

**ORDINANCE NO. 2022- 0816**

**AN ORDINANCE OF THE CITY OF STAPLES, TEXAS REGULATING THE PLACEMENT AND INSTALLATION OF HUD-CODE MANUFACTURED HOMES, MOBILE HOMES, AND MODULAR HOMES IN THE CITY; IDENTIFICATION OF AREAS ELIGIBLE FOR THE INSTALLATION OF HUD-CODE MANUFACTURED OR MODULAR HOMES; PROVIDING FOR MANUFACTURED HOME COMMUNITIES; DEFINITIONS, INSTALLATION REQUIREMENTS; PROVIDING FOR NON-COMFORMING USE; ABANDONMENT; OTHER REGULATIONS FOR MODULAR AND MANUFACTURED HOMES TO INCLUDE EXCEPTIONS; REPEAL PREVIOUS ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY CLAUSE; EFFECTIVE DATE AND OPEN MEETING CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Staples, Texas (the “City Council”) the City Council has determined that it is in the best interest of the general public to prohibit the future installation of mobile homes, provide regulations for the installation of modular homes and HUD-code manufactured homes in approved city lots or tracks of land, and manufactured home rental communities, as determined appropriate by the City Council; and

**WHEREAS**, the Texas Occupations Code Section 1201.008(b) and the Texas Manufactured Housing Standards Act Section 4b authorizes municipalities to permit HUD-code manufactured homes for use as a residential dwelling in areas determined appropriate by the City; and

**WHEREAS**, the City Council determines that this ordinance is important to the public health, safety, and general welfare of the City of Staples; and

**WHEREAS**, provisions should be made for the review and approval for variances requested, installation instructions, and procedures related to non-conforming use, and abandonment as related to mobile homes and HUD-Code manufactured homes; and

**WHEREAS**, through the passage of this ordinance, City Council finds that such regulations are in the public interest and necessary and proper for the good governance of the City of Staples.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STAPLES, TEXAS THAT:**

**SECTION 1. GENERAL**

The City of Staples does permit the installation of a HUD-code manufactured homes that are no greater than ten years of age at installation for use as a dwelling within the city limits of Staples except for those areas that have been prohibited within the context of this ordinance. Modular homes are allowed within the City of Staples.

## **SECTION 2. DEFINITIONS**

“Code” refers to the Texas Manufactured Housing Standards Code.

“HUD-code manufactured home” also referred to as “manufactured home” means 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. The term includes the plumbing, heating, air conditioning, and electrical systems of the home. The terms “single-wide” and “double-wide” are often used to describe the type of structure which is defined as: (i) A “single-wide home” square footage ranges from six hundred square feet up to 1,330 square feet. The width of a single-wide is eighteen feet or less and the length is ninety feet or less. Single-wide homes are shipped as one unit on one semi-trailer; (ii) A “double-wide home” square footage ranges from 1,067 square feet and up to 2,300 square feet. Double-wide homes have a width of twenty feet or more and their length is ninety feet or less. Double-wide homes are shipped as two separate units that are later joined together seamlessly to make a completed doublewide home.

“Label” means a device, decal or insignia issued to indicate compliance with the standards, rules, and regulations related to the types of dwellings, set forth as: (i) A “Red label” is affixed to each transportable section of each HUD-code manufactured home constructed after June 15, 1976, and serves as the manufacturer’s certification that the home is built in accordance to the standards set by the United States Department of Housing and Urban Development; (ii) A “Blue label” is affixed to modular homes signifying that the home is built to model code standards that comply with the International Residential Code and issued by the Texas Department of Licensing and Regulation.

“Mobile home” means a structure constructed before June 15, 1976; 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; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

“Modular homes” also referred to as “industrialized homes” are structures designed for the occupancy of one or more families, that is constructed in one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the components are transported to the permanent site and erected or installed on a permanent foundations system.

## **SECTION 3. ABANDONMENT**

This does not extend to those Mobile homes or HUD-code manufactured homes that are determined to fall under the definitions of abandonment or determined to be a threat to public health or welfare as outlined in Section 6 of this ordinance.

