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## **City of San Elizario**

### **ORDINANCE NO. 1515.26**

#### **MANUFACTURED HOUSING ORDINANCE**

AN ORDINANCE REGULATING MANUFACTURED HOUSING AND MANUFACTURED HOMES WITHIN THE CITY OF SAN ELIZARIO; REQUIRING A PERMIT; PRESCRIBING OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT; PROHIBITING MOBILE HOMES AND PERMANENT OR TEMPORARY TRAVEL TRAILERS; PROVIDING FOR ENFORCEMENT INCLUDING CIVIL PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

- WHEREAS, the City of San Elizario (“City”) is a general law municipality located in El Paso County; and
- WHEREAS, the City Council seeks a balanced mix of land uses to foster the economic growth of the City; and
- WHEREAS, a vibrant affordable city balances housing types, jobs and workforces together to sustain its prosperity for future generations; and
- WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS, the City Council seeks to protect the City’s growth potential and its citizens’ property values while permitting all citizens the ability to reside within the City limits; and
- WHEREAS, it is deemed in the best interest of the City of San Elizario for the health, safety and welfare of its citizens that an Ordinance be established to regulate manufactured housing and manufactured homes within the City of San Elizario, Texas; and
- WHEREAS, the City Council deems the provisions of this Ordinance necessary and to be in the best interest of the City and for the health, safety and welfare of its citizens.

WHEREAS, this Ordinance shall be known and cited as the "Manufactured Housing Ordinance" of the City of San Elizario, Texas and shall apply to manufactured housing and manufactured homes.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of San Elizario:

## **ARTICLE I. GENERAL**

### **SECTION 1.01**

The foregoing recitals are incorporated fully herein by reference as findings of fact.

### **SECTION 1.02 DEFINITIONS**

For the purpose of this Ordinance only, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*BUILDING OFFICIAL.* The legally designated inspection authority of the City, or his/her authorized representative.

*CITY OFFICIAL.* The legally designated head of a City department or his/her authorized representative when acting in an official capacity.

*DEVELOPABLE RESIDENTIAL AREA.* Any land area within the City's municipal boundaries: not within a flood-plain, not utilized for City parks, schools, transportation, or public business, not utilized as commercial; and not the site of a historical structure.

*LOT.* A subdivided lot complying with subdivision regulations, now existing or as hereinafter amended.

*MANUFACTURED HOUSING or MANUFACTURED HOME.* A structure constructed on or after June 15, 1976, according to the rules of the U.S. 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 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 including the plumbing, heating, air conditioning, and electrical systems. This term does not include a recreational vehicle.

*MOBILE HOME.* A structure that was constructed before June 15, 1976, 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 twenty (320) or more square feet, and which is built with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems.

*PERSON.* Any natural individual, firm, trust, partnership, association or corporation.

*PIER.* The portion of the anchorage system between the (pier) foundation and the manufactured home.

*PIER FOUNDATION.* The portion of the anchorage system that transmits loads directly to the soil.

*PLOT PLAN.* Graphic representation, drawn to scale, in a horizontal plane, delineating the outlines of the land 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.

*REPLACEMENT.* The act of moving one manufactured home from its existing stand and replacing it with another manufactured home.

*SEWER SERVICE RISER PIPE.* The portion of a sewer service which extends vertically to the ground elevation and terminates at a manufactured home space.

*SITE PLAN.* Same as PLOT PLAN.

*TRAVEL TRAILER.* A mobile structure used for temporary living quarters while traveling only and not used as permanent or temporary occupancies in the City of San Elizario.

*WATER CONNECTION.* The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a manufactured home.

*WATER RISER PIPE.* The portion of the private water service system serving a manufactured home, which extends vertically to the ground elevation and terminates at a designated point at a manufactured home.

### **SECTION 1.03 PERMITS**

A. Mobile Homes. No permit shall be issued for the placement of a mobile home inside the City of San Elizario and which homes are prohibited within the City of San Elizario.

B. Manufactured Home Permits. All applications for permits shall be made upon standard forms provided by the Building Official and shall contain the following:

1. Name and address of the applicant.
2. Location and legal description of lot for manufactured housing placement.
3. To the application shall be attached a copy of a site plan showing the location and orientation of the manufactured home, the required setbacks, and any other information specifically required herein.
4. A copy of a receipt issued by the water utility which provides water services to the City

of San Elizario stating water connection fees have been paid.

5. A copy of a receipt issued by the wastewater utility which provides wastewater services to the City of San Elizario stating wastewater connection fees have been paid OR a statement from the City of San Elizario and the El Paso County Health Department authorizing the utilization of a septic system.

C. Permit Fee. All applications to the Building Official shall be accompanied by a fee, which shall be based upon the same parameters as new construction for single-family structures. The fee shall be based upon **Ordinance 1515.04, Building Permit Fee Schedules** and shall be \$100.00 per permit.

