

ORDINANCE NUMBER 2009-01

AN ORDINANCE REPEALING ORDINANCE NUMBER 2006-05; DEFINING TERMS; PROVIDING FOR THE LOCATION AND REGULATION OF MOBILE HOMES, TRAILERS/RECREATIONAL VEHICLES AND BUILDINGS; PROVIDING FOR HOUSE OR BUILDING MOVING; PROVIDING PERMIT FEE REGULATIONS; PROVIDING FOR LICENSES, BONDS AND PERMITS; PROVIDING THAT VIOLATIONS CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED FIVE-HUNDRED (\$500) DOLLARS; PROVIDING FOR THE REPEAL OF ANY OTHER ORDINANCES, RESOLUTIONS OR POLICIES OF THE TOWN IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE FOLLOWING PUBLICATION OF CAPTION FOR TWO (2) DAYS IN THE BRAZOSPORT FACTS.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE TOWN OF HOLIDAY LAKES, TEXAS:

SECTION ONE

1. TOWN: MEANS THE TOWN OF HOLIDAY LAKES, BRAZORIA COUNTY, TEXAS.
2. MOBILE HOME: MEANS ANY VEHICLE OR SIMILAR PORTABLE STRUCTURE HAVING BEEN ORIGINALLY CONSTRUCTED WITH WHEELS DESIGNED FOR USE AS A CONVEYANCE UPON HIGHWAYS, AND HAVING NO ORIGINAL FOUNDATION OTHER THAN ITS OWN CHASSIS, WHEELS, JACKS, OR SKIRTING, AND SO DESIGNED OR CONSTRUCTED AS TO PERMIT LONG-TERM OCCUPANCY FOR DWELLING AND SLEEPING PURPOSES. IT MAY CONSIST OF ONE OR MORE UNITS THAT CAN BE TELESCOPED WHEN TOWED AND EXPANDED LATER FOR ADDITIONAL CAPACITY OR OF TWO OR MORE UNITS, SEPARATELY TOWABLE, BUT DESIGNED TO BE JOINED

INTO ONE INTEGRAL DWELLING UNIT. AS USED IN THIS ORDINANCE, THE MOBILE HOME SHALL BE INTERPRETED TO INCLUDE HUD CODE, ZONE 2 MANUFACTURED HOMES NOT TO EXCEED FIVE YEARS AGE AT THE TIME OF THE PERMIT APPLICATION, OR A SPECIAL EXCEPTION PERMIT MUST BE OBTAINED UPON CITY COUNCIL APPROVAL.

3. **TRAVEL TRAILER/RECREATIONAL VEHICLE:** MEANS ANY VEHICULAR, PORTABLE STRUCTURE DESIGNED AS A TEMPORARY DWELLING FOR TRAVEL, RECREATIONAL AND VACATION USES, AND INCLUDES FOLDING, HARDTOP CAMPERS TRANSPORTED BEHIND A MOTOR VEHICLE; CAMPER, CONVERTED BUS, TENT TRAILER, TENT OR SIMILAR DEVICE USED FOR TEMPORARY, SHORT-TERM OCCUPANCY, NOT TO EXCEED SIX MONTHS UNLESS A SPECIAL EXCEPTION PERMIT IS GRANTED BY COUNCIL. ALL OF THE ABOVE MUST MAINTAIN A CURRENT INSPECTION AND REGISTRATION.
4. **MODULAR HOME:** MEANS ANY PERMANENT, SINGLE-FAMILY DWELLING UNIT WHICH HAS BEEN FABRICATED OR FACTORY CONSTRUCTED AS A SINGLE UNIT, OR IN SECTIONS OR MODULES, WITHOUT WHEELS OR A CHASSIS OF ITS OWN, AND ASSEMBLED AT THE FACTORY OR CONSTRUCTION SITE, AND MOVED ON A FLATBED OR OTHER TRAILER TO A PERMANENT LOCATION AS A UNIT OR IN SECTIONS OR MODULES AS A PERMANENT SINGLE-FAMILY DWELLING UNIT PLACED ON A PERMANENT FOUNDATION AT SUCH SITE AND CONNECTED WITH ALL UTILITY SERVICES.
5. **HOUSE OR BUILDING:** MEANS ANY PERMANENT, SINGLE-FAMILY DWELLING UNIT OR BUILDING PREVIOUSLY CONSTRUCTED AND LOCATE AT ANOTHER SITE AND, IN THIS ORDINANCE, APPROVED AND PERMITTED FOR RELOCATION WITHIN THE CORPORATE LIMITS OF THE TOWN, AS APPROVED BY CITY COUNCIL.
6. **HARD SURFACE ROADS, ALLEYS OR DRIVEWAYS:** MEANS AN ASPHALT OR CONCRETE ROAD, ALLEY OR DRIVEWAY.
7. **NATURAL OR ARTIFICIAL BARRIER:** MEANS ANY RIVER, POND, CREEK, CANAL, RAILROAD, FENCE, TREE OR