If a grandfathered HUD-code manufactured home or Mobile home is abandoned or removed for any reason other than a one-time replacement as authorized in this ordinance (wherein a Mobile home may only be replaced with a HUD-code Manufactured home pursuant to Section 8(C) of this Ordinance), neither a HUD-code manufactured home nor a Mobile home is authorized on sites that are not permitted in the areas identified in this section.

#### **SECTION 4. HUD-CODE MANUFACTURED HOME ELIGIBLE AREAS**

HUD-code manufactured homes may, upon the issuance of a permit for a specific lot, in appropriate circumstances, be located, placed, and installed in those areas of the City.

A. Area Regulations. The following shall be the minimum requirements for any lot, tract, or parcel of land to be eligible for any building permit for a HUD-code manufactured home.

1) Size of Yards.

a. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.

b. Side Yard. There shall be a side yard of not less than seven (7) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the rear lot line.

2) Size of Lot.

a. Lot Area shall consist of one (1) acre per home.

B. Parking Regulations. Not less than three (3) off-street parking spaces shall be provided for each lot, tract, or parcel of land, for such land to be eligible for a building permit.

#### **SECTION 5. PROVISIONS OF INSTALLATION**

Regulations related to the installation of Mobile homes, HUD-code manufactured homes and Modular homes within the City Limits of Staples, Texas. The construction/installation of Mobile homes is not regulated by a state agency. Therefore, as of the date of this ordinance, the City of Staples prohibits them completely.

1) The prohibition of the installation of a Mobile home for use as a dwelling in the City of Staples is prospective and may not apply to a Mobile home previously legally permitted by and used as a dwelling in the municipality. If a Mobile home, due to the livability and/or condition of such dwelling, needs to be replaced, it may not be replaced by another mobile home but may be replaced by a HUD-code manufactured home as a dwelling in the municipality so long as all HUD-code manufactured home requirements are met. Continued occupancy of a previously legally permitted Mobil home as a single-family dwelling/residence after the adoption of this ordinance shall be permitted as a non-conforming use.

2) HUD-code manufactured homes are regulated by the Manufactured Housing Division of the Texas Department of Housing and Community Affairs. These manufactured homes are provided with a (red) label certifying the structure meets the standards specified by the Texas Department of Housing and Community Affairs.

a. In the event that a HUD-code manufactured home occupies a lot in a municipality, the owner of the HUD-code manufactured home may remove the HUD-code manufactured home from its location and place another HUD-code manufactured home on the same property, provided that the replacement is a newer HUD-code manufactured home and is at least as large in living space as the prior

HUD-code manufactured home. An owner's ability to replace the home as a result of a fire or natural disaster cannot be restricted. Other than in the case of a fire or natural disaster, an owner is restricted to a single replacement of the home.

b. The owner of a HUD-code manufactured home may, upon receipt of a permit, move the HUD-code manufactured home from its current location to another location within the city that meets the requirements outlined in this ordinance. This relocation does not authorize the owner to bring in a second HUD-code manufactured home to the original location under the single replacement option in the paragraph above.

3) Modular Homes (Industrialized homes) are regulated by the Texas Department of Licensing and Regulation. This agency provides a modular home with the blue decal signifying that the home has been built to the model code standards required. Modular homes are designated as real property. Modular homes may be located within the city limits of Staples, Texas.

(4) A person must apply for a permit from the city for the installation of a HUD-code manufactured home or a modular home within the City. The applicant will be charged a nonrefundable application fee as well as an appropriate permit fee to include applicable inspections, in accordance with the City of Staples Fee Schedule. Only one single-family home/dwelling/residence of any kind, may be placed on a single lot/tract within the City and only where unless the lot/tract is approved by the City as a manufactured housing community. Occupancy of a manufactured or modular home may only occur after a certificate of occupancy is issued based upon the satisfactory inspection by the Code Enforcement Officer of the City or other person designated by the City Council that all applicable requirements have been met for the installation in compliance with the State standards and regulations.

