

**ORDINANCE 2017-001
TOWN OF PINE ISLAND, TEXAS**

AN ORDINANCE SETTING FORTH THE ACREAGE REQUIREMENTS FOR A HUD-CODE MANUFACTURED HOME OR OTHER RESIDENTIAL DWELLING SITUATED WITHIN THE BOUNDARIES OF THE TOWN OF PINE ISLAND (BUT NOT WITHIN A MANUFACTURED HOME PARK PER ORDINANCE 98-001 AS AMENDED UNDER ORDINANCE 2013-001)

WHEREAS, the authority of the Town of Pine Island to institute an ordinance proper for the government, interest, welfare or good order of the Town is granted in Texas Government Code Sections 51.051 and 51.012; and

WHEREAS, it has been determined by the Town Council of the Town of Pine Island, Texas that the health, safety and general welfare of the Town should be promoted by preventing overcrowding of land through planned and orderly growth of the Town; and

WHEREAS, the Town Council of the Town of Pine Island finds it to be in the best interest of the public safety, health and general welfare of the Town to regulate the minimum site acreage for a HUD-Code Manufactured Home not located within a Manufactured Home Park, and for any other residential dwelling.

NOW, THEREFORE:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINE ISLAND, TEXAS:

Section 1. This Ordinance is hereby referenced as the Town of Pine Island Manufactured Home and Other Residential Dwelling Site Ordinance.

Section 2. DEFINITIONS - For the purpose of this Ordinance, certain terms and phrases shall have the meanings below:

- (A) Facilities Consultant: Designated inspection authority of the Town
- (B) Permit: Written permit issued by the Town Council permitting the installation of the HUD-Code Manufactured Home, or other Residential Dwelling.
- (C) Town: The Town of Pine Island, Texas
- (D) Town Council: Town Council of the Town of Pine Island, Texas
- (E) HUD-Code Manufactured Home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban

Development, as published in the Code of Federal Regulations at 24 CFR 32890, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 body feet 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.

- (F) Mobile Home: A structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 body feet 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.
- (G) HUD-Code Manufactured Home Park: A parcel of land under single entity ownership which has been improved for the placement of HUD-Code Manufactured Homes, accessory uses and service facilities, meeting all requirements of Ordinance 98-001 and applicable deed restrictions and state laws.
- (H) Statement of Ownership and Location: a statement of the information contained in the official record of Texas Department of Housing and Community Affairs for a manufactured home (previously a Certificate of Title). The statement is obtained by the owner of a manufactured home from the Texas Department of Housing and Community Affairs and includes information regarding the manufactured home, where it is installed, and the ownership of the home.
- (I) Texas Seal: a metal plate with a number that is used to identify a manufactured home that does not have a HUD Certification Label. State law requires that a manufactured home have either a HUD Certification Label or a Texas Seal attached to it BEFORE any sale, exchange, or lease purchase (or any negotiations for such) of the home to a consumer.”
- (J) HUD Certification Label: a red metal label affixed by the home's original manufacturer to the exterior of each transportable section of a manufactured home. The HUD certification label exists as proof that the manufactured home was constructed under the Federal Manufactured Housing Program administered by HUD, including standards for body and frame requirements, thermal protection, plumbing, electrical, and fire safety. If the HUD Certification Label is missing from a manufactured home, Texas state law requires that a Texas Seal (purchased from the Texas Department of Housing and Community Affairs) be attached PRIOR to initiating any negotiations for the sale of the manufactured home.”

Section 3. REGULATIONS

(A) Mobile Home

The installation of a Mobile Home for use or occupancy as a residential dwelling in the Town of Pine Island is prohibited, due to safety and health concerns.

(B) HUD-Code Manufactured Home

The installation of a HUD-Code Manufactured Home for use or occupancy as a residential dwelling requires a site of the minimum size of one and one-half acres, to accommodate a septic system, whether or not a public water supply is also used for the site.

Only one HUD-Code Manufactured Home will be permitted per one and one-half acre site.

(C) Other Residential Dwelling

The installation of a residential dwelling, other than a mobile home or a HUD-Code Manufactured Home requires a site of the minimum size of one and one-half acres, to accommodate a septic system, whether or not a public water supply is also used for the site.

Only one residential dwelling will be permitted per one and one-half acre site.

Section 4. PERMITS

(A) Permit Required. It shall be unlawful for any person to install a HUD-Code Manufactured Home or other Residential Dwelling within the limits of the Town without a valid permit for such issued by the Town Council in the name of the owner.

(B) Application; Issuance of Permit

1. Application for permit. Application for the permit to install shall be filed with the Town Council. The application shall be in writing and signed by the owner, and shall include the following:
 - (a) The name and address of the owner applicant.
 - (b) The location and legal description of the site, including total acreage
 - (c) A copy of the Statement of Ownership and Location, if application is for a permit for a HUD-Code Manufactured Home
 - (d) A photograph of the Texas Seal or HUD Certification attached, if application is for a permit for a HUD-Code Manufactured Home

- (e) The septic permit from Waller County for the site
- (f) Such further information as may be requested by the Facilities Consultant or other designated official to him that official to determine whether the installation of the HUD-Code Manufactured Home, or other Residential Dwelling will comply with legal requirements.
- (g) The designated official shall inspect the application and the attachments. If the installation of the HUD-Code Manufactured Home or other Residential Dwelling, when done according to the application and attachments, will be in compliance with all provisions of this Ordinance and all other applicable ordinances and statutes, the official shall recommend approval of the application to the Town Council.

(C) Permit Fee. All applications to the Town Council shall be accompanied by a fee of One Hundred Dollars (\$100.00).

(D) Denial of Permit; Rehearing. Any applicant whose application for a permit under this Ordinance has been denied may request in writing a rehearing on the matter before the Town Council and offer additional evidence if desired.


Section 5. Penalty Provisions

Any person violating this Ordinance or any portion thereof shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$100.00 nor more than \$500;00 and each day that such violation continues shall be considered a separate offense and be punishable accordingly.

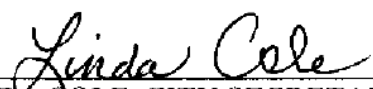
The Town may seek an injunction in state district court enjoining a person from installing a HUD-Code Manufactured Home or other Residential Dwelling in violation of this Ordinance.

This Ordinance shall be effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 4th day of APRIL, 2017.

APPROVED: 
 CLAY COLE, MAYOR
 Town of Pine Island, Texas

ATTEST:


 LINDA COLE, CITY SECRETARY
 Town of Pine Island, Texas

FILED AND RECORDED

Instrument Number: 1702748

Filing and Recording Date: 04/12/2017 03:39:45 PM Pages: 5 Recording Fee: \$28.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



Debbie Hollan

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

Kim Imhoff, Deputy

Returned To:
TOWN OF PINE ISLAND