

*see Ord #120 also*

O R D I N A N C E

(Motion was made by Councilman Friedman, seconded by Councilman Bramlett, that the following Ordinance be passed:)

ORDINANCE NO. 95

AN ORDINANCE PROVIDING FOR MINIMUM STANDARDS FOR MOBILE HOME PARKS; ESTABLISHING PROCEDURES AND FEES FOR THE ISSUANCE OF A MOBILE HOME PARK PERMIT, REGULATING THE LOCATION OF MOBILE HOMES AND MOBILE HOME PARKS; ESTABLISHING RULES AND REGULATIONS OF MOBILE HOME PARKS AND RELATED UTILITIES AND FACILITIES; AUTHORIZING INSPECTION AND REVOCATION OF PERMIT; PROVIDING FOR APPEAL WHERE PERMIT DENIED, PROVIDING FOR PENALTY, PROVIDING A SAVINGS CLAUSE AND REPEALING ALL ORDINANCES IN CONFLICT.

SECTION 1.

DEFINITIONS

As used in this chapter:

- ✓ Mobile home means any vehicle or similar portable structure having no foundation other than wheels, jacks, blocks, or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- ✓ Mobile home park means any plot of ground upon which two (2) or more mobile homes intended or occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation; said plot of ground not being the property of, or possessed by the mobile home owner.
- ✓ Mobile home space means a plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- ✓ Natural or artificial barrier means any railroad, public road, cyclone fence, similar type, or solid fence constructed of wood, metal or masonry of at least six (6) feet in height.
- ✓ Park means mobile home park.
- ✓ Person means any natural individual, firm, trust, partnership, association or corporation.

SECTION 2.

PURPOSE AND INTENT OF CHAPTER

The purpose and intent of this chapter is:

- ✓ (a) To provide certain minimum standards, provisions and requirements for safe, sanitary and suitable methods of construction and operation of present and future mobile home parks within the city.
- (b) To assure that mobile home parks shall not become a menace to public health, morals, safety or welfare.
- ✓ (c) To provide proper locations, sanitary and healthful conditions and facilities for mobile home units.

### SECTION 3.

#### PERMIT

✓ It shall be unlawful for any person to maintain or operate within the limits of the city, or to receive any services rendered by the city, any mobile home park unless such person shall first obtain a permit therefor. All mobile home parks in existence upon April 15, 1983, shall, within ninety (90) days thereafter, obtain such a permit and in all other respects comply fully with the requirements of this Chapter. However, a fee shall be charged for the transferring of a permit for a mobile home park.

### SECTION 4.

#### PERMIT FEES

✓ The annual permit fee for each mobile home park shall be twenty-five dollars (\$25.00) plus two dollars (\$2.00) for each mobile home or travel trailer parking space available for use in the mobile home park. Said permit fee shall be due and payable on January 1 each year and all mobile home park owners shall obtain said permit within thirty (30) days thereafter, and in all other respects comply fully with requirements as set forth in this chapter. However, those mobile home parks having a change in ownership during a current year, or opened after July 1 of a current year, shall be required to pay an amount of not less than twenty-five dollars (\$25.00) plus one dollar (\$1.00) per mobile home space available as said permit fee. If the permit fees are not paid by the end of thirty (30) days, as set forth above, city services to the mobile home park shall be terminated until permit fee is paid in full.

### SECTION 5

#### APPLICATION FOR PERMIT; CONTENTS

✓ Applications for a mobile home park permit shall be filed with the city secretary. The city secretary shall present the application to the City Council for its consideration, and upon approval, the city secretary shall issue the permit. Applications shall be in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the mobile home park.
- (c) A complete plan of the park showing compliance with section 7 of this Ordinance.
- (d) Plans and specifications of all buildings and other improvements constructed, or to be constructed within the mobile home park.
- ✓ (e) Such further information as may be requested by the City Council to enable it to determine if the mobile home park will comply with the legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The city, or its duly-authorized agent, shall investigate the applicant and inspect the proposed plans and specifications, and make their recommendations thereon. The mobile home park will be in compliance with all provisions of this Ordinance and all other applicable ordinances or statutes, the City Council may approve the application contingent upon the completion of the park according to plans and specifications submitted with the application. The city secretary, at the direction of the City Council shall issue the permit.

SECTION 6.