Applications shall be in writing, and signed by the applicant. All applications for permits shall contain the following:

1. Name and contact information of the applicant.
2. Name and contact information of the Owner of the manufactured or modular home, if different.
3. Size, model, year of manufacture, original cost, and photograph of the manufactured or modular home and the label number(s).
4. Location and legal description of the lot/tract intended for the home placement.
5. Name and contact information of the lot/tract owner, if different than the applicant or home owner.
6. Proof of ownership or lease rights to the lot/tract for placement of the manufactured or modular home.
7. A copy of a site plan showing the location and orientation of the proposed home, the required setbacks, and any other information specifically required herein. The Site plan shall show the following:
  - a. The area and dimensions of the lot, with identification and location of setbacks and boundaries;
  - b. The proposed placement location of the home with dimensions;
  - c. The location and specifications of water and sewer lines and riser pipes;

- d. The location and details of lighting, electrical, and gas systems;
  - e. Other information the City reviewing officials may require.
8. Proof that the site intended for such home placement is a well-drained lot/tract properly graded to insure rapid drainage and freedom from stagnant pools of water.

An application to install a new HUD-code manufactured home for use as a dwelling shall be considered and acted upon within 30 days after the application has been deemed complete. If the municipality determines to not grant the permit, it shall notify the applicant in writing and state the reason for the denial.

#### **SECTION 6. PARKING ON STREET OR OTHER PUBLIC PLACE**

It shall be unlawful for any person to park any HUD-code manufactured home, mobile home or recreational vehicle on any public street, alley, highway, or other public place within the limits of the city for any of the following purposes:

- 1) Human occupancy at any time;
- 2) Storage for more than 24 hours; or
- 3) Any other purpose for more than 48 hours.

#### **SECTION 7. UNOCCUPIED AND UNSAFE MOBILE HOME AND MANUFACTURED HOMES**

- A. The City of Staples has the authority to regulate all structures within the City limits for threats to public health and safety. If the City decides that a Mobile home or HUD-Code manufactured home poses a threat to public health and welfare, the City is within its power to regulate such homes as a public nuisance for health, safety and/or welfare issues.
- B. Mobile Homes. The disuse of a Mobile home for a period of one hundred eighty (180) days will constitute abandonment of the nonconforming use and the unit must be removed within 30 days. For a Mobile home to be considered under the rules of abandonment, the dwelling must not have been connected to or have maintained active utility accounts for the dwelling during that period of time.

Abandonment includes the intent to abandon; and the overt act or failure to act which carries the implication of abandonment.

- C. Manufactured Homes. The owner of real property on which a HUD-code manufactured home owned by another is located may declare the home abandoned as provided by Section 1201.217 of the Texas Occupations Code.

#### **SECTION 8. VARIANCES OR EXCEPTIONS.**

An application for a variance to this ordinance shall be submitted to the City Secretary for consideration by the City Council after a public hearing and with proper notice to all appropriate parties as identified within this ordinance. The City will provide the applicant with a checklist that outlines requirements and timelines associated with granting variances or exceptions.

## **A. Variance Application.**

The application shall include:

1. Name and contact information of the applicant.
2. Name and contact information of the Owner of the manufactured or modular home, if different.
3. Size, model, year of manufacture, original cost, and photograph of the manufactured or modular home and the label number.
4. Location and legal description of the lot/tract intended for the home placement.
5. Name and contact information of the lot/tract owner, if different than the applicant or home owner.
6. Proof of ownership or lease rights to the lot/tract for placement of the manufactured or modular home.
7. A copy of a site plane showing the location and orientation of the proposed home, the required setbacks, and any other information specifically required herein. The site plan shall show the following:
  - a. The area and dimensions of the lot, with identification and location of setbacks and boundaries;
  - b. The proposed location of the home with dimensions;
  - c. The location and specifications of water and sewer lines and riser pipes;
  - d. The location and details of lighting, electrical, and gas systems;
  - e. Other information the City reviewing officials may require.
8. Proof that the site intended for such home placement is a well-drained lot/tract properly graded to insure rapid drainage and freedom from stagnant pools of water.

## **B. Hearing Required.**

- 1) A variance to the provisions of this section shall only be granted pursuant to a public hearing before the City Council. The public hearing shall be published in the official, local newspaper not more than 45 days prior or less than ten (10) days prior to the hearing date.
- 2) The property owner must submit adequate proof to the Mayor that the aforementioned and other ordinance requirements have been met before a hearing will be scheduled.
- 3) A written notice of the application shall be sent by the US Postal Service to the property owners and/or occupants within five hundred feet of any portion of the property on which the variance is sought at least fifteen days prior to the hearing.
- 4) The public hearing and property owner notification calendar utilized by the city shall be based on the statutory provisions of the laws of the state.
- 5) Before a hearing may be scheduled, the applicant must submit a complete variance application and shall pay all variance application fees, as established, to include all actual costs of the hearing advertisements and notices.