The fee may be amended from time to time as the fee structure for single-family new construction changes and this ordinance shall be so amended.

D. Issuance of Permit. When upon review of the application, the Building Official is satisfied that the proposed plan meets the requirements of this Ordinance, a permit shall be issued.

E. Five Percent Rule: Permit Prohibited. The City shall refuse issuance of a manufactured or mobile home permit as long as at least five (5) percent of the Developable Residential Area within the City's municipal boundaries currently contain manufactured or mobile homes.

F. Denial of Permit; Hearing. Any person whose application for a permit under this Ordinance has been denied, may request a hearing on the matter under the procedure provided by Section 1.05.

## **SECTION 1.04 INSPECTION**

A. Inspections Required. The Building Official is hereby authorized and directed to make such inspections as are necessary to determine compliance with this Ordinance.

B. Entry on Premises. The Building Official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

## **SECTION 1.05 NOTICES, HEARINGS, AND ORDERS**

A. Notice of Violation; Requirements of Notice

- I. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this Ordinance, the Building Inspector shall give notice of such alleged violation to the owner, as hereinafter provided.

2. Such notice shall be:
  - a. In writing;
  - b. Include a statement of the reasons for its issuance;
  - c. Allow a reasonable time for the performance of the act it requires;
  - d. Be served upon the owner, provided that the notice of order shall be deemed to have been properly served upon such owner when a copy thereof has been sent by mail to his last known address, or when he has been served with the notice by any method authorized or required by the laws of this state; and
  - e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and the time necessary to effect compliance.

B. Appeal from Denial of Permit by the Building Official. Any person affected by the refusal of the Building Official to issue a permit under the provisions of this Ordinance as set out in Section 1.03 hereof, may request and shall be granted a hearing on the matter before the City Council, provided that such person shall file within thirty (30) days after the permit was refused, in the office of the Building Official, a written petition requesting the hearing and setting forth a brief statement of the grounds therefor. Upon receipt of the petition, the Building Official shall forward it to the City Secretary, who shall request the City Council to set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing the petitioner shall be given an opportunity to be heard and to show why such refusal should be modified or withdrawn.

C. Hearing Order. After an appeal hearing before the City Council, the Building Inspector shall issue an order in writing sustaining, modifying, or withdrawing the refusal, which order shall be served as provided in Section 1.05(2)(d). Upon failure to comply with an order by the Building Inspector sustaining or modifying a decision thereof, the occupancy affected by the order shall be revoked. The City shall then be entitled to seek all remedies provided by law to remedy the violation.

D. Order Without Notice. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this Ordinance, the order shall be effective immediately. Any person to whom an order is directed shall comply therewith immediately, but upon written petition to the Building Official shall be afforded a hearing as soon as possible.

## ARTICLE 2. SPECIFICATIONS

### SECTION 2.01 SITE PLAN/REQUIREMENTS

- A. The site plan shall be filed as required by Section 1.03(B)(3) and shall show the following:
1. The area and dimensions of the lot, with identification of location and boundaries;
  2. The location and specifications of water and sewer lines and riser pipes;
  3. The location and details of lighting, electrical, and gas systems;
  4. Other information the City reviewing officials may require.
  5. In no event shall a Site Plan be approved if:
    - a. more than one manufactured home is located on the lot; or
    - b. the manufactured home is located on a lot upon which another dwelling occupied or which could be occupied for residency is located; or
    - c. the sides and rear lot lines are less than ten feet (10') and the front lot line is less than twenty feet (20') from the manufactured home.
- B. Notwithstanding anything stated in this Ordinance to the contrary, no less than one (1) lot shall be used for a Site Plan for location of the manufactured home, but one (1) or more lots may be used for any Site Plan for location of a manufactured home.
- C. The site shall be located on a well-drained lot properly graded to insure rapid drainage and freedom from stagnant pools of water.
- D. The site shall be of adequate size to insure the main entry of the manufactured home will allow off-street parking on the lot.

### SECTION 2.02 WATER SUPPLY

- A. Requirement. Connection shall be made to the public supply of water. The public supply shall be adequate for both domestic and firefighting requirements established by the City.
- B. Riser Pipes and Connections. Individual water riser pipes and connections shall be in accordance with the requirements of the San Elizario Plumbing Code.

### SECTION 2.03 SEWAGE DISPOSAL

- A. Requirement. An adequate and safe sewage system shall be provided to all manufactured housing for conveying and disposing of all sewage. The use of septic systems for the disposal of sewage shall not be approved for lots less than three (3) acres in size.

B. Sewer Lines. All sewer lines shall be constructed of materials in accordance with the City of San Elizario Plumbing Code.

