

ORDINANCE NO. 2022-06-13-I

AN ORDINANCE OF THE CITY OF RANGER, TEXAS REGULATING THE PLACEMENT AND INSTALLATION OF HUD-CODE MANUFACTURED HOMES AND MODULAR HOMES IN THE CITY; REQUIRING PERMITS; ALLOWING HUD-CODE MANUFACTURED AND MODULAR HOMES ONLY IN CERTAIN AREAS OF THE CITY; REGULATING MANUFACTURED HOME COMMUNITIES; PROVIDING FOR CERTAIN NON-CONFORMING USES; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY, REPEALER, AND OPEN MEETING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Ranger, Texas is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, Section 1201.008 of the Texas Occupations Code requires that cities allow the use of HUD-Code Manufactured Homes as residences, in areas deemed appropriate, but allows cities to require a permit before a HUD-Code Manufactured Home is placed within a city, and also allow cities to prohibit the placement of Mobile Homes;

WHEREAS, the City Commission of the City of Ranger, Texas (the "City Commission") has determined that it is in the best interest of the general public to prohibit the future installation of Mobile Homes and regulate the placement of HUD-Code Manufactured Homes and the establishment of Manufactured Home Communities; and

WHEREAS, the City Commission determines that this ordinance is important to the public health, safety, and general welfare of the City of Ranger; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS THAT:

SECTION 1. DEFINITIONS

"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; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

“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 2. MOBILE HOMES

The placement or installation of Mobile Homes is prohibited. This prohibition is prospective and does not apply to a Mobile Home previously legally permitted by and used as a dwelling in the City.

SECTION 3. PROHIBITED AREAS

HUD-Code Manufactured Homes may be located anywhere in the City of Ranger except for the following locations:

- 1) Lots or tracts of land fronting West Main Street
- 2) Lots or tracts of land fronting Highway Loop 254

HUD-Code manufactured homes are not permitted in these areas, nor shall any private or public utilities be connected or extended to HUD-Code Manufactured Homes placed in these prohibited areas.

It is an exception to this section if the HUD-code manufactured home or Mobile home was legally in existence at such location as of January 10, 2022, the HUD-Code Manufactured Home is allowed pursuant to a variance described in Section 9, or a HUD-Code Manufactured Home that is replacing a Mobile Home pursuant to Section 9.

SECTION 4. NON-CONFORMING USES

A. In the event that a HUD-code manufactured home occupies a lot in a municipality in an area prohibited by this Ordinance, 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.

C. The disuse of a HUD-Code manufactured 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 HUD-code manufactured 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.

D. The owner of a nonconforming Mobile Home located within an area where HUD-Code Manufactured Homes are not allowed may replace the Mobile Home with a HUD-Code Manufactured Home after obtaining a variance pursuant to Section 9. Other than in the case of a fire or natural disaster, an owner is restricted to a single replacement of the home.

SECTION 5. HUD-CODE MANUFACTURED HOME LOT REQUIREMENTS

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. Lots served by the City wastewater collection system shall have a minimum of seven thousand (7,000) square feet; provided that, in such areas, the City Commission may by affirmative motion approve a HUD-code manufactured home subdivision in whole or in part in which not more than twenty-five percent (25 %) of the lots have less than 7,000 square feet but

not less than six thousand (6,000) square feet. All lots not served by the City wastewater collection system shall have a minimum area of twelve thousand five hundred (12,500) square feet.

b. Lot Width. Lots with a minimum of seven thousand (7,000) square feet shall have a minimum width of fifty (50) feet at the applicable building line and for a distance of at least forty (40) feet behind the applicable building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty five percent [25 %] of the lots in a subdivision whether the subdivision is submitted in sections or as a whole, as granted by the City Commission in a written variance) shall have a minimum width of fifty (50) feet at the applicable building line and for a distance of at least forty (40) feet behind the applicable building line. Lots with a minimum area of twelve thousand five hundred (12,500) square feet shall have a minimum width of eighty (80) feet at the applicable building line and the average width shall not be less than eighty (80) feet.

c. Lot Depth. The average depth of the lot shall not be less than one hundred twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.

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 6. PROVISIONS OF INSTALLATION

A. 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.

B. 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 Ranger, Texas.

SECTION 7. PERMIT REQUIRED

(1) Permit required. A person must apply for a permit from the city for the installation of a HUD-code manufactured home on a single municipal lot or tract of land. The applicant will be charged a nonrefundable fee, in accordance with the City of Ranger Fee Schedule, to submit an application for a permit.

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

1. Name and address of the applicant.
2. Location and legal description of lot for HUD-Code manufactured home placement, along with a copy of a duly recorded deed or lease in a form acceptable to the City Manager or City Secretary showing that the intended occupant owns or is leasing the lot upon which the HUD-code manufactured home is to be located.
3. To the application shall be attached a copy of a site plan showing the location and orientation of the HUD-code manufactured home, the required setbacks, and any other information specifically required herein. Site plan shall show the following:
 - a. The area and dimensions of the lot, with identification of location and boundaries;
 - b. The location and specifications of water and sewer lines and riser pipes;
 - c. The location and details of lighting, electrical, and gas systems;
 - d. Other information the City reviewing officials may require.
 - e. In no event shall a Site Plan be approved if:
 - i. more than one HUD-code manufactured home is located on the lot; or
 - ii. the HUD-code manufactured is located on a lot upon which another residence is located;
 - iii. or all the requirements set forth in Section 5 of this Ordinance are not met.
4. Notwithstanding anything stated in this Ordinance to the contrary, no less than one (1) lot, minimum 60 feet wide and 140 feet deep, shall be used for a Site Plan for location of the manufactured home.

