

Amendment to:

Ordinance No. 286

Regulating the Installation of Manufactured Homes in Waskom, Texas.

WHEARAS, the City of Waskom's Board of Aldermen has previously adopted regulations regarding the Installation of Manufactured Homes in Waskom, Texas in Ordinance No. 286 on November 12, 2013

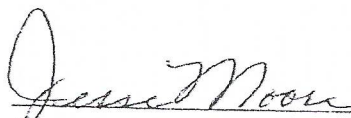
WHEREAS, the Board of Aldermen now desires to amend this ordinance by adding the following subparagraph:

10.1 Occupancy Limited to Property Owner

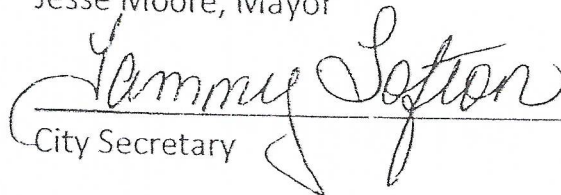
1. Manufactured homes may not be leased for commercial or income purposes
2. The mobile home is to be primarily and substantially occupied by the Applicant at all times during the term of the permit. No permit shall issue for a mobile home where the primary user or occupant is not the owner thereof. Mobile homes shall not be permitted to any owner who seeks to use same as rental or storage units; use of any mobile home for such purposes is prohibited hereunder, and any attempted use of a mobile home as rental or storage units shall be punishable by a fine of \$200 per occurrence. Any 24 hour period in which condition shall exist shall be considered a separate violation hereof and shall warrant application of the same \$200 fine for each such 24 hour period of non compliance.

This amendment passed this the 14 day of APRIL 2015.

ATTEST:



Jesse Moore, Mayor



City Secretary

ORDINANCE NO. 286.
MANUFACTURED HOMES
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AN ORDINANCE OF THE CITY OF WASKOM, TEXAS, REGULATING THE INSTALLATION OF MANUFACTURED HOMES WITHIN THE CITY OF WASKOM; REQUIRING A PERMIT FOR MANUFACTURED HOMES; PRESCRIBING OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS; PROHIBITING MOBILE HOMES WITHIN THE CITY OF WASKOM; CONTAINING PENALTIES NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is deemed in the best interest of the City of Waskom for the health, safety and welfare of its citizens that an ordinance be established to regulate manufactured homes within the City of Waskom, Texas, and that mobile homes be prohibited; and

WHEREAS, this Ordinance shall be known and cited as the "Manufactured Home Ordinance" of the City of Waskom, Texas. The provisions of this Ordinance shall apply to manufactured homes within the City of Waskom.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASKOM:

SECTION 1.0 PURPOSE

The purpose of this Ordinance is to establish clear and unambiguous regulations pertaining to mobile and manufactured homes, whether or not the homes are within existing mobile/manufactured home parks in the City of Waskom and to promote thereby an attractive community; and to regulate overcrowding and improper waste, sewer and utility connections that are an ongoing hazard to the health of the citizens of Waskom

SECTION 2.0 DEFINITIONS

For the purpose of this Ordinance only, the following terms 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. City of Waskom, Harrison County, Texas.

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

FIRE CHIEF. The legally designated chief of the Fire Department of the City or his/her authorized representative.

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 sixteen (16) body feet or more in width by forty (40) body feet or more in length, or when erected on site, is six hundred forty (640) 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.

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.

POLICE CHIEF. The legally designated Chief of the Police Department of the City or his/her authorized representative.

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

SITE PLAN. Same as Plot Plan.

SECTION 3.0 PERMITS

3.1 Mobile Homes

No permit shall be issued for the placement of a mobile home inside the City of Waskom and mobile homes are prohibited within the City of Waskom. Any existing mobile home within the City of Waskom is allowed to remain, subject to its compliance with the standards in this ordinance.

3.2 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 home placement and proof of ownership of the site plan by the applicant.
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. Said structure shall not be within ten (10) feet of any side or back property line, nor within fifty (50) feet of any structure occupied or which could be occupied as a residency on the same lot, parcel or tract of land.
4. The model year of the manufactured home and proof of ownership of said home.

The existence of a mortgage or security interest in the land of the site plan or in the manufactured home shall not be considered as a divergence of ownership for purposes of this Ordinance.

3.3 Permit Fee

Upon approval of an application request, a fee of \$100.00 must be submitted to City.

