

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALLINGER, TEXAS AMENDING CHAPTER 16-A “MOBILE HOMES” OF THE CITY OF BALLINGER CODE OF ORDINANCES; PROVIDING DEFINITIONS; ESTABLISHING REGULATIONS FOR MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES, INCLUDING PROHIBITING MOBILE HOMES AND TRAVEL TRAILERS OVER TEN YEARS OF AGE IN THE CITY LIMITS OF BALLINGER; PROVIDING FOR GRANDFATHERING OF EXISTING MOBILE HOMES AND TRAVEL TRAILERS OVER TEN YEARS OF AGE; ESTABLISHING REQUIREMENTS FOR REGISTRATION OF GRANDFATHERED EXISTING MOBILE HOMES AND TRAVEL TRAILERS OLDER THAN TEN YEARS OF AGE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR A PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to eliminate unsafe housing and structures in the form of mobile homes, unsafe manufactured homes and travel trailers in the city limits of Ballinger; and

WHEREAS, the City Council has determined that the following ordinance is in the best interest of the public health, safety, morals and general welfare of the citizens of the City of Ballinger; and

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

I. Enactment. Chapter 16-A “Mobile Homes” is hereby amended as follows:

Sec. 16-A-1. Definitions.

The existing definition of “Mobile Home” is repealed and replaced with the following definition:

“Mobile Home” is defined as a structure constructed before June 15, 1976; 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; 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; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

The definition of “Manufacture Home” is added as follows:

“Manufactured Home” is defined as 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; includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

The definition of “Travel Trailer” is hereby added:

“Travel Trailer” is defined as any vehicle or similar portable structure that has at any time had axles and/or a tongue attached or that was designed for axles, such as the use of steel beams as floor joists or supports, if so designed or constructed as to permit occupancy for dwelling or sleeping purposes or commercial purposes.

Where the term “Mobile Home” is used in the existing Code of Ordinances, it shall be replaced with the term “Manufactured Home.”

Sec. 16-A-55. Requirements for Manufactured Homes, Mobile Homes and Travel Trailers.

- (a) No travel trailer over ten (10) years of age will be allowed inside the city limits of Ballinger for dwelling purposes. This age restriction does not apply to travel trailers used for recreational purposes.
- (b) Mobile homes for dwelling purposes are not allowed inside the city limits of Ballinger.
- (c) A manufactured home, mobile home or travel trailer that is a substandard structure or nuisance as defined by state and/or local law will not be allowed inside the city limits of Ballinger.
- (d) A manufactured home, mobile home or travel trailer cannot be used as a storage building or for non-dwelling purposes such as offices, except manufactured homes or travel trailers for temporary office space (duration of the project only) on construction sites.
- (e) Once a travel trailer exceeds the age of ten years it cannot be moved to another address in the city limits of Ballinger. If it is moved, it must be moved out of the city limits of Ballinger.
- (f) A title showing the vin number of the travel trailer with the make and year model must accompany the building permit.
- (g) Exception to mobile home prohibition or travel trailer age requirement: Any mobile home or travel trailer inside the city limits of Ballinger prior to the effective date of this Ordinance is grandfathered in place. All other regulations applicable to mobile homes or travel trailers, such as relocating, use as storage buildings or non-dwelling purposes, nuisances and being moved shall apply. Any owners of travel trailers older than ten (10) years of age or mobile homes inside the city limits of Ballinger on the effective date of this Ordinance shall register the mobile home or travel trailer with the City’s Code Enforcement Department.

II. Penalty.

- (a) Any person who violates or fails to comply with this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$500.00. Each day any violation or noncompliance continues constitutes a separate offense.

(b) A violation of any term or provision of this ordinance may be enjoined by civil injunctive relief. The City may, at its sole discretion, seek injunctive and other equitable relief to restrain any violation of this ordinance and may, in addition, pursue any lawful remedies to correct, abate, or punish any violation hereof.

(c) The penalties and remedies provided for in this ordinance are not exclusive of each other or of any other remedy at law or in equity, and all such remedies are declared to be cumulative.

III. Severability Clause. It is hereby declared to be the intention of the City Council of the City of Ballinger that any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

IV. 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.

V. Publication and Effective Date. 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 and this ordinance shall become effective after publication of same as provided by charter and/or State law.

PASSED AND APPROVED on this ____ day of February, 2018.



Sam Mallory, Mayor

ATTEST:

Bonita Shields, City Secretary