## **C. Granting Authority.**

- 1) **Mobile Home.** If a mobile home is being replaced by a HUD-code manufactured home, the variance is required to be granted.

- 2) HUD-code manufactured home. After the public hearing, the City Council shall deny, approve, or approve with conditions. In exercising its power to grant a variance in accordance with this section, the City Council shall make findings and show in its minutes that:
  - (A.) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and that justify the use of the property for HUD-code manufactured home purposes.
  - (B.) A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed, under this section, by other properties in the vicinity, but which rights are denied to the property on which the application is made.
  - (C.) The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by a comprehensive plan or any area plan and will not adversely affect any other feature of a comprehensive plan or any area plan of the city. While variance may be granted by the City Council final approval upon proof that the dwelling will have adequate utilities, access roads, drainage, completed inspections for electrical, water, sewage, and/or gas lines as outlined in this ordinance.
  - (D.) The HUD-code manufactured home should be determined as compatible with the single-family dwellings located within five hundred feet of the lot.
  - (E.) The variance, if granted, will be of no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity. This means that the HUD-code manufactured home has a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred feet of the lot, as determined by the most recent ad valorem tax appraisal roll.
  - (F.) The City Council must find that it is in the public interest to grant such a variance and that it does not violate the intent of this section or its amendments.
  - (G.) A variance will not be approved for the purpose of the installation of HUD-code manufactured homes that are greater than ten years of age at installation for use as a dwelling that does not meet the parameters of a single replacement for an existing HUD-code manufactured home within the city.

While variance may be granted by the City Council final approval will require proof that the dwelling will have adequate utilities, access to roads, drainage, and completed inspections to include electrical, water, sewage, and/or gas lines as applicable.

## **SECTION 9. HUD-CODE MANUFACTURED HOME REQUIREMENTS**

Applicability. All HUD-code manufactured homes must comply with the standards in this section or as required by State regulations which includes those identified by the Manufactured Housing Division (MHD) of the Texas Department of Housing and Community Affairs administers the

Texas Manufactured Housing Standards Act. Final approval for the installation or location of a HUD-Code Manufacture Home is not complete until the requirements of this Section have been met.

A. Tie-Downs. For units built on or after September 1, 1997, the unit installation must follow the State guidance that outlines directions on manufactured homes and for the Wind Zone in which it is to be installed and must follow all applicable installation instructions for that Wind Zone.

1) Material Specifications:

(A) Strapping shall be Type 1, Finish B, Grade 1 steel strapping, 1.25 inches wide and 0.035 inches in thickness, certified by a licensed professional engineer or architect as conforming with the American Society for Testing and Materials (ASTM) Standard Specification D3953 91, Standard Specification for Strapping, Flat Steel, and Seals. Strapping shall be marked at least every five feet, or as applicable, described by the certifying engineer or architect.

(B) Tie materials shall be capable of resisting an allowable working load of 3,150 pounds with no more than 2% elongation and shall withstand a 50% overload (4,725 pounds total). Ties shall have a resistance to weather deterioration at least equivalent to that provided by coating of zinc on steel of not less than 0.30 ounces per square foot on each side of the surface coated (0.0005 inches thick), as determined by ASTM Standards Methods of Test for Weight of Coating on Zinc-coated (galvanized) Iron or Steel Articles (ASTM A 90-81). Slit or cut edges of zinc-coated steel strapping are not required to be zinc coated. Ties shall be designed and installed to prevent self-disconnection when the ties are slack.

B. Drainage. Drainage prevents water build-up under the home. Water build-up may cause shifting or settling of the foundation, dampness in the home, damage to siding and bottom board, buckling of walls and floors, delamination of floor decking and problems with the operation of windows and doors. The owner is responsible for proper site drainage where a used manufactured home is to be installed unless the home is installed in a rental community. The Installer is responsible for proper site drainage where a new HUD-code manufactured home is to be installed.

