



Antonio Araujo
Mayor

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ORDINANCE NO. 2015.26

AN ORDINANCE AMENDING ORDINANCE NOS. 1515.26, 1615.26A, AND 1815.11, THE MANUFACTURED HOUSING ORDINANCE, TO AMEND THE PROVISIONS FOR THE REPLACEMENT OF CERTAIN MOBILE AND MANUFACTURED HOMES; AND TO SET PERMIT FEES; AND 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, and amendments thereto, 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 desires to amend the provisions relating to the replacement of certain manufactured homes; and

WHEREAS, The Council finds it appropriate to increase the fee for a permit for the removal and replacement of a mobile home or manufactured home when such home has already been removed from the property at the time of the application, due to the additional amount of staff time and work it will take to process such application.

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

SECTION 1. FINDINGS OF FACT

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

SECTION 2. AMENDMENT

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.
6. An applicant for a permit under subsections A or C may obtain the permit to remove the mobile home or manufactured home before or after such home is removed from its

location. If the permit is requested after such home is removed from its location, the applicant shall provide evidence showing that a mobile home or manufactured home was in existence on the property within the 2 years preceding the date of the application. Acceptable proof of the existence of a prior mobile home or manufactured home may include Google Earth or similar photos of the home and property with an imprinted date, a sworn affidavit from a disinterested, unrelated person residing within 200 feet of the property describing the home and the date it was removed, a utility bill within the prior two years demonstrating a level of service commensurate that is typically used by those in a home, or a contract or documents from the company that removed the home stating the date of the removal. If such documents do not show or include the date of manufacture and/or size of the manufactured home, the applicant shall submit a sworn affidavit stating the date of manufacture and/or size of the removed home.

F. Permit Fee. All applications to the Building Official shall be accompanied by a fee set in accordance with the City's fee schedule. Provided however, in the absence of a City fee schedule contained in a separate resolution or ordinance that sets the fees for the application for the removal and replacement permit for a mobile home, manufactured home, or travel trailer, the fee for the application of such a permit shall be \$75.00, and the fee for the application of a permit for the removal and replacement of a mobile home or manufactured home made after the removal of the mobile home or manufactured home from the property shall be \$150.00.

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.

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.

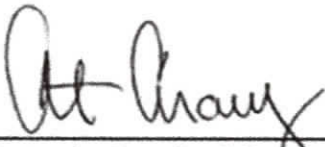
Severability. Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion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

SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

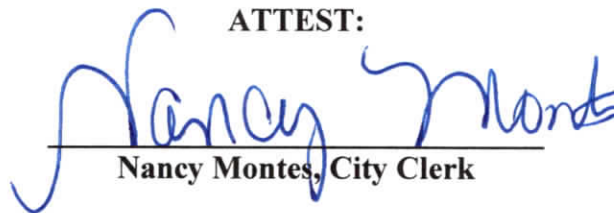
PASSED AND APPROVED this, the 17 day of November, 2020, by a vote of 5
(*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Antonio Araujo, Mayor

ATTEST:



Nancy Montes, City Clerk