HEDGE THAT PROHIBITS PUBLIC VIEW OF AND EASE OF ACCESS.

8. **NON-CONFORMING USE:** MEANS A BUILDING, STRUCTURE OR USE OF LAND LAWFULLY OCCUPIED AT THE TIME OF THE EFFECTIVE DATE OF THIS ORDINANCE WHICH DOES NOT CONFORM TO THE PLANS, SPECIFICATIONS, AND LICENSING REQUIREMENTS.
9. **PERMITTEE:** MEANS ANY PERSON TO WHOM A PERMIT IS ISSUED UNDER THE PROVISIONS OF THIS ORDINANCE.
10. **PERSON:** MEANS ANY NATURAL INDIVIDUAL, FIRM, TRUST, PARTNERSHIP, ASSOCIATION OR CORPORATION.
11. **SEPTIC SYSTEM:** MEANS EITHER AN AEROBIC SYSTEM OR A STANDARD SYSTEM WITH TANKS AND LATERAL LINES.

SECTION TWO

IT SHALL BE UNLAWFUL FOR ANY PERSON TO LOCATE WITHIN THE CORPORATE LIMITS OF THE TOWN ANY MOBILE HOME, TRAVEL TRAILER, MODULAR HOME, HOUSE, OR BUILDING, FOR DWELLING PURPOSES OR OTHER SPECIFIED USES, UNLESS APPLICATION IS MADE AND APPROVED BY CITY COUNCIL TO LOCATE SAME ON PRIVATE OR COMMERCIAL PROPERTY AS HEREINAFTER PROVIDED:

1. **APPLICATION FOR SPECIAL USE PERMIT:** ANY PERSON DESIRING TO PLACE ANY OF THE AFOREMENTIONED STRUCTURES, FOR OCCUPANCY OR BUSINESS PURPOSES, ON A PRIVATE LOT, WHETHER SAID LOT OR LOTS ARE VACANT OR HAVE IMPROVEMENTS THEREON, SHALL FILE A WRITTEN APPLICATION FOR A SPECIAL USE PERMIT WITH THE CITY SECRETARY. THE APPLICATION SHALL CONTAIN THE NAME AND ADDRESS OF THE APPLICANT; THE SIZE OF THE STRUCTURE; THE YEAR (NOT TO EXCEED FIVE YEARS OLD) AND MODEL AND ORIGINAL COST OF THE UNIT, AND A LEGAL DESCRIPTION OF THE PROPERTY UPON WHICH SAID UNIT IS TO BE LOCATED. IN ADDITION, THE APPLICATION SHALL GIVE ASSURANCE OF ABILITY TO COMPLY WITH REQUIREMENTS FOR CONNECTING THE UNIT TO ALL UTILITIES; AND SHOW, BY PLOT, THE LOCATION OF THE

UNIT ON THE PROPOSED SITE SO AS TO CONFORM TO EXISTING BUILDING LINES OF ADJACENT CONVENTIONAL OR RESIDENTIAL PROPERTIES. PLACEMENT MUST BE AT LEAST TWENTY-FIVE FEET FROM THE FRONT PROPERTY LINE AND LEAST FIVE- FEET FROM SIDE PROPERTY LINES. THE COMPLETED APPLICATION SHALL THEN BE SUBMITTED TO THE CITY COUNCIL FOR CONSIDERATION OR FINAL APPROVAL.

