

ORDINANCE NUMBER 032000-A

AN ORDINANCE OF THE CITY OF NIEDERWALD; PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY; REQUIRING A PERMIT FOR THE CONSTRUCTION OF, ADDITION TO OR EXTENSION OF A HUD-CODE MANUFACTURED HOME PARK; REQUIRING A LICENSE TO OPERATE A HUD CODE MANUFACTURED HOME PARK AND SETTING FORTH THE SITE REQUIREMENTS, HUD CODE MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS, AND PRESCRIBING REGULATIONS FOR MANAGEMENT OF HUD-CODE MANUFACTURED HOME PARKS; PROVIDING FOR NONCONFORMING HUD CODE MANUFACTURED HOME PARKS; PROVIDING FOR FEES; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has come to the attention of the City Council of the City of Niederwald that unregulated HUD-Code Manufactured Home Parks (formerly called Mobile Home Parks) can be dangerous and constitute a hazard to the public safety, health and general welfare; and

WHEREAS, the City Council of the City of Niederwald finds it to be in the best interest of the public safety, health and general welfare to regulate HUD-Code Manufactured Home Parks (formerly called mobile home parks) within the City; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD THAT:

I.

Ordinance No. 032000-A of the City of Niederwald reads as follows:  
Section 1. DEFINITIONS.

For the purpose of this Ordinance, certain terms, words, and phrases shall have the meaning hereinafter ascribed thereto.

- (A) Building Official: Designated inspection authority of the City, or its authorized representative.
- (B) Certificate of Occupancy: Certificate issued by the City Council for the use of a building, structure, and/or land, when it is determined by the Council that the building, structure, and/or land complies with the provisions of all applicable City Codes, ordinances, and regulations.
- (C) City Council: City Council of the City of Niederwald, Texas.
- (D) Common Access Route/Internal Street: Private drive allowing principal means of access to individual HUD-Code Manufactured Home lots or auxiliary buildings.

- (E) Drive Way: Minor entranceway off the common access route within the park, into an off-street parking area serving one or more HUD-Code Manufactured Homes.
- (F) 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 body 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. A manufactured home with dimensions that are less than the length and/or width specified in this paragraph shall not be allowed in a HUD-Code Manufactured Home Park, or any other area designated for HUD-Code Manufactured Home placement within the City of Niederwald, Texas.
- (G) License: Written license issued by the City Council, permitting a person to operate and maintain a HUD-Code Manufactured Home Park under the provisions of this Ordinance.
- (H) Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis 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. Mobile homes shall not be allowed in a HUD-Code Manufactured Home Park.
- (I) HUD-Code Manufactured Home Park: A parcel of land which has been placed and improved for the placement of HUD-Code Manufactured Homes, accessory uses, and service facilities, and which complies with all requirements of this Ordinance, applicable deed restrictions, and applicable laws and regulations.
- (J) Parking Street, Off-Street: A minimum space nine feet (9') in width by eighteen (18') feet in length, located within the boundary of a HUD-Code Manufactured Home space, or in common parking and storage area having unobstructed access to an internal street.
- (K) Permit: Written permit/certification issued by the City

Council permitting the construction, alteration, or extension of a HUD-Code Manufactured Home Park, under the provisions of this Ordinance and regulations issued hereunder.

- (L) Person: Any natural individual, firm, trust, partnership, association, corporation, or other legal entity.
- (M) Plot Plan/Site Plan: Graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the property included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.
- (N) Sewer Connection: Connection consisting of pipes, fittings, and appurtenances from the drain outlet of a HUD-Code Manufactured Home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the HUD-Code Manufactured Home Park.
- (O) Sewer Service Riser Pipe: That portion of sewer service which extends vertically to the ground elevation and terminates at a HUD-Code Manufactured Home space.
- (P) Space: Plot of ground within a HUD-Code Manufactured Home Park designated for accommodation of one HUD-Code Manufactured Home, together with such open space as required by this Ordinance. Term includes "lot" and "site".

## Section 2. PERMITS

- (A) Permit Required -It shall be unlawful for any person to construct, alter, extend or expand any HUD-Code Manufactured Home Park within the limits of the City of Niederwald unless he holds a valid permit issued by the City Council in the name of such person for the specific construction, alteration, extension, or expansion proposed.
- (B) Application Requirements - All applications for permits shall be made upon standard forms provided by the City Council and shall contain the following:
  - (1) Name and address of the applicant.
  - (2) Location and legal description of the HUD -Code Manufactured Home Park.

