

ORDINANCE NO. 2019 - _____

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 138, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY BY ADOPTING REVISED AND UPDATED REGULATIONS FOR MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES; AMENDING APPENDIX A, SCHEDULE OF FEES, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY; AMENDING SECTIONS 126-43 AND 126-64 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of McKinney, Texas (the “City”), is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City’s Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas (“City Council”), possesses, pursuant to Section 214.906 of the Texas Local Government Code and other state law, the authority to regulate the maintenance and safety of mobile homes, manufactured homes and recreational vehicles in the City, consistent with federal and state manufactured housing laws and regulations; and

WHEREAS, the City’s regulations applicable to mobile homes, manufactured homes and recreational vehicles have been reviewed by City staff and found to be in need of updating and revision; and

WHEREAS, the City has drafted revised and updated regulations applicable to mobile homes, manufactured homes and recreational vehicles in the City, and has received public input to those draft provisions, including input by those persons and entities directly affected by these regulations; and

WHEREAS, the City Council finds that the adoption of updated and revised regulations applicable to mobile homes, manufactured homes and recreational vehicles in the City is in the best interest of the health, safety and welfare of the citizens of the City.

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

SECTION 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The Code of Ordinances of the City of McKinney, Chapter 138, Article III, entitled “Mobile and Manufactured Homes and Travel Trailers,” is hereby deleted in its entirety, and is hereby replaced with new Article III, entitled “Mobile Homes, Manufactured Homes and Recreational Vehicles,” and shall read as follows:

“ARTICLE III. MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES

DIVISION 1. GENERALLY

Sec. 138-54. Purpose; title.

This article is remedial and essential to public interest, safety, health and welfare. It establishes minimum standards for the continued use and occupancy of all mobile homes, manufactured homes and recreational vehicles in manufactured home parks, manufactured home park districts, and recreational vehicle parks. This article shall be known as the city's manufactured home park regulations.

Sec. 138-55. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a structure, including but not limited to, pool facilities, maintenance facilities, and any common areas housing toilet, lavatory and such other facilities as may be required by this article.

Agent means any person authorized by the licensee of a manufactured home park to operate or maintain such park under the provisions of this article.

Alter or alteration means replacing, adding, modifying, removing, or exchanging manufactured homes or other structures, moving in a new or additional manufactured home or other structure, changing or adding manufactured home park plot or lot lines, or changing manufactured home park property lines.

Building codes means the city's most recently adopted editions of the International Building Code, as amended; the International Residential Code, as amended; the International Mechanical Code, as amended; the International Plumbing Code, as amended; the International Fuel Gas Code, as amended; the International Energy Conservation Code, as amended; the National Electrical Code, as amended; and the International Fire Code, as amended, all of which have been adopted by ordinance and are currently in effect in the city. The term *building codes* also includes the federal Manufactured Home Construction and Safety Standards Act, codified in 42 U.S.C. §§ 5401, *et seq.*, as amended, and regulations adopted pursuant thereto, in 24 C.F.R. Parts 3280, 3282, 3285, 3286, as amended. The term *building codes* also includes the Texas Manufactured Housing Standards Act, codified in Chapter 1201 of the Texas Occupations Code, as amended, and regulations adopted pursuant thereto, in Title 10, Texas Administrative Code, Chapter 80, as amended. If there is a conflict between various codes referenced herein, the federal Manufactured Home Construction and Safety Standards Act, and C.F.R. regulations, shall take first precedence, and the Texas Manufactured Housing Standards Act, and Texas Administrative Code regulations, shall take second precedence.

Chief building official means the city's duly appointed chief building official or his authorized representative who performs building permit review and inspections, and the functions set forth in this article.

Day means calendar day.

Director of code services means the director of code services for the city or his authorized representative who performs code enforcement duties, licensing and registrations and the functions set forth in this article.

Driveway means a minor private way used by vehicles and pedestrians to access the mobile home, manufactured home or recreational vehicle.

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 at least eight (8) body feet in width or at least forty (40) body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed for use 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 of the home. The term does not include a recreational vehicle as defined by 24 C.F.R. § 3282.8(g) and this article.

License means a written license issued by the director of code services allowing a person to operate and maintain a manufactured home park under the provisions of this article and regulations issued under this article.

Licensee means any person licensed to operate and maintain a manufactured home park under the provisions of this article.

Manufactured home means a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Manufactured home park means a unified development of manufactured home spaces arranged on a large tract or area under single ownership, meeting all requirements of this article, and designed to accommodate manufactured homes on a permanent basis.

