

CITY OF NIEDERWALD
ORDINANCE NO. 111703 - A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS, AMENDING ARTICLE III, RESIDENTIAL BUILDING CODE, OF CHAPTER 5, BUILDING CODE, BY ADDING A NEW SECTION 5-72, ADOPTING REGULATIONS FOR SINGLE-FAMILY AND DUPLEX INDUSTRIALIZED HOUSING; REQUIRING SUCH HOUSING TO HAVE A VALUE EQUAL TO OR GREATER THAN THE MEDIAN TAXABLE VALUE OF EACH SINGLE-FAMILY DWELLING LOCATED WITHIN 500 FEET OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED; REQUIRING EXTERIOR SIDING, ROOFING, ROOF PITCH, FOUNDATION FASCIA, AND FENESTRATION COMPATIBLE WITH THE SINGLE-FAMILY DWELLINGS LOCATED WITHIN 500 FEET; REQUIRING COMPLIANCE WITH MUNICIPAL AESTHETIC STANDARDS, BUILDING SETBACKS, SIDE AND REAR YARD OFFSETS, SUBDIVISION CONTROLS, ARCHITECTURAL LANDSCAPING, SQUARE FOOTAGE, AND OTHER SITE REQUIREMENTS APPLICABLE TO SINGLE-FAMILY DWELLINGS, AND REQUIRING THAT SAID HOUSING BE SECURELY FIXED TO A PERMANENT FOUNDATION.

Whereas the 78th Regular Texas Legislature adopted Senate bill 1326 relating to the municipal regulation of single-family and duplex industrialized housing; and

Whereas the Governor signed Senate bill 1326 making it effective June 18, 2003; and

Whereas the City Council of the City of Niederwald, Texas, desires to regulate single-family and duplex industrialized housing to the extent permitted by state law; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS:

Section 1: that Article III, Residential Building Code, of Chapter 5, Building Code of the Code of Ordinances of the City of Niederwald, Texas, is hereby amended by the addition of a new Section 5-72 that shall read as follows:

Section 5-72. Regulation of single-family and duplex industrialized housing.

- (a) Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.
- (b) For purposes of this section, single-family or duplex industrialized housing is real property.
- (c) Any industrialized housing shall:

- (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County;
 - (2) have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - (3) comply with City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and
 - (4) be securely fixed to a permanent foundation.
- (d) For purposes of subsection (c), “value” means the taxable value of the industrialized housing and lot after installation of the housing.
- (e) Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the building official and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:
- (1) identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county;
 - (2) describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling, located within 500 feet of the lot on which the industrialized housing is to be located;
 - (3) describe the permanent foundation and method of attachment proposed for the industrialized housing;
 - (4) state the taxable value of the industrialized housing and the lot after installation of the industrialized housing; and
 - (5) indicate the deed restrictions otherwise applicable to the real property on which the industrialized housing is to be located.

(f) A person commits an offense if the person:

- (1) fails to make an application for permit as required by this section;
or
- (2) constructs, erects, installs, or moves any industrialized housing into the City which does not comply with this section.

(See generally Texas Occupation Code Chapter 1202, especially section 1202.53).

Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 3. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Niederwald, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4. This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law.

PASSED, APPROVED AND ADOPTED on the 17th day of
November, 2003.

Shirley R. Whisenant
Mayor
City of Niederwald

ATTEST:

Angie Schuch
City Secretary



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City of
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STATE OF TEXAS}

COUNTY OF HAYS}

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true and correct copy of Ordinance No. 111703-A as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of the City of Niederwald, Hays County, Texas, and is kept in said office.

I further certify that I am the City Secretary of the City of Niederwald, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 18th day of November, 2003.

Angie Schulze

City Secretary
City of Niederwald
Hays County, Texas