PARK OWNERS TO FURNISH  
CITY SECRETARY CERTAIN INFORMATION

All owners of mobile home parks shall keep and maintain a register and within five (5) days after a mobile unit has been located in said mobile home park, furnish to the city secretary the name of said owner, date of arrival, make, model, and year of the mobile home unit, license number, the state issuing the license, location of unit in park, and departure date, if known.

SECTION 7.

PARK PLAN

The mobile home park shall conform to the following requirements:

- ✓ (a) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Mobile home spaces shall be provided in an orderly manner, consisting of a minimum space as to allow at least twenty (20) feet between units in width and each space shall have a minimum width of seventy (70) feet and a minimum length of one hundred twenty (120) feet. No mobile home shall be parked end to end such that either unit cannot be removed in a reasonable amount of time. No mobile home shall be located closer than twenty (20) feet from a property line.
- (c) All mobile home spaces shall abut upon a driveway of not less than twenty-five (25) feet in width which shall have unobstructed access to a public street, alley, or highway. All driveways shall be of a minimum quality to be approved by the city engineer, and shall be well marked in the day-time, and lighted at night.
- (d) A minimum of two (2) auto parking spaces for each mobile home shall be provided.
- (e) No mobile home situated in a mobile home park or elsewhere shall be placed within twenty-five (25) feet of the curb or street boundary line of a lot or parcel of land, nor within ten (10) feet of the side or back street or property line.
- (f) Provisions as set forth in current city codes and ordinances adopted by the City Council which apply to mobile homes and to mobile home parks, shall be made a part of this chapter as though written into this chapter.

SECTION 8.

DISTANCE FROM PERMANENT RESIDENTIAL BUILDINGS

✓ Each boundary of the mobile home park must be at least two hundred (200) feet from any permanent residential building located outside the park, unless separated therefrom by a natural or artificial barrier, as herein defined, or unless a majority of the property owners within said two hundred (200) foot area, consent in writing to the establishment of the park; provided, however, that the provisions of this section shall not apply to mobile home parks already in existence and in operation at the time of the passage of this Ordinance.

## SECTION 9.

### MAINTENANCE

Every person owning or operating a mobile home park shall maintain such park and any facilities, fixtures, and permanent equipment in connection therewith in a clean and sanitary condition and shall keep and maintain said equipment in a state of good repair.

## SECTION 10.

### OFFICE BUILDING

Each mobile home park shall be provided with a building to be known as the office in which shall be kept copies of all records pertaining to the management and supervision of the park, as well as rules and regulations of the park, and such records, rules and regulations to be available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein.

## SECTION 11.

### RULES AND REGULATIONS FOR PARK

It shall be the duty of the owner, his agent, representative or manager to prescribe rules and regulations for management of the park; to make adequate provisions for the enforcement of such rules; and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the city Secretary. In addition thereto, it shall be the duty of the owner, his agent, representative or manager to comply with the following:

- (a) Provide for regular inspection of water and sanitary conveniences.
- (b) Provide for the collection and removal of garbage and other waste material.
- (c) Prohibit the placing or storage of unsightly material or vehicles of any kind.
- (d) Provide for the regular cleaning, painting, repairing and disinfecting of all units as needed.
- (e) Take such other measures as may be deemed to be necessary by the City of Magnolia to preserve the health, comfort, and safety of all persons residing in the park and the general public.
- (f) Notify all persons when locating a mobile home unit in their mobile home park that within five (5) days from said date, the City of Magnolia requires a permit to be obtained upon said mobile home, as provided in section 21 hereof, and a monthly resident services fee, as provided in section 22.
- (g) Report immediately to the police department of the City of Magnolia all acts of disorderly conduct committed by any person or persons inside the park.

- (h) See that all rules and regulations are made known to patrons of the park.-

SECTION 12.

MANAGEMENT OF PARK

✓ Each mobile home park shall be under the direct management of the owner or his agent or representative, for whose acts he or they shall be fully responsible. The name of the person entrusted with the direct management of a park shall be filed for reference with the city secretary. Such person or persons must satisfy the City Council of their experience and capacity to supervise, manage, regulate and control the park and maintain good sanitary conditions in and about the park.

SECTION 13.

MOBILE HOMES OWNED AND OPERATED  
OUTSIDE PARK AREA

✓ It shall be unlawful for any person now owning and maintaining a mobile home or homes in any place in the City of Magnolia, or at any place using the services of the City of Magnolia, other than in a duly-licensed and lawful mobile home park, unless said person shall first secure a permit which shall be permanent until cancelled for good cause by the City of Magnolia, Texas.