To this application shall be attached five (5) copies of a site plan, at a minimum scale of 1" = 200' for sites of 30 acres or more, and at a minimum scale of 1" = 100' for sites under 30 acres. The site plan shall include all data required under Section 27.

- (C) Permit Fee - All applications to the City of Niederwald

shall be accompanied by a fee of One Hundred Dollars (\$100.00).

- (D) Issuance of Permit - When upon review of the application, the City Council is satisfied that the proposed plan meets the requirements of this Ordinance and all applicable laws and regulations, a permit shall be issued.
- (E) Denial of Permit/Hearing - Any person whose application for a permit under the Ordinance has been denied, may request in writing a rehearing on the matter and offer additional evidence in support of the application.

### Section 3. LICENSES.

- (A) License Required - It shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated or maintained upon any property owned or controlled by said person any HUD-Code Manufactured Home Park within the limits of the City of Niederwald unless the person holds a valid license issued annually by the City Council. All applications for licenses shall be made in writing to the City Council on forms furnished by the City. The City Council shall issue a license to the applicant if, upon review, the City Council determines that the applicant is in compliance with all provisions of this Ordinance, and any other applicable laws or regulations. The City Council shall not issue a license unless the applicant is a valid holder of a Certificate of Occupancy which shall be issued by the City Council upon compliance with applicable ordinances and laws. At any time a Certificate of Occupancy is revoked, the license shall be cancelled. Said license shall expire on December 31 of each year.
- (B) Application for Original License - Application for an original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of the license fee hereinafter provided, and shall contain:
  - (1) The name and address of the applicant.
  - (2) A copy of a valid Certificate of Occupancy.
  - (3) The location and legal description of the HUD-Code Manufactured Home Park.
  - (4) A site plan of the HUD-Code Manufactured Home Park prepared in accordance with Section 7 hereof.
- (C) Hearing Granted Applicants - Any person whose application for a license under this Ordinance has been denied may request a rehearing in writing and within ten (10) days

of the date of the City Council's decision, which shall be granted by the City Council upon proper request by the applicant.

- (D) Application for License Renewal - Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City Council on or before November 1 of each year. Such application shall contain any change in the information occurring after the original license was issued or after the latest renewal was granted and must be accompanied by the HUD-Code Manufactured Home Park register as hereafter provided.
- (E) License Fee - All original license applications or renewals hereof shall be accompanied by a fee of Fifty Dollars (\$50.00).
- (F) Transfer of License - Every person holding a license shall give notice in writing to the City Council within fifteen (15) days after having sold, transferred, conveyed by gift, or otherwise disposed of interest in or control of any HUD-Code Manufactured Home Park. Applications for the transfer of a license shall be made not later than fifteen (15) days after the date of the sale, transfer, or gift, or other disposition of interest in or control of the HUD-Code Manufactured Home Park, and the City Council shall act thereon at the next regularly scheduled meeting, or as soon as practicable thereafter.
- (G) Transfer of License Fee - All applications for a license transfer shall be accompanied by a fee of Fifty Dollars (\$50.00).

#### Section 4 - VIOLATIONS; NOTICE; REVOCATION OF LICENSE OR PERMIT.

Whenever the City Council finds that conditions or practices exist which are in violation of any provisions of this Ordinance, the City Council or its designee shall give notice in writing, in accordance with Section 6A of this ordinance, to the permittee or licensee, or agent, that unless such conditions or practices are corrected within a reasonable period of time, that is, not less than thirty (30) days nor more than one (1) year as specified in such notice, the license or permit shall be revoked. At the end of said period of time and if such conditions or practices have not been corrected, the City Council may revoke the license or permit and give notice in writing of such revocation to the permittee or licensee, or agent, at the address provided in the application. Upon receipt of notice of revocation, the licensee or permittee shall cease operation of such park within ten (10) days after the notice is issued.

## **Section 5. INSPECTION.**

Any duly authorized inspector of the city shall be permitted to make reasonable inspections of any HUD-Code Manufactured Home Park to determine compliance with this Ordinance and all applicable laws and regulations.

