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## ORDINANCE NO. 1815.11

**AN ORDINANCE AMENDING ORDINANCE NO. 1515.26, THE MANUFACTURED HOUSING ORDINANCE, AND NO. 1615.26A, AMENDING THE MANUFACTURED HOUSING ORDINANCE, RELATING TO THE REGULATION OF MANUFACTURED HOUSING WITHIN THE CITY OF SAN ELIZARIO TO ALLOW FOR THE REPLACEMENT OF CERTAIN HABITATED TRAVEL TRAILERS; CLARIFYING PERMIT APPLICATION REQUIREMENTS AND THE SECTION NUMBER OF THE AMENDMENT TO ARTICLE 4; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEALER, SEVERABILITY AND EFFECTIVE DATE; DECLARING A VIOLATION OF THE ORDINANCE, AS AMENDED, AS A MISDEMEANOR OFFENSE WITH MAXIMUM PENALTIES OF \$500 OR \$2000 PER OFFENSE.**

WHEREAS, the City Council ("Council") of the City of San Elizario ("City") previously adopted Ordinance No. 1515.26, the Manufactured Housing Ordinance, establishing manufactured housing and mobile home regulations for the health, safety and welfare of its citizens; and

WHEREAS, Texas Occupations Code Section 1201.008 provides for the regulation by the City of manufactured housing and mobile homes in the City; and

WHEREAS the Council amended the Manufacturing Housing Ordinance on January 26, 2016, and the Council desires to amend such amendment to clarify the section for the amendment to Article 4 in that amendment; and

WHEREAS, the Council desires to amend the Manufactured Housing Ordinance to clarify the definition of travel trailers and impose additional regulations relating to water and sewer hook-ups for such trailers when permitted.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of San Elizario:

### **SECTION I. FINDINGS OF FACT**

The foregoing recitals are adopted as facts and incorporated fully herein.

## SECTION 2. ENACTMENT

The City Council hereby adopts and enacts this ordinance to amend The Manufactured Housing Ordinance of the City of San Elizario, Ordinance No. 1515.26, in part, and to amend the amendment to The Manufactured Housing Ordinance of the City of San Elizario, Ordinance No. 1615.26A in part, as attached hereto as "attachment A" and incorporated fully herein this Ordinance for all intents and purposes.

## SECTION 3. REPEALER AND SEVERABILITY

Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

Severability. Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

## SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this, the 8th day of May, 2018, by a vote of 5  
(*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS

  
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Maya Sanchez, Mayor

## AMENDMENT NO. 2 TO THE MANUFACTURED HOUSING ORDINANCE

The Manufactured Housing Ordinance of the City of San Elizario, Ordinance No. 1515.26, and the amendment to the Manufactured Housing Ordinance, Ordinance No. 1615.26A, are hereby amended to read as follows:

1) Article 2, Section 1.03 PERMITS is deleted in its entirety and replaced with the following:

### SECTION 1.03 PERMITS

A. Mobile Home. No permit shall be issued for the installation and placement of a mobile home inside the City of San Elizario, and such homes are prohibited within the City of San Elizario. This prohibition is prospective and does not apply to a mobile home previously legally permitted by and used as a dwelling in the municipality. If a mobile home is replaced by a manufactured home in the City, a permit shall be granted for use of the manufactured home as a dwelling in the City.

B. Manufactured Home Permit. Upon application, the City shall issue a permit for the installation of a manufactured home for use as a dwelling in the Manufactured Home Subdivision Districts of the City only as determined by and outlined in the City Zoning Map or as otherwise permitted in this Ordinance. An application to install a manufactured home for use as a dwelling in the zoned district is considered to be granted unless the City in writing denies the application and states the reason for the denial not later than the 45th day after the date the application is received.

C. Manufactured Home Replacement. An owner of the manufactured home on a city lot shall be issued a permit to 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 no older than ten (10) years of age from the date of the issuance of the permit, and is at least as large in living space as the prior manufactured home. Other than in the case of a fire or natural disaster, replacement of a manufactured home by an owner is limited to a single replacement.

D. Travel Trailer Replacement. An owner of a travel trailer that was being occupied as a residence on the date of the City's incorporation shall be issued a permit to remove the travel trailer from its location and place a manufactured home on the same property, provided that the manufactured home is a newer manufactured home no older than ten (10) years of age from the date of the issuance of the permit, and the installation of such manufactured home will be in compliance with applicable Zoning Ordinance regulations pertaining to the property.

E. Permit Application. All applications for permits shall be made upon standard forms provided by the Building Official and shall contain the following:

1. Name and address of the applicant.
2. Location and legal description of lot for manufactured housing placement.

3. To the application shall be attached a copy of a site plan showing the location and orientation of the manufactured home, the required setbacks, and any other information specifically required herein.
4. A copy of a receipt issued by the water utility which provides water services to the City of San Elizario stating water connection fees have been paid.
5. A copy of a receipt issued by the wastewater utility which provides wastewater services to the City of San Elizario stating wastewater connection fees have been paid OR a statement from the Texas Commission on Environmental Quality authorizing the utilization of a septic system.

F. Permit Fee. All applications to the Building Official shall be accompanied by a fee issued in accordance with the City's fee schedule.

G. Issuance of Permit. A permit shall issue upon demonstration that a proposed plan meets all requirements of this Ordinance.

H. Installation Deadline. Installation must be completed within 90 days of the issuance of the permit with one 90 day extension granted if necessary.

I. Denial of Permit; Hearing. Any person whose application for a permit under this Ordinance has been denied, may request a hearing on the matter under the procedure provided by Section 1.05 of this Ordinance.

2) That Subsections C and D, added to Article 4, **MISCELLANEOUS PROVISIONS**, in Ordinance No. 1615.26A are hereby designated to be included under Section 4.01, **OCCUPANCY**, under Article 4.