3.4 Issuance/Renewal 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 to the applicant upon payment of the Permit Fee. Each permit issued under this Ordinance shall be renewed on an annual basis by way of application to the Building Official at least thirty (30) days prior to the anniversary date of the original permit. There shall be no permit fee for renewal permits when the applicant is the record owner of both the manufactured home and the property on which the home is situated. Failure to have in place a renewal permit is considered to be the same as and just as unlawful as failing to obtain an original permit, with the same fine for each day that such condition exists.

3.4 Denial of Permit; Hearing

Any person whose application for a permit under this Ordinance has been denied may request a hearing on the matter.

SECTION 4.0 INSPECTION

4.1 Inspections Required

The Fire Chief, Police Chief and any Code Enforcement Officer (Inspecting Officer) are hereby authorized and directed to make such inspections as are necessary to determine compliance with this Ordinance. The Inspecting Officer shall utilize Attachment "A" to this Ordinance when performing his or her inspection.

4.2 Entry on Premises

The Fire Chief, Police Chief and any Code Enforcement Officer 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 5.0 NOTICES, HEARINGS, AND ORDERS

5.1 Notice of Violation; Requirements of Notice

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

1. in writing;

2. include a statement of the reasons for its issuance;
3. allow a reasonable time for the performance of the act it requires,
4. be served upon the owner and on the occupant, 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 certified 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
5. 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.

5.2 Appeal of Building Official's Denial of Permit

Any person affected by the refusal of the Building Official to issue a permit under the provisions of this Ordinance, may request and shall be granted a meeting with the Mayor's Office. This request must be made within thirty (30) days after the permit was refused. If an agreement is not reached with the Mayor's Office, the person can request a hearing on the matter before the Waskom City Council, provided that such person shall file within thirty (30) days after failing to resolve the matter with the Mayor's Office. a written petition requesting the hearing and setting forth a brief statement of the grounds. Upon receipt of the petition, the City Secretary shall place the request on the next regularly scheduled City meeting.

5.3 Hearing Order

After an appeal hearing before the City Council, the Building Official shall issue an order in writing sustaining, modifying or withdrawing the refusal, which order shall be served as provided in Section 5.1(4). Upon failure to comply with an order by the Building Official 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.

SECTION 6.0 SITE PLAN/REQUIREMENTS

6.1 Site Plan

The site plan shall be filed as required under Section 3.2(3) and shall address the information that is required by this Ordinance. In no event shall a site plan be approved if:

1. any dwelling is located fifty (50) feet within another dwelling, or
2. more than one manufactured home is located on the lot.

Amendment to: Ordinance No. 286
Regulating the Installation of Manufactured Homes in Waskom, Texas

WHEARAS, the City of Waskom's Board of Aldermen has previously adopted regulations regarding the Installation of Manufactured Homes in Waskom, Texas in Ordinance No 286 on NOVEMBER 12, _____, 2013,

WHEREAS, the Board of Aldermen now desires to amend this ordinance by adding the following subparagraph (6.4) under Section 6.0:

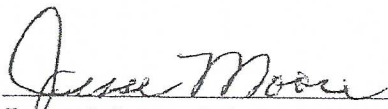
6.0 SITE PLAN/REQUIREMENTS

6.4 Pad Requirements

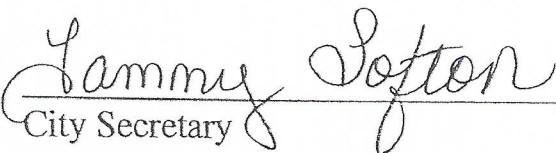
Any new installation of a manufactured home under this Ordinance must meet certain pad requirements as outlined in Exhibit "A" to this Amendment.

This amendment passed this the 14th day of JULY _____ 2015.

ATTEST:



Jesse Moore, Mayor



City Secretary

Manufactured Housing Rules

Effective: May 15, 2016

*Administrative Rules of the Texas Department of Housing and Community Affairs
10 Texas Administrative Code, Chapter 80*

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- (d) The manufacturer shall file with the Department additional copies of manufacturer's installation instructions for each model in the number specified by the Department. If no number is specified, one copy of each such set of instructions will suffice.