2. OTHER FACTORS TO BE CONSIDERED FOR APPROVAL OF SPECIAL USE PERMIT: THE CITY COUNCIL, IN ITS FINAL DECISION TO APPROVE AN APPLICATION FOR SPECIAL USE PERMIT TO LOCATE ANY UNIT ON A PRIVATE LOT, SHALL CONSIDER SUCH OTHER FACTORS AS FOLLOWS:

- A. THE LOCATION OF THE PROPOSED MOBILE UNIT.**
- B. THE EXISTING TYPE OF DEVELOPMENT AND LAND USE IN THE IMMEDIATE AREA.**
- C. THE QUALITY AND TYPE OF PROPOSED MOBILE HOME UNIT.**
- D. THE UTILIZATION OF LAND AND AIR SPACE**
- E. THE CONTROL OF TRAFFIC AND OFF-STREET PARKING**
- F. THE MOST APPROPRIATE USE OF LAND INVOLVED IN THE PARTICULAR APPLICATION SO AS NOT TO CREATE HARDSHIP FOR THE APPLICANT OR OWNER OF ANY PROPERTY SURROUNDING THE AREA AND TO BE IN THE BEST PUBLIC INTEREST.**
- G. THE CURRENT CONCEPTS AND STANDARDS FOR MOBILE HOMES AND OTHER AFOREMENTIONED UNITS.**
- H. THE FEE FOR EACH PERMIT SHALL NOT BE CONSTRUED AS A BAR TO PROSECUTION FOR OR ENFORCEMENT OF ANY APPLICABLE LAW, OR AS ANY TYPE OF WAIVER BY THE TOWN.**
- I. A PERMIT SHALL NOT BE ISSUED FOR ANY PROPERTY WITH NO SEPTIC SYSTEM, UNLESS THE PERMIT APPLICATION IS ACCOMPANIED BY AN APPROVED SEPTIC SYSTEM PERMIT ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.**

- J. A PERMIT MAY BE ISSUED FOR PROPERTY WITH A PRE-EXISTING SEPTIC SYSTEM IF THERE IS NO OTHER HOUSE, MOBILE HOME OR MANUFACTURED HOME OCCUPYING THE SAME PREMISES.
 - K. ACCESS TO WATER SERVICE FROM THE TOWN WILL BE DENIED IF ANY UNIT WAS MOVED WITHOUT AN APPROVED PERMIT.
3. CONDITIONS FOR ISSUANCE OF SPECIAL USE PERMIT:
AS A CONDITION FOR THE ISSUANCE OF A SPECIAL USE PERMIT, CITY COUNCIL MAY:
- A. GRANT THE PERMIT FOR A LIMITED TIME SO LONG AS THE PERIOD OF TIME IS REASONABLE AND NOT ARBITRARY OR CAPRICIOUS.
 - B. GRANT THE USE OF PROPERTY UNDER THE PERMIT BE LIMITED TO THE APPLICANT, IMMEDIATE FAMILY OR GUESTS AND THAT ANY SUCCESSOR IN INTEREST MUST REAPPLY FOR ANOTHER SPECIAL USE PERMIT.
 - C. MAY DIRECT THE CONVERTING OF MOBILE HOME TO A PERMANENT STRUCTURE. REMOVAL OF WHEEL OR AXLES AND TONGUE FROM A MOBILE HOME SHALL BE CONSTRUED TO AUTOMATICALLY CONVERT THE MOBILE HOME INTO A PERMANENT STRUCTURE, SUBJECT TO THE REQUIREMENTS OF THE BUILDING CODE, HOUSING LAWS AND ALL OTHER LAWS APPLICABLE TO DWELLINGS ACCORDING TO THE FOUNDATION PLAN PRESCRIBED HEREIN AND ON FILE IN THE OFFICE OF THE CITY SECRETARY.
 - D. ANY COMBINATION OF SECTION (A), (B) OR (C).