## **Section 6. NOTICES, HEARINGS, AND ORDERS.**

(A) Notice of Violations; Requirements of Notice - Whenever it is brought to the attention of the Council that there has been a violation of any provision of this Ordinance, the City Council, or its designee, shall give notice of such alleged violation to the Permittee or licensee or agent, as hereinafter provided. Such notice shall (1) be in writing; (2) shall include a statement of the reasons for its issuance; (3) allow a reasonable time of not less than thirty (30) days nor more than one year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the acts to remedy the violation; (4) be served upon the permittee or licensee, or agent; provided that such notice or order shall be deemed to have been properly served upon such permittee or licensee, or agent, when a copy thereof has been sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State; and (5) contain an outline of remedial action which if taken, will effect compliance with the provisions of this Ordinance. If the violation is not remedied in accordance with the Notice, and a breach of the ordinance continues, then the Council may revoke any permits or licenses issued in addition to any punishment provided in Section 9 hereof.

## **Section 7. MOBILE HOMES PROHIBITED IN THE CITY OF NIEDERWALD,**

(A) The installation of mobile homes for use or occupancy as a residential dwelling in the City of Niederwald, Texas is prohibited. This provision is prospective and shall not apply to any mobile homes used and occupied as residential dwellings in the City on the effective date of this ordinance. Mobile homes used and occupied as residential dwellings on the effective date of this Ordinance shall be deemed to be lawful nonconforming use, and such use may continue until discontinued, abandoned, or terminated as provided herein. If the nonconforming mobile home use is abandoned or discontinued for a period of thirty (30) or more days, any future use of the structure and land or portion thereof shall conform with the provisions of this Ordinance. If a nonconforming



mobile home is not occupied for a period of thirty (30) or more days, said use is deemed to be abandoned by operation of law. If a nonconforming mobile home is destroyed or damaged to an extent greater than fifty (50) percent of its fair market value by fire, explosion, act of God, or other cause, then any future use of the structure and land on which the mobile home was situated shall conform to the provisions of this Ordinance. A nonconforming mobile home use shall not be enlarged, extended or expanded into any other portion of the land on which the nonconforming mobile home is situated. Nothing in this subsection is intended to prohibit normal repairs and maintenance of a nonconforming mobile home. If a nonconforming mobile home is removed from the parcel of land on which it is situated, any future use of the structure and land on which the mobile home was situated shall conform to the provisions of this Ordinance.

#### Section 8. HUD-CODE MANUFACTURED HOME PARK.

(A) Site Plan - The site plan shall be filed as required by Section 2(B) of this Ordinance and shall show the following:

- (1) The name, address, fee owner and record owner of the proposed or existing HUD-Code Manufactured Home Park.
- (2) Name of subdivision where the park is located.
- (3) Names of adjacent public streets and roads.
- (4) Contour lines at two-foot (2') intervals,
- (5) Locations and dimensions of all HUD-Code Manufactured Home spaces, utility easements, drives, recreation areas, streets and sidewalks. Each HUD-Code Manufactured Home space shall be numbered.
- (6) Scale of plan (no smaller than 1" = 200') and complete dimensions.
- (7) Density in units per gross acre.
- (8) Area and dimensions of site.

- (9) Areas defined for waste containers and method of disposal of garbage and refuse.
- (10) Location of shower and toilet facilities.
- (11) Water and Sewer Plans: Water and sewer plans must be submitted showing the following:
  - a. Sewer line locations, grades and sizes.
  - b. Water line locations, sizes, and source of water supply.
- (12) Paving and Drainage Plans: Paving and drainage plans must show the directions and calculated quantities of runoff and the proposed specifications for streets.

The City Council, or its designee, shall notify the applicant in writing whether the plan was approved or disapproved, stating the reasons for disapproval and the modifications or conditions that must be made or met before approval can be obtained upon subsequent submission.

(B) HUD-Code Manufactured Home Park Standards - Any HUD-Code Manufactured Home Park (formerly called a mobile home park) constructed after the adoption of this ordinance, and any alteration, extension, addition, or expansion to an existing HUD-Code Manufactured Home Park in the City shall be made in compliance with the following site requirements:

- (1) Density - A HUD-Code Manufactured Home Park shall have no more than 10 spaces per acre.
  - a. Park Area. Each HUD- Code Manufactured Home Park shall be planned for and shall provide a minimum of five (5) acres in area.
- (2) Basic HUD-Code Manufactured Home Minimum Site Requirements:
  - a. Height Regulations:
    - 1. The height limit for any structure intended for occupancy in the HUD -Code Manufactured Home Park shall be 35 feet.
    - 2. The average height of the HUD-Code



Manufactured Home frame above ground elevation, measured at 90 to the frame, shall not exceed four feet from the top of the pad.

