

City of Como
Ordinance
2017-20 REV 1

WHEREAS, the City of Como, Texas, 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 Como desires to amend and clarify its rules, procedures, and guidelines related to Recreational Vehicles (Travel Trailers), Mobile Homes, HUD-Code Manufactures Homes, and Modular Homes as they are defined under the Manufactured Housing Standards Act (MHSA); and

WHEREAS, the City Council for the City of Como 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 amend its ordinances regulating Recreational Vehicles (Travel Trailers), Mobile Homes, HUD-Code Manufactured Homes, and Modular Homes as they are defined under the MHSA; 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 COMO, TEXAS;

Section #1: Definitions

- (A) HUD-CODE 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, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by C.F.R. Section 3282.8(g).
- (B) "MOBILE HOME" means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet of more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

- (C) "MODULAR HOME" means a structure designed for the occupancy of one or more families, that is constructed in one or more modules or constructed using 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 module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Tex. Occ. Code § 1202.002. *(A MODULAR HOME will have a blue decal issued by the Texas Department of Licensing and Regulation signifying that the home has been built to comply with the International Residential Code.)*
- (D) "RECREATIONAL VEHICLE" means a vehicular-type portable structure without a permanent foundation that can be towed, hauled or driven which is designed as a temporary living accommodation for the recreational, camping, and travel use, and which includes but is not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- (E) "SKIRT" means a device for the concealment of the undercarriage of a manufactured home or mobile home from view, which shall be constructed of durable material.
- (F) "STORAGE" means the placement or maintenance of a vacant manufactured home or mobile home within the city, whether in a manufactured home park or not, without lawfully connecting or subscribing to city water, sewer or solid waste disposal services.
- (G) "TIE DOWNS" means metal bands or other sufficient material, attached to a manufactured home or mobile home and to the ground for the purpose of holding the structure down, which must be in compliance with state and federal laws and regulations.

Section #2: Recreational Vehicles

- (A) The use of recreational vehicles in the city limits of Como, Texas, for the use as a permanent or temporary dwelling, notwithstanding an emergency use, shall be prohibited.
- (B) Recreational vehicles may be parked or stored in the city limits of Como, Texas, so long as no one occupies it for temporary or permanent use, no utilities are connected to the recreational vehicle, the vehicle is not parked on or extending over public property unless parked on a street or a parking lot in full compliance with the laws, and the parking or storage of the vehicle is not in violation of any other law or any valid and applicable deed restrictions or covenants running with the land.
- (C) Emergency use of a recreational vehicle: The City Council, by majority vote of its members, may grant to individuals the temporary use of recreational vehicles in the event of an

emergency. An emergency shall only be loss of a permanent dwelling due to fire, flood, or any other natural disaster.

- (D) In the event any such application for emergency temporary use of said recreational vehicle is granted by the City Council, no such temporary use shall begin until:
 - a. A permit fee, to be established by the City Council, is paid by the applicant;
 - b. A determination of the period of time such emergency or any other use may continue, but in no event shall such a period exceed thirty (30) day period without Council approval. However, each applicant may have his or her emergency permit extended or renewed upon application, up to five times. All other uses will not be granted and all such extensions shall require a majority vote of the City Council.
- (E) The City Council shall only grant an emergency permit for the express purpose of occupying a recreational vehicle as a dwelling while repairing, remodeling, or replacing a permanent dwelling.
- (F) Any such emergency permit granted shall require the applicant to locate his recreational vehicle upon the same lot or parcel of real estate as the permanent dwelling that is being repaired, remodeled, or replaced.

Section #3: Mobile homes, HUD-Code Manufactured homes, and Modular homes

- (A) It shall be unlawful for any person to store a mobile home, HUD-Code manufactured home or modular home within the city limits of the City of Como. Mobile homes, HUD-Code manufactured homes, and modular homes existing prior to the adoption of this article are exempt from this article and may remain in place and continue to be used or occupied. Exchange, replacement, alteration, relocation or additions to mobile homes within the city is hereby prohibited, unless such move or relocation is to an existing mobile home park.
- (B) It shall be unlawful for any person to place, occupy, or connect to city utilities, a mobile home, HUD-Code manufactured home, or modular home outside of a designated mobile home park within the city limits of the City of Como.
- (C) It shall be unlawful for any person to place, occupy, or connect to city utilities, a mobile home, HUD-Code manufactured home, or modular home inside a designated mobile home park without conforming with the following provisions:

- a. Application. An application must be submitted to the City Council containing the following information:
 - i. The name and address of the applicant.
 - ii. The location and legal description of the property on which the mobile home, HUD-Code manufactured home, or modular home will be located.
 - iii. An affidavit by the applicant regarding the type of dwelling.
 - iv. The requisite information to insure that the installations and maintenance of the mobile home, HUD-Code manufactured home, or modular home will be in accordance with the rules and regulations required by this chapter.