Manufactured home subdivision means a unified development of manufactured homes situated on lots platted for such purpose, which lots may be sold to the owners of manufactured homes situated thereon, meeting the area and yard requirements of the zoning ordinance, and designed to accommodate manufactured homes on a permanent basis.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is at least eight (8) body feet in width or at least forty (40) body feet in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed for use 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 of the home.

Permit means a written permit of certification issued by the chief building official permitting the construction, alteration or extension of a manufactured home park under the provisions of this article and regulations issued under this article.

Park means a manufactured home park or a recreational vehicle park, as the context requires.

Person means an individual or a partnership, company, corporation, association, or other group, however organized.

Recreational vehicle means a vehicle built on a single chassis, four hundred square feet (400 s.f.) or less when measured at the largest horizontal

projections, which is self-propelled or permanently towable by a light duty truck or other appropriate motor vehicle, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. The term *recreational vehicle* includes campers installed on pickup trucks, travel trailers and other similar temporary living quarters.

Recreational vehicle park means a unified development of recreational vehicle and travel trailer spaces arranged on a large tract or area under single ownership and meeting all requirements of this article in the same manner as are applicable to manufactured home parks.

Refuse means garbage, rubbish, refuse, and other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from residential uses, industrial, municipal, commercial, mining and agricultural operations and from community and institutional activities, as defined in Chapter 86 of this code. The term does not include recyclable material; however, recyclable material may become refuse at such time, if any, as it is abandoned or disposed of as other solid waste, rather than recycled, whereupon it will be refuse with respect only to the party actually abandoning or disposing of the material.

Sewer connection means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of a manufactured home and accessory building to the inlet of the corresponding sewer riser pipe of the sewage system serving the manufactured home park or manufactured home subdivision.

Sewer riser pipe means that portion of a sewer lateral which extends vertically to the ground elevation and terminates at a manufactured home space.

Space means a plot of ground within a manufactured home park or manufactured home subdivision designed for the accommodation of one manufactured home unit. This term shall also include the terms "lot," "stand" and "stall."

Travel trailer means a structure, having no foundation other than a permanent chassis with wheels, which is twelve (12) body feet or less in width, and is less than forty (40) body feet in length, and is designed to be used as a dwelling with or without a permanent foundation. The term *travel trailer* includes folding hardtop campers transported behind a motor vehicle, truck-mounted campers attached to and transported behind a motor vehicle or pickup, recreational vehicles, campers, or similar types of temporary dwellings intended for short-term occupancy, travel, and/or recreation.

Water connection means 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 means that portion of the water supply system serving a manufactured home park or manufactured home subdivision which extends vertically to the ground elevation and terminates at a designated point at a manufactured home space.

Zoning ordinance means the comprehensive zoning ordinance of the city.

Secs. 138-56 – 138-59. Reserved.

DIVISION 2. OPERATING LICENSE

Sec. 138-60. Required.

It shall be unlawful for any person to operate any manufactured home park within the municipal limits of the city unless the person holds a valid license issued annually by the director of code services in the name of the person for the specific park. All applications for license and annual license renewals shall be made to the director of code services who shall issue a license upon determination by the director of code services of compliance by the applicant with the provisions of this article, which determination may include an annual inspection of the manufactured home park by the director of code services, in accordance with section 138-110 of this article..

Sec. 138-61. Application; renewal.

- (a) Application for an original license shall be in writing, signed by the manufactured home park owner, accompanied by the affidavit of the manufactured home park owner as to the truth of the application and by the payment of the original license fee established in the city's adopted fee schedule found at Appendix A to this code. The license application shall contain:
 - (1) the name and address of the applicant;
 - (2) the location and legal description of the manufactured home park; and
 - (3) a site plan of the park showing all manufactured home spaces, structures, roads, walkways, utilities and other service facilities in accordance with the site plan requirements of this article.
- (b) Application for the renewal of a license shall be made in writing by the licensee and shall contain any change in the information submitted since the original license was issued or since the latest renewal granted, and include payment of the annual license renewal fee established in the city's adopted fee schedule found at Appendix A to this code.

Sec. 138-62. Transfer.

Every person holding a license shall give notice in writing to the director of code services within thirty (30) days of the licensee transferring title to the manufactured home park to another person. Such notice shall include the name and address of the person succeeding to the ownership control of such park. Upon application in writing for transfer of the license, the license shall be transferred if the park is in compliance with all applicable provisions of this article on the date of title or interest transfer. A fee for the transfer of said license shall be paid to the city as provided for in the city's adopted fee schedule found at Appendix A to this code.