SECTION THREE

THIS ARTICLE IS NOT INTENDED TO ABROGATE OR ANNUL ANY PERMIT ISSUED OR AGREEMENT MADE BY THE CITY COUNCIL PRIOR TO THE DATE OF THIS ORDINANCE, WITH RESPECT TO THE LOCATION OF A MOBILE HOME, TRAVEL TRAILER, HOUSE, OR MODULAR HOME.

1. HOUSE MOVING

A. PERMIT REQUIRED

(1) NO PERSON, FIRM, ASSOCIATION OR ENTITY, INCORPORATED OR OTHERWISE, SHALL HEREINAFTER TRANSPORT UPON ANY OF THE STREETS OR ALLEYS WITHIN THE CORPORATE LIMITS OF THE TOWN, ANY HOUSE, BARN OR OTHER BUILDING, WHETHER THE POINT OF ORIGIN OF SAID STRUCTURES SHOULD ALREADY BE WITHIN THE CORPORATE LIMITS OF THE TOWN OR OUT OF THE TOWN LIMITS, WITHOUT FIRST HAVING OBTAINED A WRITTEN PERMIT FROM THE TOWN SO AUTHORIZING. STATE PERMIT SHALL DESCRIBE THE ROUTE TO BE TAKEN OVER AND ACROSS SAID STREETS AND ALLEYS. IN THE EVENT SAID BUILDING IS TO BE LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN, AN APPLICATION SHALL BE FILED FOR A PERMIT TO LOCATE WITHIN THE CORPORATE LIMITS.

(2) THIS SECTION SHALL NOT APPLY TO ANY STRUCTURE OF MODULAR CONSTRUCTION THAT IS TWELVE- FEET WIDE OR LESS, TWENTY-FOUR FEET OR LESS LONG, AND THAT MEETS ANY ONE OF THE FOLLOWING REQUIREMENTS: (A) THE BUILDING WILL BE PLACED ON A LOT OR PARCEL OF LAND ON WHICH THERE IS AN EXISTING RESIDENTIAL STRUCTURE AND THE BUILDING WILL BE USED SOLELY FOR STORAGE BY THE OCCUPANT OF THE RESIDENCE; OR (B) THE BUILDING WILL BE PLACED ON PROPERTY THAT DOES NOT HAVE AN EXISTING RESIDENTIAL STRUCTURE AND WILL BE USED SOLELY AS AN OFFICE OR FOR OTHER COMMERCIAL, NON-RESIDENTIAL USE.

(3) NOTWITHSTANDING THE ABOVE, THIS PROVISION SHALL NOT APPLY TO ANY HOUSE, TRAILER OR MOBILE HOME TRANSPORTED UNDER AN OVERSIZE PERMIT ISSUED BY THE TEXAS DEPARTMENT OF TRANSPORTATION SO LONG AS THE ROUTE TRAVELED BY THE VEHICLE IS ENTIRELY OVER HIGHWAYS MAINTAINED BY THE STATE OF TEXAS.