SECTION 14.

UNLAWFUL TO PARK MOBILE HOME  
EXCEPT IN MOBILE HOME PARK

It shall be unlawful for any person to park a mobile home in the corporate limits of the City of Magnolia, Texas, for a longer period of time than forty-eight (48) hours, except in an approved mobile home park, as provided in this Ordinance.

SECTION 15.

EXCEPTIONS

The provisions of the above section shall not apply to:

- (a) Mobile home parked upon a lot where homes are manufactured or sold and where no person occupies such mobile home as a dwelling or sleeping place.
- (b) Mobile homes temporarily parked upon a lot as a temporary construction office and where no person occupies such mobile home as a dwelling or sleeping place.
- (c) Mobile homes temporarily parked upon a lot of tract of land for sales and display purposes and where no person occupies same as a dwelling or sleeping place.

SECTION 16.

ADDITIONAL CONSTRUCTION; EXCEPTION

It shall be unlawful for any person operating a mobile home park or occupying a mobile home to construct or permit to be constructed in such park or in connection with such mobile home any additional structure,

building or shelter in connection with or attached to a mobile home, unless a building permit be secured from the city in compliance with the city ordinance on building permits; except, however, awnings of canvas or metal, of suitable construction may be attached to said mobile homes.

#### SECTION 17.

##### WATER SUPPLY

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Each mobile home space shall be provided with a cold water tap conveniently located.

#### SECTION 18.

##### SEWAGE AND REFUSE DISPOSAL

Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service within the mobile home shall be discharged into the public sewer system in compliance with applicable ordinances. Each mobile home space shall be provided with a trapped sewer at least four (4) inches in diameter which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any and all such facilities. The trapped sewer in each mobile home space shall be connected to discharge the mobile home waste into the public sewer system in compliance with applicable ordinances.

#### SECTION 19.

##### GARBAGE RECEPTACLES

Tightly covered metal or approved similar type garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not further than two hundred (200) feet from any mobile home space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected pursuant to city ordinances, and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

#### SECTION 20.

##### FIRE PROTECTION

Every park shall be equipped at all times with one (1) suitable fire extinguisher in good working order and currently charged for every five (5) mobile home spaces; same to be located not further than one hundred fifty (150) feet from each mobile home space. No open fires shall be permitted at any place within the mobile home park.

#### SECTION 21.

##### PERMITS FOR MOBILE HOMES IN AND OUTSIDE OF MOBILE HOME PARKS; FEES

The following regulations shall be applicable to the obtaining of permits for mobile homes located in the City of Magnolia:

- (a) After April 15, 1983, a permit shall be issued to the owners of all mobile homes situated and located in the corporate limits of the City of Magnolia or using city facilities, without a fee being charged.

- 1 (b) A period of sixty (60) days from April 15, 1983, shall be allowed all owners of mobile homes to obtain such a permit, which shall be permanent.
- (c) It shall be the responsibility of the owner of the mobile home park or property on which the mobile home is parked, to see that no mobile home is parked upon said property for more than five (5) days without a permit.
- (d) The permit shall be displayed upon the right front corner of the mobile home at all times it is in effect, or on a glass near the right front corner.
- (e) From and after April 15, 1983, all mobile homes moving into and locating in a mobile home park, or on a lot, lots or parcel of land in the City of Magnolia, Texas, or outside the city using city facilities, shall be required to obtain a permit at a cost of twenty dollars (\$20.00) which shall be permanent. Five (5) days from date of entry shall be allowed within which to obtain such permit.
- (f) The application for permit shall contain the name of the mobile home owner, his address (mailing), a description of the mobile home as to make, model, size, and serial number, and any other information required by the city.
- (g) Any mobile home park operator or owner of property upon which a mobile home is parked shall be held in violation of this chapter and subject to the penalties herein if he violates the requirements of his responsibility in this section.
- (h) The owner of a mobile home park in and upon which mobile homes are parked, shall pay monthly water, sanitary sewerage and garbage pickup charges as set forth in current ordinances for said service.
- (i) A mobile home permit as herein defined may be revoked for violation of any portion of this chapter.
- (j) The permits will be issued for a specific location, are non-transferable, and if lost, will not be duplicated or reissued. In such instance, a new permit will have to be obtained at the fee set out in (e) above.

