ORDINANCE 379

AN ORCINANCE OF THE CITYOF CLAUDE, TEXAS, REGULATING THE INSTALLATION OF MANUFACTURED HOMES WITHIN THE CITY OF CLAUDE; PRESCRIBING REGULATIONS FOR MANUFACTURED HOMES NOT IN MANUFACTURED HOME PARK(S); REQUIRING A PERMIT FOR MANUFATCURED HOMES; RESCRIBING OTHER PREREQUISITED TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS; PROHIBITING MOBILE HOMES WITH THE CITY OF CLAUDE; CONTAINING PENALTIES NOT TO EXCEED THE MAXIMUM ALLOWABLE BY STATE LAW AND WACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUDE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is deemed in the best interests of the City of Claude for the health, safety and welfare if its citizens and in consideration of encouragement of the most appropriate use of land and conservation of property values that and ordinance be established to regulate manufactured homes with the City of Claude, Texas, and that mobile homes be prohibited; and

WHEREAS, this Ordinance shall be known and cited as the "Manufactured Home Ordinance" and become part of the adopted Code of Ordinances of the City of Claude, Texas. The provisions of this Ordinance shall apply to manufactured homes not in manufactured home parks.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAUDE:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish clear and unambiguous regulations pertaining to manufactured homes not in manufactured home parks in the City of Claude and to promote thereby an attractive community.

SECTION 2.0 DEFINITIONS

For the purpose of this Ordinance only, the following terms shall apply unless the context clearly indicates or requires a different meaning.

BUILDING OFFICIAL The legally designated inspection authority of the City or his/her authorized representative.

CITY City of Claude, Armstrong County, Texas

CITY OFFICIAL The legally designated head of the City Department, Code Enforcement Officer or his/her authorized representative when acting in an official capacity.

FIRE MARSHAL The legally designated Fire Marshall of Code Enforcement Officer of the Fire Department of the City r his/her authorized representative.

MAIN ENTRANCE The principal (most dominant) point of entry into a building that would be part of or directly connected to the main living area constructed as an integral part of the dwelling by use of similar building materials and techniques.

MANUFACTURED HOME A structure constructed twenty years prior to the current date, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or (40) body feet or more in length, or when erected on site, is three hundred twenty (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 including the plumbing, heating, air conditioning, and electrical system. This term does not include a recreational vehicle.

MOBILE HOME A structure that was constructed twenty years prior to the current date, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioner, and electrical system.

PERSON Any natural individual, firm, thrust, partnership, association or corporation.

PLOT PLAN Graphic representation, drawn to scale, in a horizontal plane delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

REPLACEMENT The act of moving one manufactured home from its existing stand and replacing it with another manufactured home.

SITE PLAN Same as Plot Plan

SECTION3.0 PERMITS

3.1 Mobile Homes

No permit shall be issued for the replacement of a mobile home inside the City of Claude and mobile homes are prohibited within the City of Claude.

3.2 Manufactured Homes

All applications for permits shall be made upon standard forms provided by the City of Claude and shall contain the following:

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

3. To the application shall be attached a copy of the site plan showing the location and orientation of the manufactured home.

3.3 Permit Fee

Upon approval of an application request, a fee will be submitted to City in the amount described in the permit application fee schedule for single family dwelling unit.

3.4 Issuance of Permit

When upon review of the application, the Building Official is satisfied that the proposed plan meets the requirements of this Ordinance, a permit shall be issued.

3.4 Denial of Permit; Hearing

Any person whose application for a permit under this Ordinance has been denied may request a hearing on the matter.

SECTION 4.0 INSPECTION

4.1 Inspections Required

The Building Official, Building Inspector, Code Enforcement Officer and the Fire Marshal are hereby authorized and directed to make such inspections as are necessary to determine compliance with the Ordinance.

4.2 Entry on Premises

The Building Official, Building Inspector, the Fire Chief, Fire Marshal, Code Enforcement Officer and the Police Chief shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigation conditions relating to the enforcement of this Ordinance.

SECTION 5.0 NOTICES, HEARINGS, AND ORDERS

5.1 Notice of Violation; Requirements of Notice

Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this Ordinance, the Building Official shall give notice of such alleged violation to the owner as hereinafter provided. Such notice shall be:

1. In writing
2. Include a statement of the reasons for its issuance

3. Allow a reasonable time for the performance of the act it requires
4. Be served upon the owner, provided that the notice of order shall be deemed to have been properly served upon such owner when a copy thereof has been sent by certified mail to his last known address, or when he has been served with the notice by any method authorized or required by the laws of that state, and
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and the time necessary to effect compliance.

5.2 Appeal of Building Official's Denial of Permit

Any person affected be the refusal of the Building Official to issue a permit under the provisions of this Ordinance, may request and shall be granted a hearing on the matter before the City Council, provided that such person shall file withing thirty (30) days after the permit was refused, in the office of Building Official, a written petition requesting the hearing and setting forth a brief statement of the grounds therefore. Upon receipt of the petition, the Building Official shall place the request on the next regularly scheduled City of Claude Council agenda allowing for proper notice to be sent to all property owners within a two hundred (200) foot radius of the property where appeal is requested.

