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ORDINANCE NO. 1615.26A

AN ORDINANCE AMENDING ORDINANCE NO. 1515.26 THE MANUFACTURED HOUSING ORDINANCE RELATING TO THE REGULATION OF MANUFACTURED HOUSING AND MOBILE HOMES WITHIN THE CITY OF SAN ELIZARIO

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 desires to amend the Manufactured Housing Ordinance to clarify and provide for the replacement of manufactured houses in accordance with state statute and to provide for additional provisions regarding mobile and manufactured homes.

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 Manufactured Housing Ordinance of the City of San Elizario, Ordinance No. 1515.26 is hereby amended, in part, to read as follows:

1) 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 which 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 - Five Percent Rule: Permit Prohibited. The City shall refuse issuance of a manufactured home permit as long as at least five (5) percent of the Developable Residential Area within the City's municipal boundaries currently contain manufactured or mobile homes. Upon approval and adoption of the City's Zoning Ordinance, this provision is deleted in its entirety and of no further effect.

C. Manufactured Home Permit. Upon approval and adoption of the City's Zoning Ordinance, on 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. 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.

D. 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 fifteen (15) 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.

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 City of San Elizario and the El Paso County Health Department 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) New Subsection K is added to **ARTICLE 3. MISCELLANEOUS REQUIREMENTS**

K. The regulations in this ordinance do not affect the validity of an otherwise valid deed restriction regarding a mobile and manufactured home.

3) New Subsections C and D are added to **ARTICLE 4. MISCELLANEOUS PROVISIONS** to read as follows:

C. A mobile home which is abandoned for a continuous period of one hundred eighty (180) calendar days shall be deemed a nuisance and subject to removal in accordance with Subsection D herein.

D. A mobile home or manufactured home in violation of any term or condition of this ordinance shall be subject to removal from the City at the expense of the owner. If, upon a city-directed order for removal, the owner fails to comply, the City may enter upon the property in question and take steps to have the subject vehicle or structure removed at the expense of the owner. Prior to removal, the City shall give the owner written notice by certified mail and by publication one time in a newspaper of general circulation in the City that the City intends to remove the mobile home or manufactured home. If the mailed notice is returned undeliverable, the City shall post the notice on the home. All such notices shall be mailed, published, or posted no less than 10 business days prior to the removal of the home. Recovery of the City's expenses, including storage expenses, may be through imposition of a lien against the owner's lot or by suit for debt. So long as the home remains unclaimed, it shall be treated as abandoned property subject to the maintenance and reporting terms of Chapters 72 and 74 of the Texas Property Code.

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.

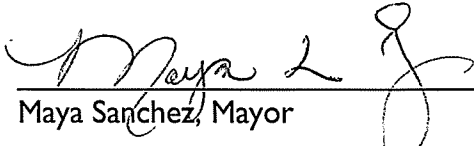
Severability. Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion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

SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this, the 26th day of January, 2016, 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



Maya Sanchez, Mayor