- b. Spacing Regulations - HUD-Code Manufactured Homes shall be located no closer than twenty feet (20') from any exterior wall to the closest exterior wall of the nearest HUD-Code Manufactured Home.
- c. HUD-Code Manufactured Home Space. Each and every HUD-Code Manufactured Home shall be located on a separate space which shall conform to the following standards:
  - (1) Be served with sanitary sewer, water, electrical power, telephone service, and natural gas.
  - (2) Provide a minimum average width of forty (40) feet and a minimum average depth of eighty (80) feet.
  - (3) Abut and/or have access to a private street for a minimum distance of twelve (12) feet.
  - (4) Provide a minimum area of three thousand two hundred (3,200) square feet, said area to be determined by the boundary lines of the space
  - (5) Provide a HUD-Code Manufactured Home pad which shall provide an adequate foundation for the placement and tie-down of one single-family HUD Code Manufactured Home thereby securing the superstructure against uplift, sliding rotation, and overturning. Said pad shall:
    - a. Be constructed of concrete which shall adequately support the weight of the HUD-Code Manufactured Home placed thereon and be durable and well drained under normal use and weather conditions.
    - b. Provide anchors and tie-downs such as cast-in-place concrete "dead men", eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors, or other devices which

secure the stability of the HUD-Code Manufactured Home, and shall be placed, at a minimum, at each corner of the HUD-Code Manufactured Home.

- c. Cover an area of at least two hundred forty (240) square feet or at least one-third the area of the largest HUD-Code Manufactured Home which is to be placed on the HUD-Code Manufactured Mobile Home space, whichever is greater. No surface provided for a purpose other than the foundation of HUD-Code Manufactured Home shall be considered a part of such HUD-Code Manufactured Home pad.
- (6) Provide a minimum of two (2) off-street parking spaces which shall be constructed of concrete.
- (7) Double street frontage of HUD-Code Manufactured Home spaces shall be avoided.
- (8) No vehicular access to a HUD-Code Manufactured Home space is permitted from a public street.
- (9) Drainage. The ground surface in all parts of every HUD-Code Manufactured Home Park shall be graded and equipped to drain all surface water in a safe and efficient manner so as not to permit water to stand or become stagnant.
- (D) Design and Location of Storage Facilities - Storage facilities with a minimum capacity of two hundred (200) cubic feet per HUD-Code Manufactured Home space, may be provided on the space, or in compounds located within two hundred (200) feet of the space. Where provided, storage facilities shall be faced with a durable, fire resistant material. Storage outside the perimeter walls of the HUD-Code Manufactured Home shall be permitted only if in such facilities. No storage shall be permitted under a HUD-Code Manufactured Home. Storage facilities shall not be located within ten (10) feet of the boundary line of any HUD-Code Manufactured Home Space boundary line.
- (E) Location of HUD-Code Manufactured Homes and Accessory-Structures - No HUD-Code Manufactured Home or accessory structure such as a refuse container, carport cabana, awning, fence, or storage locker shall be permitted

within ten (10) feet of a private street or the boundary line of a HUD-Code Manufactured Home space boundary line. Provided further that two (2) HUD-Code Manufactured Homes shall not be placed less than twenty (20) feet apart.

(F) Setbacks and Screening.

- (1) No HUD-Code Manufactured Home or structure in a HUD-Code Manufactured Home Park shall be located within the yard setback area. The minimum setback area for each space is:

Front yard - 25 feet

Rear yard - 15 feet

Side yard - 5 feet

- (2) The following screening requirements shall be applicable:

- a. A landscaped strip, not less than ten (10) feet in width or a screening device as defined herein shall be located along all HUD-Code Manufactured Home Park boundary lines abutting upon a public street or adjoining residential property. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing, and maintenance of site obscuring trees, shrubs, and plant life, as described below. Trees, shrubs, cane, and/or other vegetation shall be planted, cultivated, and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years. At least one row of trees with a minimum initial trunk diameter of one inch and minimum initial height of five (5) feet shall be planted on twenty-five (25) foot centers. Also, two (2) rows of cane, non-deciduous shrubs and/or other suitable screening plants shall be planted on ten-foot centers. The buffer strips are intended to provide a seventy-five (75) percent or more opaque screen when viewed horizontally between (2) and ten (10) feet above the natural ground at the end of the growing period of five (5)

years from the date of planting. Additional planting, cultivation, and maintenance may be required by the City officials during the use period of the buffer strip to achieve and maintain this effect.