(3) No permit shall be issued until the owner/applicant is able to provide proof that the site intended for such HUD-code manufactured home is a well-drained lot properly graded to insure rapid drainage and freedom from stagnant pools of water.

(4) The City Commission shall approve, approve with conditions, or disapprove a HUD-Code Manufactured Home permit application 45 days after the date the application is filed. A permit is considered to be approved by the City Commission unless it is disapproved within that period.

SECTION 8. PARKING ON STREET OR OTHER PUBLIC PLACE

It shall be unlawful for any person to park any HUD-code manufactured home or mobile home 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 9. VARIANCES OR EXCEPTIONS.

A. Application. An application for a variance to any of the requirements or prohibitions contained in this ordinance shall be submitted to the City Secretary for consideration by the City Commission after a public hearing and with proper notice to all appropriate parties as identified within this ordinance. The City Manager or City Secretary will provide the applicant with a checklist that outlines requirements and timelines associated with granting variances or exceptions. The application shall include:

- 1) The name and address of the applicant.
- 2) Size, model, year of manufacture, original cost, and photograph of the HUD-code manufactured home and label.
- 3) Legal description of the property upon which it is proposed to place the HUD-code manufactured home and name and address of the property owner. The person who intends to occupy such HUD-code manufactured home must submit a copy of a duly recorded deed or lease in a form acceptable to the City Manager or City Secretary showing that the intended occupant owns or is leasing the lot upon which the HUD-code manufactured home is to be located. No other structure designed or to be used for human occupancy shall be located on such lot, tract, or ownership parcel and the lot shall meet all applicable codes and ordinances for the intended use.
- 4) Drawing or site plan showing size of lot, location of lot, boundaries, existing drainage ways and natural features, location of driveways and off-street parking, and how the HUD-code manufactured home.
- 5) Form signed by the applicant stating that he or she understands the requirements of any property restrictions for the area in which the HUD-code manufactured home will be placed.
- 6) Form signed by the applicant stating the HUD-code manufactured home will comply with all the provisions set out in Section 10 of this Ordinance.
- 7) A manufactured home inspection report must be completed by the Code Enforcement Officer or other person designated by the City Mayor for reference by the City Commission.

B. Hearing required.

- 1) A variance to the provisions of this section shall only be granted pursuant to a public hearing before the City Commission. The public hearing shall be published in the official, local newspaper not more than 45 days prior or less than ten days prior to the hearing date.

- 2) The property owner must submit adequate proof to the City Manager 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) All advertising and notification costs shall be borne by the applicant for the variance.

C. Granting.

- 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 Commission shall deny, approve, or approve with conditions. In exercising its power to grant a variance in accordance with this section, the City Commission 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. The variance may be granted by the City Commission with the condition that proof, satisfactory to the City Manager, be submitted to show 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 Commission 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.

SECTION 10. HUD-CODE MANUFACTURED HOME REQUIREMENTS

A. Applicability. All HUD-code manufactured homes must comply with the standards in this section or as required by Chapter 80 of Title 10 of the Texas Administrative Code. Final approval for the installation or location of a HUD-Code Manufactured Home is not complete until the requirements of this Section have been met.

B. Skirting. All HUD-code 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.

C. 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 11. MANUFACTURED HOUSING COMMUNITIES.

A. Permit required. If a person wants to improve or subdivide property for the purpose of creating a manufactured housing community in an area where HUD-Code Manufactured Homes are permitted, 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 Ranger 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. The applicant must submit a copy of a duly recorded deed in a form acceptable to the City Manager or City Secretary showing that the applicant owns the property upon which the HUD-code manufactured housing community is to be located.
- 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.
- 2) Spaces for HUD-code manufactured homes shall be provided consisting of a minimum of 1,000 square feet for each space, which shall be at least twenty-five feet wide and clearly defined. HUD-code manufactured homes shall be placed on each space so that there shall be at least twenty 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 20 feet but shall not be less than 15 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 HUD-code manufactured housing community shall have city 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 City Commission. 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 manager may revoke a permit to construct a HUD-code 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 city manager 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 manufactured home communities not in existence as of the effective date of this Ordinance.

SECTION 12. PENALTY

Any person who violates or causes, allows, or permits another to violate any provision of this ordinance shall be charged with a Class C misdemeanor and, upon conviction therefor, 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 13. REPEAL

Ordinance No. 2022-01-10B, adopted on January 10, 2022, is hereby repealed. All other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

SECTION 14. 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 15. 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 16. 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 AND APPROVED ON FIRST READING on this 23rd day of May, 2022.

PASSED, APPROVED, AND ADOPTED ON SECOND READING on this the 13th day of June, 2022.

ATTEST:

THE CITY OF RANGER, TEXAS


Savannah Fortenberry, City Secretary


John Casey, Mayor