2. PERMIT TO LOCATE INSIDE OF CORPORATE LIMITS: THE APPLICATION SHALL CONTAIN THE NAME AND ADDRESS OF THE APPLICANT AND A LEGAL DESCRIPTION OF

THE PROPERTY UPON WHICH THE HOME IS TO BE LOCATED. IN ADDITION, THE APPLICATION SHALL SHOW BY PLOT THE LOCATION OF THE BUILDING OR HOME ON THE PROPOSED SITE SO AS TO CONFORM TO ALL BUILDING AND SETBACK REQUIREMENTS. PROVIDED THAT ALL REQUIREMENTS OF THIS ORDINANCE HAVE BEEN MET, THE TOWN SHALL HAVE THE AUTHORITY TO ISSUE THE PERMIT.

PRIOR TO BEING USED OR OCCUPIED, ANY BUILDING MOVED INTO THE TOWN SHALL BE BROUGHT INTO COMPLIANCE WITH THE SOUTHERN STANDARD BUILDING CODE CURRENTLY EFFECTIVE. THE APPLICANT SHALL SUBMIT A PLAN OF RENOVATIONS OR REPAIRS CONTEMPLATED TO CITY COUNCIL FOR APPROVAL. ALL REPAIRS AND RENOVATIONS SHALL BE COMPLETED WITHIN SIX MONTHS OF THE DATE THE HOUSE IS LOCATED INSIDE THE CORPORATE LIMITS, UNLESS THE TIME IS EXTENDED BY CITY COUNCIL APPROVAL. ABSENT A SHOWING OF GOOD CAUSE, FAILURE TO COMPLETE RENOVATIONS WITHIN THE STIPULATED TIME SHALL SUBJECT THE OWNER OF THE STRUCTURE TO A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH DAY THE OWNER IS IN VIOLATION OF THIS ORDINANCE.

3. CONDITIONS UNDER WHICH HOUSE MAY BE MOVED:

- A. ALL STRUCTURES MUST BE MOVED ON PNEUMATIC TIRES.**
- B. ALL STRUCTURES MUST BE MOVED DURING DAYLIGHT HOURS.**
- C. AN ESCORT VEHICLE SHALL BE PROVIDED BY PERMITTEE FOR BOTH THE FRONT AND REAR OF THE STRUCTURE WHILE IN TRANSIT.**
- D. THE APPLICANT SHALL TRAVEL ONLY AT THE TIMES AND THE ROUTES SPECIFIED IN THE PERMIT.**

4. SIZE REQUIREMENT OF HOUSES: ALL RESIDENTIAL STRUCTURES THAT ARE MOVED INTO THE CORPORATE LIMITS OF TOWN MUST CONTAIN AT LEAST ONE THOUSAND SQUARE FEET OF LIVING AREA.

5. BONDS REQUIRED: NO PERMIT TO MOVE ANY HOUSE OR OTHER BUILDING FOR LOCATION INSIDE THE CORPORATE LIMITS OF THE TOWN SHALL BE ISSUED UNTIL THE APPLICANT SHALL HAVE DEPOSITED A BOND IN THE SUM OF TWO-THOUSAND DOLLARS, WHICH BOND SHALL BE SIGNED BY THE APPLICANT AND TWO OR MORE GOOD AND SUFFICIENT SURETIES OR BY THE APPLICANT AND A SURETY COMPANY AUTHORIZED TO MAKE SURETY BONDS IN THIS STATE. SUCH BOND SHALL BE CONDITIONED SO AS TO INDEMNIFY ANY AND ALL PERSONS AND THE TOWN FOR ANY DAMAGE OR LOSS TO PROPERTY OR PERSON OR REASONABLE AND NECESSARY EXPENSES CAUSED TO OR INCURRED BY ANY PERSON AS A RESULT OF THE MOVING OF ANY HOUSE OR OTHER BUILDING. THE DAMAGE AND LOSS COVERED BY THE BOND SHALL BE LIMITED TO INCIDENTS OF PHYSICAL DAMAGE OR DESTRUCTION OF PROPERTY AND SHALL NOT INCLUDE DIMINUTION OF VALUE CAUSED SOLELY BY THE FACT THAT THE STRUCTURE WAS PLACED ON THE ADJACENT PROPERTY. IN THE EVENT THE APPLICANT IS IN THE HOUSE MOVING BUSINESS AND CONTEMPLATES MOVING MORE THAN ONE HOUSE OR OTHER BUILDINGS WITHIN A ONE-YEAR PERIOD, HE MAY MAKE A BLANKET BOND IN THE SUM OF TWO-THOUSAND DOLLARS, CONDITIONED AS STATED ABOVE, BUT COVERING ALL BUILDING AND HOUSES FOR WHICH HE MAY OBTAIN SUCH PERMITS DURING THE YEAR, AND SUCH BUILDINGS THAT MAY BE MOVED BY THE APPLICANT DURING SUCH YEAR. ALL SUCH BONDS SHALL BE APPROVED BY THE CITY COUNCIL AND SHALL BE FILED IN THE OFFICE OF THE CITY SECRETARY.