C. Standards for Moisture and Ground Vapor Controls. If a used manufactured home is installed according to the state's generic standards and the space under the home is to be enclosed with skirting and/or other materials provided by the retailer and/or installer, the enclosure must meet the following requirements:

1) At least one access opening that does not require the use of tools to gain access shall not be less than 18 inches in any dimension and not less than three square feet in area shall be provided by the installer. The access opening shall be located so as to enable, to the extent reasonably possible, the visual inspection of water supply and sewer drain connections.

2) If a clothes dryer exhaust duct, air conditioning condensation drain, or combustion air inlet is present, the installer must pass it through the skirting to the outside. All air conditioning condensation lines must be installed in such manner that prevents ponding within five feet of the foundation.



- 3) Crawl space ventilation must be provided at the rate of minimum one square foot of net free area, for each one hundred fifty square feet of floor area.
- 4) At least six openings shall be provided, one at each end of the home and two on each side of the home. There must be a ventilation within three feet of each corner. The openings shall be screened or otherwise covered to prevent entrance of rodents (note: screening will reduce net free area). For example, a 16'x76' single section home has 1216 square feet of floor area. This 1216 square feet divided by 150 equals 8.1 square feet or 1166 square inches of net free area crawl space ventilation.

All manufactured homes shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior material of the primary structure. Skirting shall include the necessary vents, screens and/or openings, shall be installed within thirty days after the placement of the manufactured home, and shall be maintained in good repair.

The generic ground vapor control measure shall consist of a ground vapor retarder that is minimum six mil polyethylene sheeting or its equivalent, installed so that the area under the home is covered with sheeting and overlapped twelve inches at all joints. Any tear larger than eighteen inches long or wide must be taped using a material appropriate for the sheeting used. The laps should be weighted down to prevent movement. Any small tears and/or voids around construction (footings, anchor heads, etc.) are acceptable.

D. Standards for Footers and Piers. Proper sizing of footings depends on the load carrying capacity of both the piers and the soil. To determine the load bearing capacity of the soil, the installer may use any of the following methods: Using a pocket penetrometer or Soil surveys from the U.S. Department of Agriculture. The footing must be placed on firm, undisturbed soil, or fill compacted to at least 90% of its maximum relative density is required and must be verified every 6"– 8" vertically on the build-up. Installation on loose, noncompacted fill may result in settlement/movement of the home. Guidance on standards for footing types and requirements based on soil type are available in State guidance.

#### E. Electrical testing.

- 1) At the time of installation, the following tests must be performed on all new manufactured homes:
  - (A) All site installed or shipped loose fixtures shall be subjected to a polarity test to determine that the connections have been properly made;
  - (B) All grounding and bonding conductors installed or connected during the home installation shall be tested for continuity; and
  - (C) All electrical lights, equipment, ground fault circuit interrupters and appliances shall be subjected to an operational test to demonstrate that all equipment is connected and functioning properly.
- 2) When installing a manufactured home, the completion of a continuity test, a polarity test, and an operational test is required. This applies to both new and used homes.
- 3) The electrical testing does not have to be completed by a licensed electrician but must be completed once the electricity is activated or by using a generator. The

home cannot be occupied until all installation requirements have been met and the installation is complete.

F. Fuel Gas Piping Systems:

- 1) Crossover Connections: All underfloor fuel gas pipe crossover connections shall be accessible and be made with the connectors supplied by the home manufacturer, or, if not available, with flexible connectors listed for exterior use and a listed quick disconnect, or a shut-off valve. When a shut-off valve is used, it must be installed on the supply side of the gas piping system. The crossover connector must have a capacity rating (BTUH) of at least the total BTUH's of all appliances it serves.
- 2) Testing: The fuel gas piping system shall be subjected to an air pressure test of no less than 6 ounces and no more than eight ounces. While the gas piping system is pressurized with air, the appliance and crossover connections shall be tested for leakage with soapy water or bubble solution. This test is required of the person connecting the gas supply to the home but may also be performed by the gas utility or supply company.
- 3) The gas system must be inspected and tested for leaks after completion at the site.

