outline of any existing wooded areas and the location, species and size of any individual trees;

- d. Where the property to be subdivided is located upon broken or highly undulation or rough terrain, the City may require a topographic map of the property with contour intervals of two feet (2') to five feet (5'), with all grades shown thereon ties to City datum, or such datum of any public authority that may be established in the area. The description of the property shall include the approximate acreage. Plats shall be located with respect to an original corner of the survey of which the land is a part;
 - e. The preliminary plat shall show the street system design, location and width of the proposed streets and lots and their relationship to streets, alleys and easements in adjacent subdivision. If there are no adjacent subdivision thereto, a vicinity or location map drawn at a smaller scale, shall be submitted along with the preliminary plat, this map to show the boundaries and ownership of adjacent properties; the location and distance to the nearest subdivisions, and the manner in which the streets, alleys easements and highways for the proposed mobile home park may eventually connect with those of the nearest existing subdivision;
 - f. Classification and designation of the intended uses of the land within the mobile home park proposed; and
 - g. Date, north point and scale of the drawing.
 - h.
 - 1. Preliminary plan of proposed water distribution system.
 - 2. Preliminary plan of proposed sewage collection system.
 - 3. Preliminary plan for on-site and off-site drainage.
2. Where the preliminary plat submitted for approval covers only a part, a unit or increment of the owner's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system portion submitted for approval will be considered in the light of adjustments and connections with the street system of the part not submitted.
 3. The approval of the preliminary plat by the City does not constitute official acceptance of the proposed mobile home park by the City, but does authorized the preparation of the final mobile home park plat. There shall be no work in the field on the proposed park until the final plat has been approved and accepted in an official action by the Commission, and the instrument recorded the office of the county clerk.

Section C. Duration of Approval.

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

Section D. Procedure for Approval of Final Plat.

After the approval by the Commission of the preliminary plat, a final plat shall be prepared and submitted to the Commission for approval and subsequent recording in the office of the county clerk. Four prints of this final plat shall be submitted to the City at least ten (10) days prior to the regular meeting the Commission at which approval is requested.

Section E. Preparation of Final Plat.

The final plat shall be clearly and legibly drawn to a scale not smaller than one inch equals one hundred feet (1' = 100') on a sheet twenty four (24) inches by 36 (36) inches size. All figure and letters shown thereon shall be plain, distinct and of sufficient size that they can be easily read. Should more than one (1) sheet be required for the layout, there shall be included with the several

large-scale drawings, a key map showing the entire mobile home park drawn at a smaller scale, with block number and street names, this key may be included upon the first sheet or separately upon a cover sheet of the same size as the large-scale sheets.

Section F. Contents.

The final plat shall show or be accompanied by the following information:

- a. The mobile home park name or identifying title and the name of the City, county and state in which the proposed mobile home park is located, the name and address of the owner.
- b. The names of adjacent subdivisions, names of streets, the number of lots and blocks, the same to be in accordance with a systematic, consecutive numbering arrangement. Names of new streets should, wherever possible, follow or be extensions of existing street names.
- c. An accurate boundary survey of the property of the proposed mobile home park noting bearings and distances of the sides, same being referred to an original corner of the survey of which the land is a part, and established subdivisions showing the lines of all adjacent land and properties, lines of adjacent streets, alleys and easements noting widths and names of each. Streets alleys, easements of adjacent subdivisions shall be shown in a different manner than those of the proposed mobile home park, preferably dotted or dashed.
- d. The final plat shall indicate the location of all lots, streets, highways, alleys, easements, parks, playgrounds and such other features, with accurate dimensions given in feet and decimals of the foot, showing the length of radii, deflection angles, and arcs of all curves; tangent distances and tangent bearings shall be given for each street, all such data being complete and sufficiently precise to permit accurate locations upon the ground.
- e. Proposed plans for all utilities such as:
 - i. Proposed water distribution system.
 - ii. Proposed sewage collection system.
 - iii. Plan and profile of proposed streets.
 - iv. Plan and profile of on-site and off-site proposed drainage facilities.
- f. The building lines of front and side streets shall be shown dotted or dashed, and the location of utilities shall be shown in dashed lines.
- g. proper blanks for certificate of approval to be filled out by the Commission.
- h. Date, scale and north point.