6. SITE REQUIREMENTS: ALL DEFINED STRUCTURES REFERENCED IN SECTION ONE SHALL COMPLY WITH ALL REQUIREMENTS OF ALL OTHER LAWS AND ORDINANCES. ALL DEFINED STRUCTURES REFERENCED IN SECTION ONE SHALL BE ELEVATED TO OR ABOVE THE BASE FLOOD ELEVATION AND BE SECURELY ANCHORED TO COMPLY WITH THE REQUIREMENTS OF THE DESIGNATED FEMA FLOOD ZONES AND ALL OTHER FEMA REQUIREMENTS. THE AVERAGE HEIGHT OF THE BOTTOM

OF A MANUFACTURED HOME OR MOBILE HOME FRAME, ABOVE THE GROUND ELEVATION, SHALL NOT EXCEED THREE FEET.

7. PENALTY FOR VIOLATIONS: EVERY PERSON, FIRM, ASSOCIATION, CORPORATION OR ENTITY, INCORPORATED OR OTHERWISE, CONVICTED OF A VIOLATION OF A PROVISION OF THIS ORDINANCE SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED FIVE-HUNDRED DOLLARS PER DAY PER VIOLATION.

8. PERMITTING FEES: THESE FEES SHALL BE GOVERNED BY THE "MOBILE HOME & HOUSING REGULATIONS." THESE REGULATIONS MAY CHANGE FROM TIME TO TIME AS DEEMED APPROPRIATE AND NECESSARY BY VOTE OF CITY COUNCIL.

SEVERABILITY CLAUSE

IT IS HEREBY DECLARED TO BE THE INTENTION OF THE CITY COUNCIL OF THE TOWN OF HOLIDAY LAKES, TEXAS, THAT THE SEVERAL PROVISIONS OF THIS ORDINANCE ARE SEVERABLE, AND IF ANY COURT OF COMPETENT JURISDICTION ENTERS A FINAL ORDER WHICH HOLDS THAT ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR OTHER PORTION OF THIS ORDINANCE IS INVALID, LEGALLY OR OTHERWISE UNENFORCEABLE, THEN ANY SUCH PORTION SHALL BE DEEMED A SEPARATE DISTINCT AND INDEPENDENT PROVISION AND ANY SUCH RULING SHALL NOT AFFECT ANY OTHER PROVISION OF THIS ORDINANCE WHICH ARE NOT SPECIFICALLY DESIGNATED AS ILLEGAL, INVALID OR UNENFORCEABLE.

EFFECTIVE DATE

THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER THE DATE OF ITS PASSAGE AND PUBLICATION.

**READ, PASSED, AND APPROVED ON THIS THE 17TH DAY
OF FEBRUARY 2009.**

Norman C. Schroeder

**NORMAN C. SCHROEDER, MAYOR
TOWN OF HOLIDAY LAKES, TEXAS**

ATTEST:

Donna J. Brown

**DONNA J. BROWN, CITY SECRETARY
TOWN OF HOLIDAY LAKES, TEXAS**