§80.21. Requirements for the Installation of Manufactured Homes.
(Effective: December 25, 2012)

- (a) All new manufactured homes shall be installed by a licensed installer and in accordance with the home manufacturer's DAPIA-approved installation instructions.
- (b) All used manufactured homes shall be installed by a licensed installer to resist overturning and lateral movement of the home, and the installation must be completed in accordance with instructions appropriate for the Wind Zone where the home is to be installed as per one of the following:
 - (1) the home manufacturer's DAPIA-approved installation instructions;
 - (2) the state's generic standards set forth in §§80.22, 80.23, 80.24, and 80.25 of this subchapter (relating to Installation Standards and Device Approvals);
 - (3) the instructions for a stabilization system registered with the Department in accordance with §80.26 of this subchapter (relating to Registration of Stabilizing Components and Systems); or
 - (4) the instructions for a special stabilization system which:
 - (A) may or may not be a permanent foundation;
 - (B) is for a particular manufactured home or an identified class of manufactured homes to be installed at a particular area with similar soil properties according to county soil survey or other geotechnical reports; and
 - (C) is either:
 - (i) a pre-existing foundation for which a professional engineer or architect licensed in Texas has issued written approval for the installation of a particular home, and the written approval shall be submitted to the Department with the installation report; or
 - (ii) installed in accordance with a custom designed stabilization system drawing that is stamped by a Texas licensed professional engineer or architect. A copy of the stabilization system drawing must be forwarded to the Department along with the installation report.
- (c) When a home is installed on a stabilization system registered with the Department or a special stabilization system, the installer must follow the home manufacturer's DAPIA-

approved installation instructions for any aspect of the installation that is not covered by the system's installation instructions or drawings.

- (d) The installer must use stabilizing components that have the required capacity and install them according to the anchor or stabilizing component manufacturer's current installation instructions. All stabilizing components must be resistant to all effects of weathering including that encountered along the Texas gulf coast. Anchors must be made resistant to corrosion. Nonconcrete stabilizing components and systems for use within 1500 feet of the coastline shall be specifically certified for this use. Preservative treated (PT) wood components shall conform to the applicable standards issued by the American Wood Preserver's Association and referenced by the latest edition of the International Residential Code. The use of re-conditioned equipment (i.e. anchor, strap, and clip) or any anchoring component by licensed installer on the new installations is not permitted. Homeowners are exempt from this requirement provided the integrity of the component is acceptable and approved by the state and the original product number, vendor name, and/or patent number must be legible on the product.

(e) **Site Preparation Responsibilities and Requirements:**

- (1) The responsible installer of a new manufactured home is responsible for the proper preparation of the site where the manufactured home will be installed.
 - (2) A consumer acquiring a used manufactured home to be installed is responsible for the proper preparation of the site where the manufactured home will be installed except as set forth in §80.22 of this chapter (relating to Generic Standards for Moisture and Ground Vapor Controls).
 - (3) Whenever a licensed retailer intends to sell a used manufactured home, regardless of where it is located or is to be located, the retailer is required to give the consumer the Site Preparation Notice, for signature by the consumer, in the form set forth on the Department's website PRIOR to the execution of any binding sales agreement.
 - (4) Whenever a licensed installer proposes to move a used manufactured home, the installer is required to give the consumer the Site Preparation Notice, for signature by the consumer, in the form set forth on the Department's website PRIOR to entering into a binding agreement to move that home.
- (f) If at the time of installation or within 90 days thereafter as stated on the contract, the retailer or installer provides the materials for skirting or contracts for the installation of skirting, the retailer or installer is responsible for installing any required moisture and ground vapor control measures in accordance with the home installation instructions, specifications of a registered stabilization system, or the generic standards and shall provide for the proper cross ventilation of the crawl space. If the consumer contracts with a person other than the retailer or installer for the skirting, the consumer is responsible for installing the moisture and ground vapor control measures and for providing for the proper cross ventilation of the crawl space.

Office of Assf. Sec. for Housing, HUD

§ 3285.203

§ 3285.203 Site Drainage.

(a) *Purpose.* Drainage must be provided to direct surface water away from the home to protect against erosion of foundation supports and to prevent water build-up under the home, as shown in Figure to § 3285.203.

(b) The home site must be graded as shown in Figure to § 3285.203, or other methods, such as a drain tile and automatic sump pump system, must be provided to remove any water that may collect under the home.

(c) All drainage must be diverted away from the home and must slope a minimum of one-half inch per foot away from the foundation for the first ten feet. Where property lines, walls, slopes, or other physical conditions prohibit this slope, the site must be

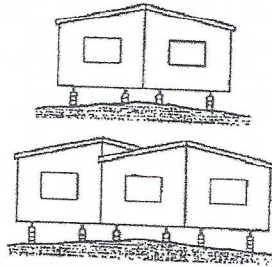
provided with drains or swales or otherwise graded to drain water away from the structure, as shown in Figure to § 3285.203.