Section G. Approval by Commission.

1. After approval of the plat by the Commission, four white background blue-line prints; shall be furnished to the City. All figures, letters and symbols shown upon the drawings shall be plain, distinct and of sufficient size as may be easily read and of such density as will remain a permanent and lasting record.
2. Final approval shall be valid for a period of one year. If construction has not been completed within one year, developer shall resubmit plan to determine if it meets current

Ordinance. If plans do not meet the current Ordinance, then they shall be revised accordingly.

Section H. Fees.

A filing fee of fifteen dollars (\$15.00) per plat plus two dollars and fifty cents (\$2.50) a lot, shall be required and made payable by check drawn to the order of the City upon submission of the preliminary plat to the Commission for approval. No charge will be made for the final plat. For replats, a charge of five dollars (\$5.00) will be made in the event no preliminary plat is required. If a preliminary plat is required, the required charge shall be the same as for a new subdivision plat.

Article VI. Section A. Mobile Home Park Standards.

Section A. Location.

1. The provisions of Article VI are prospective and shall not apply to a mobile home park in the City on the effective date of this Ordinance.
2. A mobile home park may be located upon any property in the City provided:
 - a. the site is a contiguous development of land comprised of a maximum of two acres and a minimum of one acre;
 - b. there shall be a maximum of six (6) manufactured homes per acre, not to exceed a maximum of twelve manufactured homes on a two (2) acre site;
 - c. no valid and applicable deed restrictions or other land use restrictions prohibit the development or use of the site as a mobile home park;
 - d. soil conditions, ground water level, drainage and topography do not constitute hazards to the residents health or safety;
 - e. the site is not to be exposed to objectionable smoke, dust, noise, odors, or other adverse influences;
 - f. the use of the site, as proposed, is not in any flood hazard area; and
 - g. the location of the site is in compliance with the requirements of this Ordinance.

Section B. Requirements and Principles.

1. The mobile home park shall conform to the following requirements:
 - a. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. Each mobile home lot shall:
 - i. Consist of a minimum of seven thousand two hundred and sixty (7,260) square feet.
 - ii. Be at least thirty five (35) feet wide at the front stand.
 - c. A Manufactured home shall be harbored on each lot stand so that:
 - i. There shall be a minimum clearance of twenty five (25) feet from front of lot line.

- ii. There shall be minimum twenty one (21) feet side clearance between each manufactured home.
 - iii. End-to-end clearance shall not be less than ten (10) feet.
 - iv. There shall be at least ten (10) feet clearance between manufactured home and any building within the park or from any property line bounding the park, except, storage building.
- d. All mobile home lots shall abut upon a street or driveway and shall meet the following requirements:
- i. Entrance and collector streets shall be at least twenty eight (28) feet wide.
 - ii. All other streets or driveways shall be at least twenty four (24) feet wide.
 - iii. All streets or driveways shall be well marked in the daytime and lighted at night.
 - iv. The minimum quality of all public streets which are to be dedicated and driveways shall be six (6) inches of concrete and constructed in accordance with the most current edition of Design Standards for the City.
 - v. Any private streets and driveways may be six (6) inches of limestone base (or its equivalent) and one and one-half (1 ½) inches of asphalt topping.
 - vi. Along all public streets, concrete curb gutter shall be constructed in accordance with the most current edition of the Design Standards for the City.
- e. For each mobile home lot there shall be two (2) off street parking spaces provided.
- f. All public and private utilities shall be installed underground if available.
- g. Must be at least two hundred (200) feet from any permanent building located outside the park.
- h. Must be completely surrounded by a solid fence at least six (6) feet in height, with the exception of the entrance to the mobile home park.

Article VII.

Section A. Licenses and Permits.

1. It shall be unlawful for any person to maintain or operate within the limits of the City of Orchard, any manufactured home or recreational vehicle park unless such person holds a valid license issued annually by the building official in the name of such person for the specific mobile home park.
2. The annual license fee for such mobile home park shall be one hundred dollars (\$100.00) per year for the first two manufactured home stands and ten dollars (\$10.00) fee for each additional manufactured home stand.

Section B. Transfer of License.

