

CITY ORDINANCE NO. **2020-02-02**

AN ORDINANCE OF THE CITY OF CUMBY AMENDING ORDINANCE 2010-4 OF THE CITY OF CUMBY AND REPEALING ALL LAWS OR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; ESTABLISHING STANDARD RULES AND GUIDELINES FOR THE REGULATION, PROHIBITION, AND LIMITING OF INSTALLATION, USE, PLACEMENT, AND LOCATION OF MOBILE HOMES AND HUD CODE MANUFACTURED HOMES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Cumby, Texas, has authority to regulate, limit, prohibit, and direct the installation, placement, and planning of housing within the municipality through zoning, land use, and its powers to protect the public health, safety, and general welfare; and

WHEREAS, the City of Cumby, Texas, has adopted various ordinances regulating mobile homes and HUD-Code manufactured homes; and

WHEREAS, the City Council for the City of Cumby desires to amend its rules, procedures, and guidelines related to Mobile Homes and HUD-Code Manufactured Homes as they are defined by the United States Department of Housing and Urban Development; and

WHEREAS, the City Council of the City of Cumby, Texas, finds that it is in the best interest of the public safety, health and general welfare, as well as to proper planning and management of zoning and land use, to amend its ordinances regulating Mobile Homes and HUD-Code Manufactured Homes;

WHEREAS, a public hearing on this matter was held by the City Council as required by law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CUMBY, TEXAS:

SECTION 1. Other Ordinances and Laws. Ordinance 2010-4 is amended as stated herein and only those parts of said Ordinance or other ordinances that conflict herein are hereby replaced and repealed and declared no further in force or effect.

SECTION 2. Controlling Ordinance. This ordinance shall control over any conflicting terms of Ordinance 2010-4 and any other ordinances amending ordinances thereunder, except as may be otherwise stated herein.

SECTION 3. Definitions.

a. "MOBILE HOME" - a structure constructed before 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. Tex. Occ. Code § 1201.003 (20).

b. "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, 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. Tex. Occ. Code § 1201.003 (12). (A HUD CODE MANUFACTURED HOME displays a red certification label on the exterior of each section. This label serves as the manufacturer's certification that the section is built in accordance with Federal Housing and Urban Development standards.)

c. "MANUFACTURED HOME" or "MANUFACTURED HOUSING" - is a HUD CODE MANUFACTURED HOME or a MOBILE HOME. Tex. Occ. Code § 1201.003 (18).

d. "PERSON, FIRM OR CORPORATION" - includes a natural person, entity, firm, partnership, association, limited liability company, joint venturer, or corporation.

Other terms herein shall have the meanings defined in other ordinances of the City, except where the context clearly requires otherwise.

SECTION 4. Mobile Home and Manufactured Homes Prohibited. No MOBILE HOME or MANUFACTURED HOME shall be permitted within the City limits of the City of Cumby, Texas. Any MOBILE HOME and/or MANUFACTURED HOME located in the City legally, prior to the enactment of this ordinance and used and occupied as a residential dwelling shall be allowed to remain. Existing MOBILE HOMES and/or MANUFACTURED HOMES may be replaced with another MOBILE HOME and/or MANUFACTURED HOME of similar or higher quality only.

SECTION 5. Existing Mobile Homes and Manufactured Homes. This ordinance does not make unlawful any MOBILE HOME and/or MANUFACTURED HOME already in place and complying with all laws when this ordinance becomes effective. However, after the effective date of this ordinance, if any nonconforming MOBILE HOME and/or MANUFACTURED HOME is removed from its location, it shall not be allowed to relocate within the city limits of the City of Cumby, Texas.

SECTION 6. Mobile Home and Manufactured Home Use. A MOBILE HOME and/or MANUFACTURED HOME shall not be used as an office or business building in any zoning district, except as an office on the site in connection with: a) a MANUFACTURED HOME PARK, or b) a bona fide retail MANUFACTURED HOME sales lot or park, as provided in the City's Code of Ordinances.

SECTION 7. Violations and Penalties. Any person, firm or corporation who commits any of the following shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than FIVE HUNDRED DOLLARS (\$500.00) for: a) Any

violation of this ordinance; or b) Providing false information to a City official concerning licensing or permitting under this ordinance this ordinance or compliance with this ordinance. Each day or portion of a day during which any violation occurs or continues shall be a separate offense.

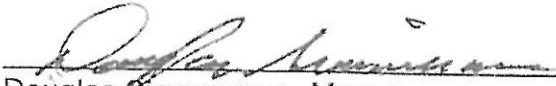
SECTION 8. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 9. Severability. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Cumby, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

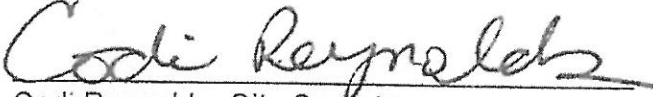
SECTION 10. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage in accordance with the provisions of the Tex. Loc. Gov't. Code.

SECTION 11. Open Meetings. 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 public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

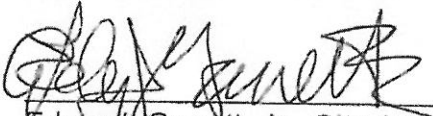
PASSED AND APPROVED this the 11 day of February, 2020.


Douglas Simmerman, Mayor

ATTEST:


Codi Reynolds, City Secretary

APPROVED AS TO FORM:


Edgar J. Garrett, Jr., City Attorney