Sec. 138-63. Fees.

All original license applications, license renewals, and license transfers shall be accompanied by a fee as provided for in the city's adopted fee schedule found at Appendix A to this code.

Sec. 138-64. Violations; notice; suspension of license.

Whenever, upon inspection of any manufactured home park, the director of code services finds that conditions or practices exist which are in violation of any provision of this division, he shall give notice in writing in accordance with section 138-114 to the licensee that unless such conditions or practices are corrected within a thirty (30) day period of time specified in the notice, the license shall be suspended. At the end of said thirty (30) days, the director of code services shall reinspect such park and if such conditions or practices have not been corrected, shall suspend the license and give notice in writing of such suspension to the licensee. Upon receipt of notice of such suspension, the licensee shall cease operation of such park, except as provided in sections 138-115 and/or 138-116, below, as applicable.

Secs. 138-65 – 138-69. Reserved.

DIVISION 3. PERMIT

Sec. 138-70. Required.

It shall be unlawful for any person to construct, alter or extend any manufactured home park or space within the municipal limits of the city unless the person obtains a valid permit issued by the chief building official in the name of such person for the specific construction, alteration or extension proposed, in accordance with the city's development regulations and applicable nonconforming use provisions in this code.

Sec. 138-71. Permit application requirements.

All applications for permits shall contain the following:

- (1) name and address of applicant;
- (2) location and legal description of the manufactured home park; and
- (3) a site plan of the park showing all manufactured home spaces, structures, roads, walkways, utilities and other service facilities in accordance with the site plan requirements of this article.

Sec. 138-72. Fee.

All permit applications shall be accompanied by the payment of a fee as provided for in the city's adopted fee schedule found at Appendix A to this code.

Sec. 138-73. Issuance.

When, upon review of the permit application, the chief building official is satisfied that the proposed plan meets the requirements of this article and other applicable ordinance provisions, a permit shall be issued.

Secs. 138-74—138-79. Reserved.

DIVISION 4. MANUFACTURED HOME PARKS

Sec. 138-80. Manufactured home park site requirements.

Any development, redevelopment, alteration, or expansion of a manufactured home park in the city shall be performed in compliance with the zoning ordinance and the following site and site plan requirements:

- (1) *Location.* A manufactured home park shall be located only where such use is permissible under the terms and provisions of the zoning ordinance.
- (2) *Site plan.* A site plan, as required by the zoning ordinance, shall be filed with the development services department showing the following:
 - a. the area and dimensions of the tract of land;
 - b. the number, location and size of all manufactured home spaces;
 - c. the location, width and specifications of roadways and walkways;
 - d. the location and specification of water and sewer lines and riser pipes;
 - e. the location and details of lighting and electrical systems;
 - f. the location and specifications of all buildings constructed or to be constructed within the park;
 - g. such other information as the city may reasonably require;
 - h. site plan and applicable planning and zoning proceedings must be adhered to in advance of any construction; and
 - i. the location and specifications of any required perimeter fencing and sidewalk construction.
- (3) *Soil and ground cover.* Exposed ground surface in all parts of every manufactured home park shall be paved, or protected with a vegetative growth that is capable of, within three months, preventing soil erosion and eliminating dust.
- (4) *Drainage.* The ground surface in all parts of a manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be certified by a licensed professional engineer.
- (5) *Area, setback and screening requirements.* Area, setback and screening requirements shall be in accordance with the zoning ordinance.
- (6) *Open space.* Open space recreation areas shall be provided in all parks accommodating or designed to accommodate twenty (20) or more manufactured homes. The size of such recreation areas shall be based upon a minimum of one hundred square feet (100 s.f.) for each lot. No outdoor recreational area shall contain less than 2,500 square feet unless the applicant provides alternate area locations that equal a minimum of 2,500 square feet combined. Such areas shall be located so as to be free from traffic hazards, easily accessible to all park residents, and centrally located where topography permits.
- (7) *Density requirements.* Manufactured home parks shall have such density as is in accordance with the zoning ordinance.
- (8) *Fencing requirements.* The manufactured home park site shall be fenced as follows:

The entire area of the manufactured home park, including open spaces and other required improvements, shall be enclosed by a perimeter fence. This perimeter fence shall be provided regardless of abutting property uses or zones and shall be placed just within the property line. The fence shall be constructed of wood, masonry or other screen type material approved by the city during the site plan review process and shall be a minimum of six feet (6') in height. Such fence shall be kept in good repair.
- (9) *Minimum size.* The minimum size and space limits shall be as set forth in the zoning ordinance.