Every person holding a license shall give notice in writing to the City within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of any interest in, or control of any mobile home park. Such notice shall include the name, and address of the person seceding to the ownership, or control of, such manufactured home park; Upon application in writing for transfer of license and deposit of the twenty-five (\$25.00) dollar fee, the license shall be transferred if the manufactured home park is in compliance with all applicable with all applicable provisions of this Code. Such transferee shall be entitled to operate the manufactured home park for a period of thirty (30) days, but if he shall not have within said period of time made application for a manufactured home license, then his right to operate such park shall terminate upon the expiration of the thirty-day (30) period. If such license terminates upon the aforesaid basis, the occupants of the mobile home park shall be given a thirty-day (30) notice to remove their manufactured home from the premises and failure to do so within such period of time shall constitute a violation under this Chapter.

Section C. Application for License.

1. Application for original licenses shall be in writing, signed by the applicant and shall contain the following: the name and address of the applicant, the location and legal description of the mobile home park, plans and specifications of the park as required by this Code, and any information that may be required by the City so that the City can determine whether the park meets all applicable laws and ordinances. Such application shall be accompanied by the payment of the annual license fees.
2. Application for annual renewal of licenses shall be made in writing by the holders of the license, shall be accompanied by payment of the annual license fee and shall contain any change in the information submitted since the latest license was issued.

Section D. Appeals.

Any applicant for a mobile home park operator's license whose application has been denied may appeal such denial by written notice of appeal to the Commission within fifteen (15) days of receipt of notice of denial of license.

Section E. Revocation.

1. The Commission may revoke any license issued under this Ordinance in case any of the provisions thereof are violated. However, before said license maybe revoked, the Commission must give ten (10) days notice to the holder of such license and hold a hearing thereon. After such license has been revoked, the license may be reissued if the reasons for such revocation have been duly corrected.
2. After a manufactured home operator's license has expired or has been revoked, notice shall be given by the City to the occupants to vacate the premises within a period of thirty (30) days and remove their manufactured homes therefrom. Failure of any such occupant to comply therewith shall constitute a violation under this Ordinance.

Section F. Posting of License.

The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

Article VIII.

Section A. Rules and Regulations for Mobile Home Park.

1. It shall be the duty of the owner, his agent, representative or manager to prescribe rules and regulations for the management of the park; to make adequate provisions for the enforcement of such rules; and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations, which may be adopted for the management of such park, shall be furnished to the City. In addition thereto, it shall be the duty of the owner, his agent, representative or manager to comply strictly with the following:
 - a. Provide for regular inspection of all public and private utilities;
 - b. Provide for all collection and removal of garbage and other waste material;
 - c. Prohibit the placing or storage of unsightly material or vehicles of any kind;
 - d. All sewer traps not in use shall be capped;
 - e. Provide and maintain safe and sanitary public and private utility connections to each mobile home lot;
 - f. Maintain a neat, clean, sanitary and safe park;
 - g. Insure that each manufactured home is so placed on the stand in such a manner that the full length of the frame can be firmly blocked to the concrete footings or concrete runners;
 - h. Each manufactured home stand shall be assigned a number and this number shall be displayed on the street side of the manufactured home; and
 - i. Provide or demand that all manufactured homes have skirts within thirty (30) days after being placed.
2. The licensee shall maintain or ensure that an agent maintains a register showing:
 - a. the names of persons staying or residing in the park showing the mobile home lot on which they are staying or residing;
 - b. the serial number of each manufactured home;
 - c. the date each manufactured home is placed in the park and the date it is removed from the park; and
 - d. the date each recreational vehicle is placed in the park and the date it is removed from the park.
3. The registers shall be available for inspection at all reasonable times to persons designated. Registers shall be retained for three (3) years.

Article IX.

Section A. Water, Sanitary Sewer, Electrical and Gas Supply.

All manufactured homes are to be properly connected to an approved water, sanitary sewer, gas and electrical system, and terminate within the manufactured home stand.

Section B. Fuel.

Bottled gas shall not be used at individual mobile home lots unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place. No cylinders containing bottled gas shall be located in a manufactured home or within five (5) feet of a door thereof. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed. The maximum number of gallons of bottled gas per manufactured home shall be no more than one (1) five gallon and one (1) fifteen gallon container. The maximum amount of fuel oil per manufactured home shall not be more than fifty-five (55) gallons.

