

CITY ORDINANCE NO. 2020-0608

AN ORDINANCE OF THE CITY OF WOLFE CITY ESTABLISHING STANDARD RULES AND GUIDELINES FOR THE REGULATION, PROHIBITION, AND LIMITING OF INSTALLATION, USE, PLACEMENT, AND LOCATION OF MOBILE HOMES, HUD CODE MANUFACTURED HOMES, RECREATIONAL VEHICLES, CAMPER TRAILERS AND TINY HOMES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Wolfe City, Texas, (the “City”) has authority to regulate, limit, prohibit, and direct the installation, placement, and planning of housing within the municipality through zoning, land use, and its powers to protect the public health, safety, and general welfare; and

WHEREAS, the City Council for the City of Wolfe City desires to institute rules, procedures, and guidelines related to Mobile Homes, HUD-Code Manufactured Homes, (as they are defined by the United States Department of Housing and Urban Development;) and Recreational Vehicles and Camper Trailers and Tiny Houses; and

WHEREAS, the City Council of the City of Wolfe City, Texas, finds that it is in the best interest of the public safety, health and general welfare, as well as to proper planning and management of zoning and land use, to regulate Mobile Homes, HUD-Code Manufactured Homes, Recreational Vehicles and Camper Trailers and Tiny Homes; and

WHEREAS, a public hearing on this matter was held by the City Council as required by law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WOLFE CITY, TEXAS:

SECTION 1. Definitions.

a. “MOBILE HOME” - a structure constructed before 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. Tex. Occ. Code § 1201.003 (20).

b. “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, 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. Tex. Occ. Code § 1201.003 (12). (A HUD CODE MANUFACTURED HOME displays a red certification label on the exterior of each section. This label serves as the manufacturer’s certification that the section is built in accordance with Federal Housing and Urban Development standards.)

- c. "MANUFACTURED HOME" or "MANUFACTURED HOUSING" – is a HUD CODE MANUFACTURED HOME or a MOBILE HOME. Tex. Occ. Code § 1201.003 (18).
- d. "RECREATIONAL VEHICLE OR CAMPER TRAILER"- Structure with or without a motor that is designed for the purpose of mobile living. The vehicle or structure has wheels, axles or is designed to be easily moved. "Towable recreational vehicle" means a vehicle that is designed: (i) to be towable by a motor vehicle; and: (ii) for temporary human habitation for uses including recreational camping or seasonal use.
- e. "TINY HOME"- Any structure designed for overnight occupancy which has an interior square footage measurement of less than six hundred square feet.
- f. "PERSON, FIRM OR CORPORATION" - includes a natural person, entity, firm, partnership, association, limited liability company, joint venturer, or corporation.
- g. Other terms herein shall have the meanings defined in other ordinances of the City except where the context clearly requires otherwise.

SECTION 2. Mobile Home, Manufactured Homes, Recreational Vehicle, Camper Trailer and Tiny Home Prohibited.

No MOBILE HOME or MANUFACTURED HOME or RECREATIONAL VEHICLE or CAMPER TRAILER or TINY HOME shall be permitted within the City limits of the City of Wolfe City, Texas. Any MOBILE HOME, MANUFACTURED HOME, RECREATIONAL VEHICLE, CAMPER TRAILER OR TINY HOME located in the City legally, prior to the enactment of this ordinance and used and occupied as a residential dwelling shall be allowed to remain. Existing MOBILE HOMES, MANUFACTURED HOMES, RECREATIONAL VEHICLES, CAMPER TRAILERS and/or TINY HOMES shall only be replaced with a like MOBILE HOME, MANUFACTURED HOME, RECREATIONAL VEHICLE, CAMPER TRAILER or TINY HOME if the unit is destroyed due to an act of God, force majeure, or a similar cause not reasonably within the landowner's control.

SECTION 3. Temporary Use. An owner may temporarily use a RECREATIONAL VEHICLE or CAMPER TRAILER for up to 30 days only if a written permit is secured from the Code Enforcement Officer. The permit shall note the dates the RECREATIONAL VEHICLE or CAMPER TRAILER is permitted for use. Any RECREATIONAL VEHICLE or CAMPER TRAILER utilized outside of a permitted period, without permit, or without use of necessary utilities, shall be considered an offense.

SECTION 4. Existing Mobile Homes, Manufactured Homes, Recreational Vehicles, Camper Trailers and Tiny Homes. This ordinance does not make unlawful any MOBILE HOME, MANUFACTURED HOME, RECREATIONAL VEHICLES or CAMPER TRAILERS or TINY HOME already in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any nonconforming MOBILE HOME, MANUFACTURED HOME, RECREATIONAL VEHICLE or CAMPER TRAILER or TINY HOME is removed from its location, it shall not be allowed to relocate within the city limits of the City of Wolfe City, Texas.

SECTION 5. Mobile Home, Manufactured Home, Recreational Vehicle, Camper Trailer and Tiny Home Use. A MOBILE HOME, MANUFACTURED HOME or RECREATIONAL VEHICLE or CAMPER TRAILER or TINY HOME shall not be used as an office or business building in any zoning district.

SECTION 6. Violations and Penalties. Any person, firm or corporation who commits any of the following shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than: (1) FIVE HUNDRED DOLLARS (\$500.00) for: a) Any violation of this ordinance; or b) Providing false information to a City official concerning licensing or permitting under this ordinance this ordinance or compliance with this ordinance; or (2) TWO THOUSAND DOLLARS (\$2,000.00) for offenses that endanger the public's health, safety and welfare. Each day or portion of a day during which any violation occurs or continues shall be a separate offense.


SECTION 7. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 8. Severability. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Wolfe City, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 10. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 8th day of June, 2020.


Sharion Scott, Mayor

ATTEST:


Sondra LaFavers, City Secretary

APPROVED AS TO FORM:

Abigail K. Sullivan, Assistant City Attorney