Sec. 138-81. Manufactured home spaces.

The area of the manufactured home space shall be in compliance with the zoning ordinance and shall provide adequate foundation support for the

placement of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation and overturning due to frost action, inadequate drainage, vibration or other forces acting on the structure.

Sec. 138-82. Water supply.

- (a) *General requirements.* An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. A public supply of water of satisfactory quantity, quality and pressure is available from the city, and a connection shall be made thereto and its supply used exclusively.
- (b) *Source of supply.* The source of water supply shall be as follows:
 - (1) The water source shall be capable of supplying a minimum of 150 gallons per day per manufactured home.
 - (2) Every line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
- (c) *Water storage facilities.* All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers to prevent the entrance of contaminating material. Reservoir intake pipes shall discharge through an acceptable air gap. As a minimum requirement, water storage reservoirs shall meet the requirements of the state health department.
- (d) *Water distribution system.* Water distribution shall be effected as follows:
 - (1) The water supply system of the manufactured home park shall be connected by pipes to all manufactured homes, buildings and other facilities requiring water. All water lines and fire hydrants required in a manufactured home park shall meet the requirements for a commercial development as set forth in the subdivision ordinance.
 - (2) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the chief building official.
 - (3) The water supply system shall be so designed and maintained as to provide a pressure of not less than thirty-five (35) pounds per square inch, under normal operating conditions, at accessory buildings and other locations requiring potable water supply.
- (e) *Individual water riser pipes and connections.* Individual water riser pipes and connections shall be installed and located as follows:
 - (1) Individual water riser pipes shall be located within the confined area of the manufactured home space at a point where the water connection will approximate a vertical position.
 - (2) Water riser pipes shall extend at least four inches above the ground elevation. The pipe shall be at least three-quarters of an inch in diameter. The water outlet shall be provided with an approved shut off valve when a manufactured home does not occupy the space.
 - (3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from the heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

Sec. 138-83. Sanitary sewage disposal.

- (a) *General requirements.* An adequate and safe system shall be provided in all manufactured home parks for conveying and disposing of all sanitary

sewage. Such systems shall be designed, constructed and maintained in accordance with state and local laws. The sanitary sewer system shall be connected to the existing public sanitary sewer system of the city.

- (b) *Sewer lines.* All sanitary sewer lines shall be located in trenches of sufficient depth to be free from breakage from traffic or other movements and shall be separated from the manufactured home park water supply systems at a safe distance in accordance with state health department requirements. Sanitary sewers shall be at a grade which will ensure a velocity of two feet per second when flowing full. All sanitary sewer line constructions shall meet the city's subdivision ordinance requirements and all plumbing in a manufactured home placed in the manufactured home park shall meet the city's building codes.
- (c) *Individual sewer connections.* Individual sanitary sewer connections shall be as follows:
 - (1) Individual sanitary sewer connections shall comply with the city's building codes.
 - (2) The sanitary sewer riser pipe shall be capped when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

Sec. 138-84. Electrical distribution system.

- (a) *General requirements.* Every manufactured home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the city's building codes.
- (b) *Power distribution lines.* Power distribution lines shall be established as follows:
 - (1) All electric power lines located in the manufactured home park shall be buried below the ground.
 - (2) All direct burial conductors of cable shall be buried in compliance with the National Electric Code, as amended.
 - (3) For all existing main power lines located above ground, such lines shall be suspended at least eighteen feet (18') above ground level, and there shall be a minimum horizontal clearance of three feet (3') between overhead wiring and any manufactured home, accessory building or other structure, provided that all horizontal and vertical power line clearances shall be in accordance with either the utility provider's requirements or the city's building codes, whichever is more restrictive.
- (c) *Individual electrical connections.* Individual electrical connections shall comply with the National Electrical Code, as amended.
- (d) *Required grounding.* All grounding shall comply with the National Electrical Code, as amended.

Sec. 138-85. Accessory building and other community service facilities.

- (a) *Application of section.* The requirements of this section shall apply to accessory buildings, recreation buildings, pool facilities, and other community service facilities, such as management offices, maintenance and storage areas, located in a manufactured home park.
- (b) *Structural requirements for buildings.* Structural requirements for buildings are as follows:
 - (1) Accessory building construction shall comply with the city's building codes.
 - (2) Illumination levels shall be maintained as follows:

- a. general seeing tasks, five (5) footcandles;
 - b. laundry room work area, forty (40) footcandles; and
 - c. toilet room, in front of mirrors, forty (40) footcandles.
- (d) *Barbecue pits, fireplaces and stoves.* Cooking shelter, barbecue pits and fireplaces shall be so located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance, and shall be approved by the fire marshal. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. No open fire shall be permitted except in approved facilities.