Article X.

Section A. Additional Construction.

It shall be unlawful for any person operating a mobile home park or occupying a manufactured home to construct or permit to be constructed any additional structure, building or shelter in connection with or attached to a manufactured home, except, however, awnings of canvas or metal, or comparable construction materials that are similar or at least equivalent in quality, construction and design to already-existing structures, suitably installed, may be attached to such manufactured home.

Article XI.

Section A. Tie Downs.

1. The installation of manufactured housing shall comply with the standards and requirements of the Texas Manufactured Housing Code.
2. All manufactured housing must have adequate tiedowns pursuant to Vernon's Ann. Civ. St. art. 522 1 f.
3. Manufactured housing shall be placed on piers and footings meeting the following requirements:
 - a. Piers and footings shall be installed directly under the main frame or chassis of the manufactured home. They shall be located under both frame rails. Piers shall be spaced so that the center of no pier is farther than ten (10) feet from the center of the next one;
 - b. All footings shall be of solid concrete type construction, at least sixteen (16) inches in width, and four (4) inches in height. All grass and organic material shall be removed from beneath the footing and the pier footing shall be placed on stable soil;
 - c. Piers shall be constructed of standard eight inch by eight (8x8) inch solid concrete type construction blocks. Treated wood blocks and shims used for leveling shall be no more than 4 (4) inches in overall thickness per pier, and blocks shall be at least seven and one fourth (7¼) inches wide and fifteen (15) inches thick; and
 - d. Piers similar to those described above such as adjustable screw anchor columns may be used if they are attached to both the frame rail and to a concrete pad at least four (4) inches thick.

Article XII.

Section A. Responsibility of Licensee or Agent.

1. The person to whom a license for a mobile home park is issued shall provide adequate supervision to maintain the park in compliance with this Chapter and to keep its facilities and equipment in good repair and in clean sanitary condition.
2. The licensee shall notify or have an agent notify the community residents of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter.
3. The licensee shall supervise or have an agent supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections. The permits are required and the licensee shall refuse to allow connections that are in violation hereof or require permits.

Section B. Responsibility of the Resident.

1. The resident shall comply with all applicable requirements of this Code and shall maintain his manufactured home site, its facilities and equipment in good repair and in clean sanitary condition.
2. The resident shall be responsible for proper placement of his manufactured home on its manufactured home stand and proper installation of all utility connections in accordance with the instructions of the management.
3. The resident shall obtain all City licenses and permits where required.

Article XIII.

Section A. Insect and Rodent Control.

1. Grounds, buildings, and structures shall be maintained free from insect and rodents harborage and infestation.
2. The community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one (1) foot above the ground.

Article XIV. Recreational Vehicles.

Section A. Definitions.

Motor home shall mean a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Recreational vehicle shall mean a unit which contains facilities for either sleeping or temporary living quarters, or both, and which has its own motive power or is designed to be mounted on or towed by another motor vehicle. The term recreational vehicle shall include but not be limited to a motor home, truck camper, travel trailer and camping trailer, provided however a recreational vehicle shall not include a boat, a manufactured home or modular home.

Travel trailer shall mean a vehicular, portable structure on a permanent chassis designed by the manufacturer to be towed by another vehicle.

Camping trailer shall mean a portable unit mounted on wheels and constructed of collapsible partial side walls which fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping or trailer use.

Truck camper shall mean a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor and sides to be loaded onto and unloaded from the bed of a truck.

Section B. Placement of Recreational Vehicles.

It shall be unlawful for any person to place, use, or occupy a recreational vehicle within the City unless such placement, use or occupancy is specifically authorized by this Chapter. Further, it shall be unlawful for any person to permit, allow or suffer the placement, use or occupancy of a recreational vehicle on any property under his ownership or control unless such placement, use or occupancy is specifically authorized by this Chapter.

Section C. Recreational Vehicles Outside Parks.

1. A recreational vehicle may be parked or stored outside a manufactured home or recreational vehicle park so long as occupancy does not exceed seven (7) days in any consecutive six-month (6) period, and no utilities are connected to the recreational vehicle and the vehicle is no parked on or extending over public property unless parked on the street in full compliance with the laws.
2. A recreational vehicle parked or stored on private property shall be set back a minimum of twenty-five (25) feet from the front property line.

