

VILLAGE OF SAN LEANNA

ORDINANCE #01-001

AN ORDINANCE PERTAINING TO HUD-CODE MANUFACTURED HOMES, DESIGNATING THE SITING OF HUD-CODE MANUFACTURED HOMES, PROVIDING FINDINGS OF FACT, PROVIDING DEFINITION, PROVIDING LOCATIONS, PROVIDING FOR ENFORCEMENT, INCLUDING A FINE NOT TO EXCEED \$2000 PER DAY PER VIOLATION.

WHEREAS, the Board of Aldermen of the Village of San Leanna seeks to protect the public welfare and safety of its residents, and to preserve property values within the Village;

WHEREAS, the Board of Aldermen recognizes the difference between a mobile home and a HUD-Code manufactured home;

WHEREAS, the Village does prohibit the installation of a mobile home for use or occupancy as a residential dwelling within its corporate limits (see Section 6 (c), Ordinance #97-001);

WHEREAS, The Board of Aldermen acknowledges it may not prohibit the installation of HUD-Code manufactured housing within the corporate limits;

WHEREAS, the Board of Aldermen desires to insure that all Village Ordinances relative to mobile homes and HUD-Code manufactured housing conform to the State and Federal guidelines;

WHEREAS, The Board of Aldermen may determine which areas are most appropriate for HUD-Code manufactured housing; 1

WHEREAS, The Board of Aldermen may regulate land use and designate the location of HUD-Code manufactured housing under its general police power And specific zoning authority; 2

WHEREAS, it is in the best interest of the Village that the health, safety and general welfare of the Village be promoted by preventing overcrowding of land through planned and orderly growth of the Village, and that an undue concentration of the population be avoided;

WHEREAS, The Board of Aldermen finds it to be in the best interest of the public safety, health and general welfare to prohibit mobile homes and regulate HUD-Code manufactured homes within the Village; and

WHEREAS, the Board of Aldermen and the Zoning Committee has conducted the necessary public hearings and the proper public notices have been issued.

1 Source Law: Tex. Rev. Civ. Stat. Ann. art. 5221f Section 4A(D) (Vernon Supp. 1994)

2 Source Law: Tex. Loc. Gov't Code Ann. Chapter 211 et seq.

VILLAGE OF SAN LEANNA

NOW THEREFORE, be it ordained by the Board of Aldermen of the Village of San Leanna, County of Travis, State of Texas:

SECTION 1. FINDINGS OF FACT:

That the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.

SECTION 2. DEFINITIONS:

A. Definitions - As used in this Ordinance, the following term shall have the meaning indicated below;

- (1) "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 (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and 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 includes the plumbing, heating, air-conditioning and electrical systems. These terms do not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8 (g).

SECTION 3 LOCATION

The siting, location and installation of HUD Code Manufactured Homes is Restricted: HUD Code Manufactured Homes may only be sited in the Single Family Dwelling District, on the southern most lots, located on the 24.237 acres annexed on July 21, 1998.

Map attached. (attachment A)

Metes and Bounds attached (attachment B)

SECTION 4: REQUIREMENTS TO LOCATE

A no fee HUD-Code Manufactured Home Permit must be applied for. It must include one (1) copy of each of the following:

- a. Proof of ownership of the property and lot size,
- b. Proof of payment of Water Tap or Water Service Fee,
- c. Plot plan showing location of structure and all easements and location of septic tank(s) and field.
- d. Structural engineering study on slab,
- e. Septic Permit to Build from Austin Travis County Health Department, and
- f. Septic License to operate from Austin Travis County Health Department, before the Certificate of occupancy is issued.

VILLAGE OF SAN LEANNA

Installation must be performed by a licensed installer and license number must be received by the Village when Water Tap Fee/Water Service is applied for and/or paid.

Skirting, with required openings according to HUD, Texas Department of Housing and Community Affairs or any successor agency regulations, must be completed within Two (2) weeks of installation.

SECTION 5: ENFORCEMENT

It shall be unlawful for any person, corporation or association to site, locate or install HUD Code manufactured homes within the Village limits in violation of the provisions of this Ordinance. Any person, corporation or association who violates this Ordinance shall be given written notice thereof. Such notice shall request that action be immediately taken to remedy the alleged violation. Persons, corporations, associations and other entities who fail to correct violations after ten (10) days of their receipt of written notice thereof, shall be fined an amount not to exceed two-thousand (\$2000.00) dollars per day, per violation. The Village is also authorized to seek injunctive relief.

SECTION 6: APPLICATION OF OTHER ORDINANCES:

All duly enacted ordinances of the Village of San Leanna apply to the district created by this Ordinance to the extent authorized by law. This includes but is not limited to requirements regarding lot size, yard size, accessory structures, authorized uses for dwellings, pools, spas and hot tubs, water and sewer/septic. Whenever the standards and specifications of this Ordinance conflict with those contained in another Village ordinance, the most stringent provision shall govern, consistent with state law.

SECTION 7: SEVERABILITY:

If any word, article, phrase, sentence, paragraph, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: EFFECTIVE DATE:

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

VILLAGE OF SAN LEANNA

SECTION 9. PROPER NOTICE AND OPEN MEETING:

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 552 of the Texas Government Code, and the Texas Zoning Enabling Act, Chapter 211 of the Texas Local Government Code.

PASSED AND APPROVED this 18th day of JANUARY, 2001, by a

5 to 0 Vote of the Board of Aldermen of the Village of San Leanna, Texas.



JOHN LINTON, MAYOR

ATTEST:



KATHLEEN HERNANDEZ
VILLAGE SECRETARY

APPROVED AS TO FORM:



ALAN J. BOJORQUEZ
VILLAGE ATTORNEY