5.3 Hearing Order

After an appeal hearing before the City Council, the Building Official shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in Section 5.1 (4). Upon failure to comply with an order by the Building Official sustaining or modifying a decision thereof, the occupancy affected by the order shall be revoked. The City shall then be entitled to seek all remedies provided by law to remedy the violation.

5.4 Order Without Notice

Whenever a Building Official finds that an emergency exists which requires immediate action tp protect the public health and safety, he may without notice or hearing issue an order reciting the existence of such and emergency and requiring that action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this Ordinance, the order shall be effective immediately. Any person to whom an order is directed shall comply therewith immediately, but upon written petition to the Building Official shall be afforded a hearing as soon as possible.

SECTION 6.0 SITE PLAN/REQUIREMENTS

6.1 The site plan shall be filed as required and shall address the information that is required by this Ordinance. In no event shall a site plan be approved if:

1. more than one manufactured home is located on the lot

2. the manufactured home is located on a lot upon which another structure is occupied or which could be occupied as a residential dwelling

6.2 Plans for the foundation and anchoring system shall be sealed by a State of Texas Registered Engineer or clearly demonstrate that the submitted system meets or exceeds all the applicable standards set forth by the Texas Department of Housing and Community Affairs.

6.3 The site shall be located in a well-drained, properly graded lot with an elevated pad where the home is to be located, to ensure rapid drainage and freedom from stagnant pools of water.

SECTION 7.0 PLUMBING AND GAS SYSTEM

The installation of plumbing and gas systems that connect the home to the utilities and replacement of an existing or additions to the system shall comply with City's Building Code standards

SECTION 8.0 ELECTRICAL

The installation of electrical systems that connect the home to utilities and replacement of an existing system or additions to the system shall comply with City's Building Code standards

SECTION 9.0 MECHANICAL SYSTEM

The installation of mechanical systems that connect the home to utilities and replacement of an existing system or additions to the system shall comply with City's Building Code standards

SECTION 10.0 ANCHORAGE REQUIREMENTS

Anchoring system shall be sealed by a State of Texas Registered Engineer or clearly demonstrate that the submitted system meets or exceeds all the applicable standards set forth by the Texas Department of Housing and Community Affairs and the City's Building Code

SECTION 11.0 MAUFACTURED HOMES PROVISIONS

11.1 Manufactured homes will be permitted to be placed within the McLaren Addition, North Claude Addition, Wheat Addition, Original Town Addition, Parham Addition, Bivins Addition, Goodnight Addition, Watson Addition, and Hawkins and Dabbs Addition of the City of Claude. No manufactured housing will be permitted to be placed in the railway addition of the City of Claude

11.2 Each manufactured home shall be required to install view obstruction skirting with the necessary vents, screen, and/or openings around the base before utilities are released for connection. The exception is if a copy of their contract can be provided showing the skirting is part of an installation package or that it has already been paid for with a reasonable completion date stated on the receipt.

11.3 The occupant shall comply with all requirements of this Ordinance and shall maintain his/her manufactured home, its facilities and its equipment in good repair and in a clean and sanitary condition.

11.4 The occupant shall be responsible for proper placement of his/her manufactured home in its stand and proper installation of all utility connections in accordance withthis Ordinance and regulations pertaining thereto and the appropriate City officials.

11.5 Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions

1. The storage area shall have a base of impervious material, and
2. Stored items shall not interfere with the underneath inspection of the manufactured home.

11.6 Only one manufactured home shall be located on a lot and a manufactured home shall not me located on any lot having and other dwelling occupied or which could be occupied as a residency.

11.7 A front lot line shall be deemed the lot line located on a public right-of-way. In the event a manufactured home is located on a corner lot, the front lot line shall be the lot line facing the main entrance of the manufactured home.

11.8 All manufactured homes, if occupied or if utility services to them are disconnected for six (6) months or more, shall require City inspection to determine compliance with City Code and City ordinance before occupation or utility restoration.

SECTION 12.0 OCCUPANCY

12.1 No more than one (1) family unit shall occupy any manufactured home and shall not be used as multi-family dwellings.

12.2 Recreational vehicles shall not be included in the definition of manufactured homes.

SECTION 13.0 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City shall be subject to a fine not to exceed Two Thousand ($2000.00) dollars for each offense, except however, where a different penalty has been established by the state law of such offense the penalty shall be that fixed by state law, and each and every day said violation is continued shall constitute a separate offense.

SECTION 14.0 REPEALING CLAUSE

All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 15.0 SEVERABILITY CLAUSE

Any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or help invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 16.0 PUBLICATION

The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

The foregoing Ordinance was PASSED, APPROVED and ADOPTED in regular session on the 10th day of March, 2025.

Joe Minkley
Mayor Joe Minkley

ATTEST:

Alexandra Sharon
Alexandra Sharon, City Secretary