(D) Requirements for the Installation of Mobile Homes, HUD-Code Manufactured Homes, or Modular Homes. The installation of mobile homes, HUD-Code Manufactured Homes, or Modular Homes on individual lots within a designated mobile home park shall comply with the following standards:

- a. Any mobile home, HUD-Code manufactured home, or modular home moved into a designated mobile home park within the city limits of the City of Como must be situated on a lot, the dimensions of which must be at least one hundred (100) feet by sixty (6) feet.
- b. Any mobile home, HUD-Code manufactured home, or modular home moved into a designated mobile home park within the city limits of the City of Como must contain an improved surface for the parking of vehicles.
- c. Any mobile home, HUD-Code manufactured home, or modular home moved into a designated mobile home park within the city limits of the City of Como shall be less than five (5) years of age.
- d. Any mobile homes, HUD-Code manufactured homes, or modular homes that are presently inside the city limits of the City of Como and in compliance with previous regulations of the City shall not be required to comply with the provisions of Section 3.
- e. The frame of all mobile homes, HUD-Code manufactured homes, or modular homes moved into designated mobile home parks within the city limits of the City of Como shall be tied to a permanent anchoring system meeting the current requirements of the Texas Manufactured Housing Standards Act as ministered by the Texas Department of Housing and Community Affairs, Manufactured Housing Divisions, or successor agency and must otherwise comply with all federal and state laws concerning manufactured housing.
- f. The frame of the mobile home, HUD-Code manufactured home, or modular home shall be no less than 18 inches above the average adjacent ground level at the

foundation on all sides visible from an abutting street or from a lot containing a site built single family dwelling.

- g. A stoop, porch, patio, or deck must be provided at each entrance to any mobile home, HUD-Code manufactured home, or modular home moved into a designated mobile home park located within the city limits of the City of Como.
- h. The space between the ground level and the floor level of the structure shall be skirted with non-degradable materials compatible in color, style, and texture with the exterior of the home if the concrete foundation does not already enclose that space.
- i. Site-built attached additions, and detached structures in the front or side yards, must be compatible in color, style, and materials with the exterior of the manufactured structure. Detached structures that are not compatible in color, style and materials must be located in the rear yard.
- j. No mobile home, HUD-Code manufactured home, or modular home shall be closer than twenty-five (25) feet from any other dwelling or six (6) feet from any property line or fifteen (15) feet from state, county and city right of ways.
- k. All rules and regulations of the City of Como regarding the water and sewer service and the installation and maintenance thereof shall be complied with.
- l. The owner/occupier shall also subscribe to the city water, sewer and solid waste collection service, if available.
- m. Mobile homes, HUD-Code manufactured homes, and/or modular homes that do not meet current county, state and federal safety standards will not be allowed.
- n. All mobile homes, HUD-Code manufactured homes, and modular homes, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition.
- o. No person shall occupy a mobile home, HUD-Code manufactured home, or modular home, regardless of the age, unless there is installed therein smoke detectors conforming to the Texas Department of Licensing and Regulation, Rules and Requirements for the Construction of HUD Manufactured Homes that are in effect on April 10, 1985; provided, however, if stricter standards for smoke detectors were applicable by law to the construction of a particular manufactured home, no person shall occupy that manufactured home, unless the smoke detectors required in the construction of that manufactured home are installed.
- p. All smoke detectors in a mobile home, HUD-Code manufactured home, or a modular home shall be maintained so that they are in good working order at all times.

(E) Review of the Application by the City Council. The City Council shall review the application to insure that all City of Como regulations are complied with. The City Council, or their designee, shall also insure that all utilities are readily available. In the event that the application does not comply with provisions of this code, the

city secretary shall cause a written notice to issue to the applicant indicating the deficiencies and requirements for curing same. The applicant shall have a period of thirty (30) days in which to cure the deficiencies noted. Otherwise, a new application will be required. If the application does meet all City of Como regulations, the permit shall be issued to allow placement of the mobile home, HUD-Code manufactured home, or modular home.

Section #4: Conflicts Clause

All ordinances and parts of ordinances inconsistent with or conflict with the provisions of this ordinance shall be and the same are hereby expressly repealed.

Section #5: Violations and Penalty

A person who violates this ordinance is guilty of a separate offense for each day or portion of a day on which the violation is committed, and each offense is punishable by a fine of not more than \$2000.00. A person violating any provision of this Ordinance may be enjoined by a suit filed by the City of Como, in a court of competent jurisdiction in addition to any other penalty provisions.

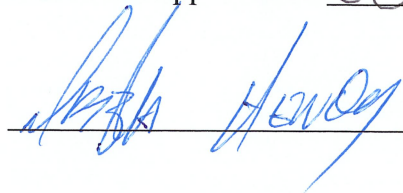
Section #6: Severability Clause

If any provision or provisions of this Agreement shall held to be invalid, illegal, unenforceable, or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected.

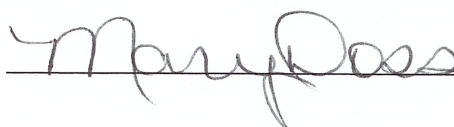
Section #7: Effective Date

This ordinance shall become effective after passage by the City Council and publication as required by law.

Passed and approved on October 10, 2017

 Mayor

Attest:

 City Secretary