(d) *Sloped site considerations.* The home, where sited, must be protected from surface runoff from the surrounding area.

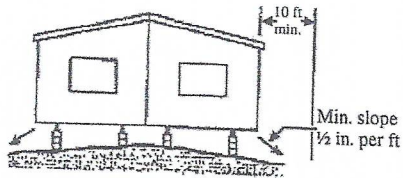
(e) Refer to § 3285.902 regarding the use of drainage structures to drain surface runoff.

(f) *Gutters and downspouts.* Manufacturers must specify in their installation instructions whether the home is suitable for the installation of gutters and downspouts. If suitable, the installation instructions must indicate that when gutters and downspouts are installed, the runoff must be directed away from the home.

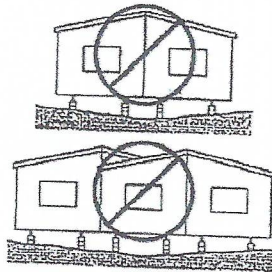
Figure to § 3285.203 - Grading and drainage.



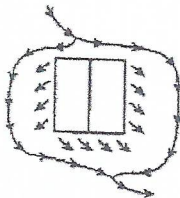
Crown and grade site to slope away from the home



Home sites must be prepared so that there will be no depressions in which surface water may accumulate beneath the home. The area of the site covered by the manufactured home must be graded, sloped, or designed to provide drainage from beneath the home or to the property line.



Do not grade site or set the home so that water collects beneath the home.



Natural drainage must be diverted around and away from the home.

6.2 Lot Size

A lot is defined as a parcel of land that is at least 200 foot by 110 foot, but no more than two acres.

6.3 Drainage

The site shall be located on a well-drained, properly graded lot with an elevated pad where the home is to be located, to insure rapid drainage and freedom from stagnant pools of water.

SECTION 7.0 PLUMBING AND GAS SYSTEMS

The Plumbing and Gas Systems in any manufactured home must be installed and maintained in compliance with all applicable standards and code of the State of Texas.

SECTION 8.0 ELECTRICAL

The Electrical System in any manufactured home must be installed and maintained in compliance with all applicable standards and code of the State of Texas

SECTION 9.0 MANUFACTURED HOMES PROVISIONS

9.1 Model Requirement for Permit

No permit will be granted for manufactured homes that are two (2) years or older, by manufacture date, at the time an application for a permit is received.

9.2 Skirting

Each manufactured home shall be required to install material designed to be used as underskirting for manufactured homes with the necessary vents, screens, and/or openings around the base before permanent utilities are released for connection.

9.3 Maintenance of Home and Lot

The occupant and applicant 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. The home and lot must be kept free from all litter, garbage or other unsightly or unsanitary materials.

9.4 Placement

The applicant 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 regulations pertaining thereto and the appropriate City officials.

9.5 Maintenance of Fixtures

Skirting, porches, awnings and other additions, when installed, shall be maintained in good repair. The use of space immediately underneath a manufactured home for storage shall be permitted only under the following conditions:

1. the storage area shall have a base of impervious material, and
2. stored items shall not interfere with the underneath inspection of the manufactured home.

9.6 Inspection for Unoccupied Manufactured Home

All manufactured homes, if unoccupied or if utility services to them are disconnected for three (3) months or more, shall require City inspection to determine compliance with City Code and City ordinances before occupation or utility restoration.

SECTION 10.0 LEASING OF MANUFACTURED HOMES PROHIBITED

10.1 Occupancy Limited to Property Owner

Manufactured homes may not be leased for commercial or income purposes.

10.2 Family Member Exception

A property owner who resides within the City of Waskom may allow a family member to move a manufactured home on the property owner's premises, subject to the following:

1. the property owner must reside on the premises at all times a family member is living in the manufactured home;
2. the manufactured home and application must meet all requirements in this Ordinance and the application must be jointly filed by the property owner and family member;
3. the property owner and family member shall be jointly and severally liable for compliance with this Ordinance;
4. the family member must be within the 2nd Degree of Consanguinity to the property owner, with both family member and property owner verifying by oath.