(G) Access; Traffic Circulation; Parking;

(1) Internal streets shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.

(2) All internal streets shall be constructed to specifications set by the City Council and shall be maintained by the owner.

(3) All private streets shall be constructed with concrete and shall be durable and well drained under normal use and weather conditions.

(4) Internal Street Dimensions; Parking:

- a. Internal streets shall be minimum pavement width of 20 feet. Parking shall not be allowed on the minimum street width. An additional lane of nine (9) feet minimum width may be added to one or both sides for off street parking.
- b. Internal streets shall permit unobstructed access to within at least two hundred (200) feet of any portion of each HUD-Code Manufactured Home.
- c. Within each HUD-Code Manufactured Home Park, streets shall be named, and HUD-Code Manufactured Homes numbered. Park signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.
- d. Private streets which may connect two (2) public street right-of-way(s) shall, by the use of curves, off-sets, location, and/or the use of two (2) or more streets be located so

as to discourage through traffic.

- e. Private street intersections shall generally be at right angle, offsets at intersections of less than 125 feet (centerline to centerline) shall be avoided. The intersection of more than two streets at one point shall be avoided.
- f. Dead-end private streets shall be limited to a maximum length of one thousand (1,000) feet and shall be provided with a vehicular turning space, with a turning circle of eighty (80) feet in diameter.
- g. Layout streets and Blocks. Streets shall be laid out to provide a minimum distance of two hundred and forty (240) feet, center to center of parallel streets, between intersections.
- h. Lighting. The private streets, parking lots, walks, and service areas shall be lighted at all times so the HUD -Code Manufactured Home Park shall be safe for occupants and visitors, provided further all entrances and exits shall be lighted.

(H) Fire Safety Standards:

- (1) The storage, handling, and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable city ordinances and state statutes.
- (2) Access to HUD-Code Manufactured Home for Fire Protection. Approaches to all HUD-Code Manufactured Homes shall be kept free of obstructions to allow access by emergency vehicles.
- (3) Fire Protection. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the City Council but in no case shall the park provide less than a system of standard hydrants located not more than five hundred (500) feet from each HUD-Code Manufactured Home space and served by water lines

not less than six (6) inches in diameter installed in a looped system.

- (4) The HUD-Code Manufactured Home Park licensee or agent shall provide an adequate system of collection and safe disposal of rubbish, trash, and garbage.

(I) Water Supply:

- (1) The licensee shall make provisions for all approved water supply for domestic use and fire protection purposes to meet the requirements of the HUD-Code Manufactured Home Park.
- (2) All plumbing shall be in accordance with applicable ordinances of the City of Niederwald, and all applicable laws and regulations.

(J) Sewage disposal - From and after the effective date of this Ordinance, the following shall apply

- (1) Waste from all toilets, lavatories, sinks and showers in HUD-Code Manufactured Home Park shall be discharged into a public sewer or a private disposal system approved by the City Council.
- (2) All plumbing shall comply with applicable plumbing codes.
- (3) Each HUD-Code Manufactured Home pad shall have a sewer riser pipe of at least four inches (4") which shall be capped when not in use.

(K) Electrical and Telephone Distribution Systems. From and after the effective date of this Ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the State.

(L) All rooms containing bathrooms or laundry facilities shall:

- (1) Have fire-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture resistant materials.