## SECTION 22.

### REGISTER OF OCCUPANTS; INSPECTION

It shall be the duty of the permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (a) The name and address of each occupant.
- (b) The make, model and year of all mobile homes.
- (c) The license number and owner of each mobile home and automobile, if any, by which it is towed.
- (d) The state issuing such license.
- (e) The date of arrival and of departure of each mobile home.

- (f) Whether or not each mobile home is self-contained or dependent on park facilities.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration

#### SECTION 23.

##### SUPERVISION

A responsible attendant or caretaker, owner or operator shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, with the permittee, for any violation of the provisions of this chapter.

#### SECTION 24.

##### PUBLIC INSPECTION, REVOCATION OR SUSPENSION OF PERMIT

Duly-authorized representatives of the City of Magnolia department of health, fire department, police department, department of taxation, and the department of public works shall be permitted access to the mobile home park, the street, utilities lines and connections, and structures thereon, when performing city business and for inspection purposes, as a condition of permit issuances.

Upon the inspection, it shall be found that the permit holder has violated any provision of this chapter, or any provision of any sanitary or health measure or ordinance or any provision of the electrical code or any provision of the plumbing code, or any other code of the City of Magnolia, Texas, the said authority shall have the power to revoke or suspend any permit and notify the holder of such permit of such violation and the suspension of the permit. Unless such violation or violations have been corrected within ten (10) days from such notice, such authority or the city secretary shall have the power to revoke the permit.

#### SECTION 25.

##### CHAPTER APPLICABLE TO MOBILE HOME PARKS AND HOMES LOCATED IN OR OUTSIDE CITY LIMITS USING CITY FACILITIES AND SERVICES

The provisions of this chapter shall apply to all mobile home parks, mobile homes situated within the limits of the City of Magnolia, Texas, or elsewhere therein, or located outside the city limits, that are connected to and are using city utilities and services.

#### SECTION 26.

##### CITY COUNCIL APPEAL

Within ten (10) days after a permit request, duly presented, has been denied, the applicant may file a written notice of appeal to the city council, setting forth the prior actions on the application or plat, the objections thereto, and the action desired by applicant, with the city secretary.

The City Council will set a date for hearing the appeal, act thereon, and its action will be final.



SECTION 27.

PENALTY FOR VIOLATIONS

Any person, firm or corporation violating any provision of this chapter, whether or not such violation shall be found sufficient for revocation of any permit or license, may be punished by a fine of not less than five dollars (\$5.00), nor more than two hundred dollars (\$200.00).

Every violation of this chapter shall be considered a separate offense and each day such mobile home parking is continued, and each day that said mobile home park is operated without a permit shall constitute a separate offense.

SECTION 28.

SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council, in adopting this Ordinance, that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this Ordinance.

SECTION 29.

REPEALING CLAUSE

Any ordinance in conflict herewith is expressly repealed.

PASSED AND APPROVED this 8 day of March, 1983.

CITY OF MAGNOLIA

ATTEST:

By: Ray Crouch  
City Secretary

By: Paul E. J. [Signature]  
Mayor

ORDINANCE NO. 120

Mobile Home Amendment

AN ORDINANCE AMENDING THE MOBILE HOME ORDINANCE, ORDINANCE NO. 95, BY INCLUDING NEW SUBSECTION 15(d) TO AUTHORIZE PLACING A MOBILE HOME ON AN OPEN SPACE OF 7,500 SQUARE FEET OR MORE AFTER OBTAINING A PERMIT; AND ADDING AN ENACTMENT CLAUSE.

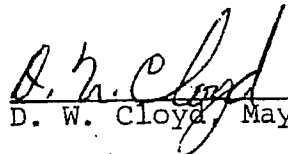
Ordinance No. 95 is hereby amended to add and include the following phrase immediately before Section 1:

"BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:"

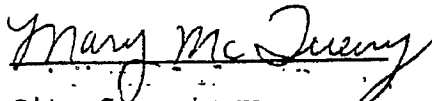
Ordinance No. 95 is further amended to add and include the following new subsection 15(d) as follows:

"Mobile home owner who places a unit upon a lot or plot of ground in the City of Magnolia, Texas, containing seven thousand five hundred (7,500) square feet or more of open space, owned or leased by him, after first obtaining a permanent mobile home permit on each such unit, as required herein."

PASSED and APPROVED on this 8 day of October, 1985.

  
D. W. Cloyd, Mayor

Attest:

  
City Secretary

Approved as to form:

  
Burke Martin  
City Attorney