**SECTION 10. MANUFACTURED HOUSING COMMUNITIES.**

- A. Permit required. If a person wants to subdivide a lot for the purpose of creating a manufactured housing community, the person must apply for a permit from the city.
- B. Application for permit. Applications for a manufactured housing community permit can be obtained from and shall be filed with the city secretary. The applicant will be charged a nonrefundable fee, in accordance with the City of Staples Fee Schedule, in order to submit an application for a permit. Applications shall be in writing, and signed by the applicant, and shall be accompanied by the following:
  - 1) The name and address of the applicant.
  - 2) The location and legal description of the manufactured housing community.
  - 3) The required fee.
  - 4) A manufactured housing community plan as required by this section.
  - 5) Plans and specifications of all buildings and other improvements to be constructed within the manufactured housing community in accordance with all existing applicable state laws and city ordinances.
  - 6) Such further information as may be requested by the city to determine if the manufactured housing community will comply with the legal requirements.
- C. Design standards and/or community plan. The manufactured housing community shall be constructed in accordance with a community plan that conforms to the following requirements:
  - 1) The community shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. The City of Staples has the option to establish zoning guidelines for the manufactured housing community.
  - 2) Spaces for HUD-code manufactured homes shall be provided consisting of a minimum of 1 acre for each space, which shall be at least thirty (30) feet wide and clearly defined. HUD-code manufactured homes shall be placed on each space so that there shall be at least twenty-five (25) feet clearance between homes; provided,

however, that in respect to HUD-code manufactured homes parked end to end, clearance between homes may be less than 25 feet but shall not be less than 20 feet from any building within the community or from any property line bounding the community.

- 3) The community plan must be submitted to the city prior to the installation of any HUD-code manufactured homes and shall comply with the city's subdivision ordinance, where applicable. The community plan shall provide a legal description and map clearly setting out the following information:
    - a. Identification of areas to be used for all residents of the community;
    - b. Identification of driveways at entrances, exits, roadways, and walkways;
    - c. Location of sites for HUD-code manufactured homes;
    - c. Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms;
    - d. Method and plan of sewage disposal;
    - e. Method and plan of garbage removal;
    - f. Plan of water supply;
    - g. Plan of electric lighting, and electric service to HUD-code manufactured home sites;
    - h. Plan of parking requirements; and
    - i. Such further information as may be requested by the city.
  - 4) Every manufactured housing community shall have water connections furnishing an ample and adequate supply of water, shall have connection to electricity, and shall either be connected with the sanitary sewer or to a septic system in accordance with the community plan required above.
- D. Issuance of permit. If the applicant and the application are in compliance with all provisions of this section and all other applicable ordinances or statutes, the city secretary shall issue the permit after the application has been approved by the Mayor and/or the City Council, as applicable. The permit can be made contingent upon completion of the community according to the plans and specifications submitted with the application.
- E. Revocation of Permit. The city may revoke a permit to construct a manufactured housing community, and may issue a stop work order, for any violation of this section. After such revocation and order, the permit may be reissued if the Mayor determines that the circumstances leading to the revocation have been remedied and the community is being constructed in full compliance with the law and the provisions of this section.
- F. Applicability. This only applies to the development or creation of new manufactured home communities.

#### **SECTION 11. PENALTY**

Any person who violates or causes, allows, or permits another to violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished

by a fine of not more than Five Hundred Dollars (\$500.00), or, in the case of a violation of a provision of this ordinance that governs fire safety or public health and sanitation a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this ordinance shall constitute a separate offense. Each day on which any such violation of this ordinance occurs shall constitute a separate offense.

**SECTION 12. REPEAL**

All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

**SECTION 13. SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

**SECTION 14. PROPER NOTICE AND OPEN MEETINGS ACT**

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 the public notice of the time, place, and purpose of said meeting was given as required and that public notice, place, and purpose of said meeting was given as required by the open meetings act, chapter 551, Texas Government Code.

**SECTION 15. EFFECTIVE DATE**

This Ordinance shall be in full force and take effect upon its passage and publication as provided by law, and it is so ordained.

**PASSED AN APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**THE CITY OF STAPLES, TEXAS**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, City Secretary

\_\_\_\_\_, Mayor