C. Individual Sewer Connections.

1. Each manufactured home stand shall be provided with at least a three-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
2. The sewer connection to the manufactured home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the City of San Elizario Plumbing Code.
3. All materials used for sewer connections shall be in accordance with the City of San Elizario Plumbing Code.
4. Provision shall be made for plugging the sewer riser pipe when no manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

## **SECTION 2.04 ELECTRICAL AND TELEPHONE DISTRIBUTION SYSTEMS**

A. Electrical and Telephone Wiring. All electrical and telephone wiring in the manufactured home shall be installed in accordance with the San Elizario Electrical Code.

B. Power Distribution Lines, Individual Electrical Connections and Grounding. All power distribution lines, individual electrical connections, and grounding of the manufactured housing and equipment shall comply with the City of San Elizario Electrical Code.

## **SECTION 2.05 ANCHORAGE REQUIREMENTS**

1. Over-the-roof devices shall be located within two (2) feet of the ends of the manufactured home and at intervals not to exceed fifteen (15) feet, and shall be as follows:
  - a. No less than 3/16-inch diameter steel aircraft cables; or
  - b. Corrosion-resistant chromium-nickel steel, AISI Types 201, 202, 301, 302, 304 and 316, straps having a cross-section area of not less than 0.185 square inches; or
  - c. Where over-the-roof devices are used and the horizontal members at the intersection of the walls and the roof are not adequate to transfer forces to the cables or straps, auxiliary horizontal members, adequate in size to resist a bending moment of 7200 inch-pounds, shall be used.

2. Anchors

- a. All anchor systems must be installed and comply with the State of Texas rules and regulations regulating anchor systems.

### **ARTICLE 3. MISCELLANEOUS REQUIREMENTS**

#### **SECTION 3.01 MANUFACTURED HOUSING PROVISIONS**

- A. All requirements of the zone in which application is made shall be adhered to, including but not limited to, lot size, yard requirements, height limitations, parking standards, and impervious cover unless otherwise required herein.
- B. Each manufactured home shall be required to install view obstruction fire-resistant skirting with the necessary vents, screens, and/or openings around the base within seven (7) days after same is placed on location.
- C. Only one (1) manufactured home shall be allowed per lot.
- D. The occupant shall comply with all requirements of this Ordinance and shall maintain his/her manufactured home, its facilities, and its equipment in good repair and in a clean and sanitary condition.
- E. The occupant shall be responsible for proper placement of his/her manufactured home in its stand and proper installation of all utility connections in accordance with this Ordinance and Ordinances and regulations pertaining thereto and the appropriate City officials.
- F. Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured housing for storage shall be permitted only under the following conditions:
  1. The storage area shall have a base of impervious material.
  2. Stored items shall not interfere with the underneath inspection of the manufactured home.
- G. Only one manufactured home shall be located on a lot and a manufactured home shall not be located on any lot having another dwelling occupied or which could be occupied as a residency.
- H. Travel trailers shall not be occupied as either permanent or temporary residencies in the City of San Elizario.
- I. All manufactured housing located on lots in the City of San Elizario shall be at least ten feet (10') away from the sides and rear lot lines and at least twenty feet (20') away from the front lot line. A front lot line shall be deemed the lot line located on a public street. In the event a manufactured home is located on a corner lot, the front lot line shall be the lot line facing the primary entrance of the manufactured home.
- J. In the case of a disaster, the San Elizario City Council may grant a temporary exemption to this ordinance allowing a person to occupy a travel trailer as a temporary residence. A written request for



the variance shall be required explaining the severity of the disaster and the approximate period of time an exemption will be necessary. The City Council, at their discretion, shall establish the period they deem appropriate for such an exemption.

## **ARTICLE 4. MISCELLANEOUS PROVISIONS**

### **SECTION 4.01 OCCUPANCY**

A. No more than one (1) family unit shall occupy any manufactured home and manufactured housing shall not be used as multi-family dwellings.

B. Travel trailers shall not be included in the definition of manufactured housing or manufactured home.

### **SECTION 4.02 PENALTIES**

A. A person who violates any provision of this Ordinance, or who fails to perform an act required by this Ordinance commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued.

B. An offense under this Ordinance is punishable by a fine not to exceed:

1. \$500.00;
2. \$2,000.00, if the provision violated governs public health or sanitation; or
3. the amount fixed by state law if the violation is one for which the state has fixed a fine.

### **SECTION 4.03 REPEALING CLAUSE**

All ordinances or parts of ordinances of this City and amendments thereto are hereby repealed as of the effective date of this Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulated and governing the subject matter covered by this Ordinance.

### **SECTION 4.04 SEVERABILITY CLAUSE**

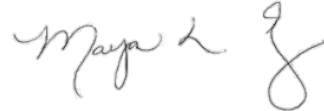
If any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

**SECTION 4.05      EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for by law

PASSED AND APPROVED this, the 10<sup>th</sup> day of March 2015, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



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Maya Sanchez, Mayor