- (M) Refuse and Garbage - Solid waste shall be stored in fly proof, water proof containers, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of said refuse and garbage shall be so conducted as to create no health hazard. A refuse pickup easement shall be granted by the owner of the HUD-Code Manufactured Home Park to the City of Niederwald, if these facilities are located so as to require the entrance of a municipal vehicle into the HUD-Code Manufactured Home Park.
- (N) Maintenance of Park. The owner of the park shall be responsible to insure that it is maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard. Growth of plant materials such as weeds and grass shall be continuously controlled. All streets, parking and storage areas shall be maintained to provide a fully paved surface.
- (O) Conform to Codes All HUD-Code Manufactured Home Park facilities and HUD-Code Manufactured Homes contained therein shall conform without limitation to the codes and ordinances of the City of Niederwald, including the Building, Plumbing, Electrical, and Fire Codes, and all applicable laws of the State of Texas.
- (P) Office: Every HUD-Code Manufactured Home Park shall have an office in which a copy of the park permit or license shall be posted and the park register shall be in such office. It shall be the duty of the licensee to keep a register of park occupancy which shall contain the following information:
- (1) Name and address of owner and occupant.
  - (2) The make, model, serial number, year, and dimensions of all HUD-Code Manufactured Homes.
  - (3) The date of arrival and departure of each HUD-Code Manufactured Home.

The park licensee shall submit the park register to the City Council each year upon requesting license renewal and shall make said register available to any authorized city official upon reasonable request. Upon gaining knowledge of a departure of any HUD-Code Manufactured Home.

- (Q) Ordinance Compliance. It shall be the responsibility of the licensee to insure that all requirements of this

ordinance are met and maintained. Any HUD-Code Manufactured Home Park issued an initial license after adoption of this ordinance that is found to be in violation of any provisions of this ordinance shall be notified in writing by the City Council in accordance with Section 6, and upon failure to comply, said license shall be revoked.

**(R) Nonconforming HUD-Code Manufactured Home Park:**

(1) Any Mobile Home Park in use and/or existence on the effective date of this ordinance, and not complying with all applicable provisions of this ordinance shall be considered a nonconforming Mobile Home Park. Nonconforming parks shall however, comply with the requirements of Section 8(M) hereof.

(2) Any land area added to a nonconforming Mobile Home Park shall conform to all requirements of this ordinance.

**(S) Miscellaneous Requirements:**

**(1) Responsibilities of the Park Licensee:**

- a. All responsibilities set out elsewhere in this Ordinance shall apply.
- b. The licensee or his agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair, and in a clean and sanitary condition.
- c. The licensee or agent shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this Ordinance.

**(2) Responsibilities of Park Occupants:**

- a. All responsibilities of Occupants set out elsewhere in this Ordinance shall apply.
- b. The park occupant shall comply with all requirements of this Ordinance.

- c. The park occupant shall be responsible for proper placement of his HUD-Code Manufactured Home in its HUD-Code Manufactured Home pad and proper installation of all utility connections in accordance with the instructions of the park licensee.
  - d. The use of space immediately beneath a HUD-Code Manufactured Home for storage shall not be permitted.
- (3) Mobile Homes shall not be permitted in a HUD-Code Manufactured Home Park.
- (4) Only HUD-Code Manufactured Homes shall be Permitted in a HUD-Code Manufactured Home Park.

#### Section 9. DESIGNATED AREA FOR SINGLE-LOT PLACEMENT OF HUD-CODE MANUFACTURED HOMES.

HUD-Code Manufactured Homes may be placed on single lots situated within the following described area:

West of the west side of Petras Way.

Only one (1) HUD-Code Manufactured Home may be placed and installed on each legal lot situated within the above-described area.

#### Section 10. PENALTY PROVISIONS.

Any person, firm or corporation violating this ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly.

#### Section 11. SEVERABILITY.

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

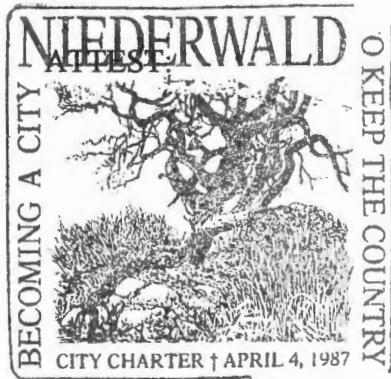
#### Section 12. REPEALER.

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

#### Section 13: EFFECTIVE DATE.

This ordinance shall be effective immediately upon its passage, approval and publication as required by law.

PASSED AND APPROVED this 20 day of MARCH, 2000.



Dena David  
Dena David, City Secretary  
City of Niederwald, Texas

Rickie Adkins  
Rickie Adkins, Mayor

Jan Cox  
Jan Cox, Mayor Pro-Tem

Emma Gaskin, Council Member

Micky Meredith  
Micky Meredith, Council Member

Angie Schulze  
Angie Schulze, Council Member

Shirley Whisenant  
Shirley Whisenant, Council Member