SECTION 11.0 PORTABLE BUILDINGS

11.1 Requirements

Portable buildings utilized for residential living space must be manufactured with bathroom and kitchen facilities and comply with all regulations herein and must meet the all requirements of a "MANUFACTURED HOME", as defined in SECTION 2.0 of this Ordinance, including width/length dimensions and the required utilities to be eligible for a permit. Recreational vehicles are not included in this definition

SECTION 12.0 EXISTING MANUFACTURED OR MOBILE HOMES

12.1 Exemptions

Manufactured homes or mobile homes existing within the City of Waskom at the time of the effective date of this Ordinance are exempted from Sections 6.1, 6.2, 6.3, 9.1 and 9.6. Existing manufactured or mobile homes can be leased pursuant to Section 10.1. Existing homes must continue to seek annual renewal permits as required under any pre-existing Ordinance that was required such. Permit renewal of existing manufactured or mobile homes must comply with Section 3.4 of this Ordinance.

12.2 Replacement

Manufactured homes or mobile homes existing within the City of Waskom at the time of the effective date of this Ordinance may be replaced with another manufactured home, subject to a an application for a permit under Section 3.0. The City, at its discretion, may waive Section 9.1 of this Ordinance if it is found that doing such will further the intended purpose of this Ordinance under Section 1.0.

SECTION 13.0 EMERGENCY HEALTH HAZARD

13.1 Authority to Condemn

While conducting inspections of existing mobile homes and manufactured homes that are occupied as living spaces, the Inspecting Officer may from time to time encounter substantial and/or dangerous defects that directly affect the safety and health of the occupants and others in and around the homes. Upon a finding of such a substantial and/or dangerous defect, the Inspecting Officer may issue citation ordering that the defective condition be remedied within a 90-day period. In the event the defective condition has not been remedied within this 90 day period, the City may institute condemnation proceedings.

SECTION 14.0 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City

shall be subject to a fine not to exceed Two Hundred (\$200.00) dollars for each offense, except however, where a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law, and each and every day said violation is continued shall constitute a separate offense.

SECTION 15.0 REPEALING CLAUSE

All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 16.0 SEVERABILITY CLAUSE

Any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional; the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 17.0 PUBLICATION

The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

PASSED, APPROVED and ADOPTED on the 12 day of November, 2013.

CITY OF WASKOM, TEXAS

By: Jesse W. Moore
JESSE W. MOORE, Mayor

ATTEST:

Marlene Solomon
MARLENE SOLOMON, City Secretary

AMENDMENT TO:
ORDINANCE #286
REGULATING MANUFACTURED HOMES

WHEREAS, The City of Waskom's Board of Aldermen has previously adopted regulations regarding the installation of manufactured homes within the City of Waskom, Texas in Ordinance no. 286 on November 12, 2013,

WHEREAS, The Board of Aldermen now desires to amend this ordinance by correcting the following grammatical error:

12.1 Exemptions

Manufactured homes or mobile homes existing within the City of Waskom at the time of the effective date of this Ordinance are exempted from Section 6.1, 6.2, 6.3, 9.1 and 9.6. Existing manufactured or mobile homes can be leased pursuant to Section 10.0. Existing homes must continue to seek annual renewal permits as required under any pre-existing Ordinance that was required such. Permit renewal of existing manufactured or mobile homes must comply with Section 3.4 of this Ordinance.

This amendment passed this the 11th day of February 2014.



Jesse Moore, Mayor

ATTEST:



City Secretary

P.O. Box 730
Waskom, TX 75692



Phone: (903) 687-3946
Fax: (903) 687-3295

Code Enforcement Division

Mobile Home Inspection Form

Date of Inspection: _____

Time of Inspection: _____

Mobile Home Owner: _____

Phone Number: _____

Renter of Mobile Home: _____

Phone Number: _____

Physical Address of Mobile Home: _____

**For ACO Use ONLY: Photo taken of outside of house. Printed and attached photo of outside of house.

Photo of ID of home owner/ agent **

Mobile Home Information:

Make: _____

Model: _____

Serial Number: _____

Year/ Additional Information: _____

Exterior Condition: Additional Comments: _____

Exterior Doors: Additional Comments: _____

Windows: Additional Comments: _____

Interior Condition: Additional Comments: _____

Interior Roof: Additional Comments: _____

Interior Flooring: Additional Comments: _____

Interior Walls: Additional Comments: _____

Electrical Condition: Additional Comments: _____

Health & Safety Deficiencies: _____

Signature of Home Owner or Agent: _____

Phone Number: _____

Code Enforcement Officer Signature: _____

Date: _____