Section D. Recreational Vehicles Inside of Parks.

1. A motor home, a truck camper or a travel trailer may be placed in a mobile home park or a recreational vehicle park for a period of time not to exceed six (6) months within any consecutive twelve month period, and may be used for sleeping and living purposes during the time that it is so placed in the park if:
 - a. it is self-contained;
 - b. it has at least one hundred twenty (120) square feet of floor space;
 - c. the park in which it is placed is licensed by the City as a recreational vehicle park; and
 - d. it is placed on a lot in the park which was shown on the park's application and approved by the City for use or the specific type of recreational vehicle being placed thereon.

Article XV.

Section A. Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Orchard, Texas, declares that it would have

passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section B. Penalty.

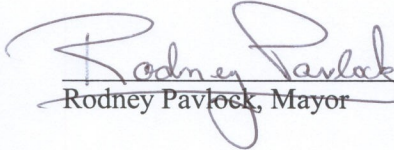
Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

Section C. Effective Date.

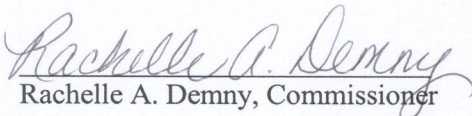
This Ordinance shall become effective immediately upon its passage and adoption."

Section 2. City of Orchard, Texas, Ordinance No. 043-099, passed and approved the 13th day of October 1999, and all other Ordinances in consistent or in conflict herewith are hereby repealed.

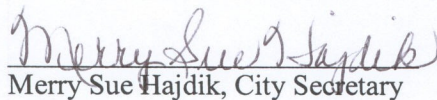
PASSED AND APPROVED by the Commission of the City of Orchard, Texas on the 20th day of June 2007.


Rodney Pavlock, Mayor


David Kolafa, Commissioner


Rachelle A. Demny, Commissioner

ATTEST:


Merry Sue Hajdik, City Secretary

6-25
6-25

PUBLISHER'S AFFIDAVIT

City of Orchard
83-2007

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared David Lyons who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

6-24, 6-25-07

_____, A.D. 2007

David Lyons

David Lyons
Editor and Publisher

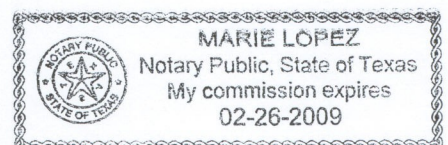
SUBSCRIBED AND SWORN BEFORE ME by David
Lyons who

X a) is personally known to me, or

_____ b) provided the following evidence to establish
his/her identity, _____

on this the 25th day of June, A.D. 2007,
to certify which witness my hand and seal of office.

Marie Lopez
Notary Public, State of Texas



(CLIPPING) (S)

ORDINANCE NO. 83-2007
AN ORDINANCE OF THE
CITY OF ORCHARD RE-
PEALING ORDINANCE NO.
043-99, PASSED AND AP-
PROVED THE 13TH DAY OF
OCTOBER 1999, IN ITS EN-
TIRETY; PROHIBITING THE
INSTALLATION OF MOBILE
HOMES AND MANUFACT-
TURED HOMES OUTSIDE A
MOBILE HOME PARK; PRO-
VIDING DEFINITIONS; RE-
QUIRING A LICENSE TO OP-
ERATE A MOBILE HOME
PARK; SETTING FORTH THE
SITE REQUIREMENTS; ES-
TABLISHING HUD-CODE
MANUFACTURED HOME
PARK STANDARDS AND
OTHER PREREQUISITES TO
THE ISSUANCE OF A PER-
MIT OR LICENSE; PRE-
SCRIBING REGULATIONS
FOR THE MANAGEMENT OF
MOBILE HOME PARKS;
PROVIDING FEES; PROVID-
ING A PENALTY IN AN
AMOUNT NOT TO EXCEED
\$500 FOR EACH DAY OF
VIOLATION HEREOF; RE-
PEALING ALL ORDINANCES
OR PARTS OF ORDINANCES
INCONSISTENT OR IN CON-
FLICT HERewith; AND
CONTAINING A SERVER-
ABILITY CLAUSE.