Sec. 138-86. Refuse handling.

- (a) The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to not create health hazards, rodent harborage, insect breeding, accidents, fire hazards or air pollution.
- (b) All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located at each manufactured home space. Containers shall be provided in sufficient number and capacity to properly store all refuse and recyclable material in accordance with the city's solid waste collection program.
- (c) All refuse containing garbage shall be collected in accordance with the city's solid waste collection program.

Sec. 138-87. Garbage and vegetation control.

- (a) The storing or keeping of garbage, rubbish, brush, refuse and/or recyclable material that is unsightly or a health, fire or safety hazard or a harbor for reptiles, rodents, insects, or other animals is prohibited and shall constitute a public nuisance. Removal of all such materials is the manufacture home park's responsibility and shall be done at the manufactured home park's expense.
- (b) Manufactured home parks shall be so maintained as to prevent the growth of brush, weeds and grass determined by the director of code services to be detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

Sec. 138-88. Fuel supply and storage.

- (a) *Natural gas system.* Installation and maintenance of a natural gas system shall be in accordance with the International Fuel Gas Code, as amended.
- (b) *Liquefied petroleum gas systems.* Liquefied petroleum gas systems shall be installed and maintained in accordance with the International Fuel Gas Code, as amended, and Texas Railroad Commission regulations, as amended.
- (c) *Conflict.* To the extent there is any conflict between the terms of this section and the International Fire Code, as amended, the International Fire Code provisions shall control.

Sec. 138-89. Fire protection.

- (a) Manufactured home parks shall be kept free of litter, rubbish and other flammable materials.
- (b) Portable fire extinguishers rated for classes B and C fires shall be kept in community service and accessory buildings and shall not be less than five pounds capacity.
- (c) Fire hydrants shall be installed in accordance with the city's building codes.

- (d) A fire hydrant shall be located within five hundred feet (500') of each manufactured home, accessory building or other structure in the park, in accordance with the subdivision ordinance.
- (e) To the extent there is any conflict between this section and the city's water and sanitary sewer design manual, as amended, the provisions of the city's water and sanitary sewer design manual shall control.

Sec. 138-90. Compliance with division; park supervision.

- (a) The licensee or his agent shall operate the manufactured home park in compliance with this division and other applicable ordinances.
- (b) The licensee or his agent shall provide adequate supervision to maintain the manufactured home park, its facilities and equipment, in good repair and in clean and sanitary condition.
- (c) The licensee or his agent shall notify park occupants of all applicable provisions of this division and inform them of their duties and responsibilities under this division.

Sec. 138-91. Violations declared nuisance.

Any manufactured home park in violation of the terms and provisions of this division is hereby declared to be a public nuisance, and the appropriate officers of the city are hereby authorized to institute any administrative action or legal action that may be necessary to restrain or abate such violation.

Sec. 138-92. Nonconforming manufactured home parks; replacement of home.

- (a) Any manufactured home park in existence at the time of passage of the ordinance from which this article derives, which does not meet the regulations as set forth in this article, shall not be thereafter expanded or increased unless the expansion or increase meets with and comes into compliance with the terms of this article.
- (b) Any nonconforming uses in a manufactured home park in existence at the time of passage of the ordinance from which this article derives shall be enforced in accordance with the city's zoning ordinance, section 146-40, as amended, and section 211.018 of the Texas Local Government Code, as amended.
- (c) The owner of a manufactured home may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home, is at least as large in living space as the prior manufactured home, and placement of the newer manufactured home is in compliance with the zoning for the property. Prior to replacement, the owner shall provide the city with information sufficient to establish compliance with this subsection.
- (d) Notwithstanding the provisions of the city's zoning ordinance, section 146-40, as amended, and notwithstanding the provisions of subsection (c), above, the ability of the owner of a manufactured home to replace the home as a result of a fire or natural disaster is not restricted, in accordance with the terms of § 1201.008(f) of the Texas Occupations Code, as amended. Other than in the case of a fire or natural disaster, this article limits the ability of a manufactured home owner to replace his manufactured home to a single replacement, in accordance with the terms of § 1201.008(f) of the Texas Occupations Code, as amended.

- (e) Notwithstanding the provisions of subsections (c) and (d) of this section, above, the owner of a travel trailer, recreational vehicle, or mobile home who removes the travel trailer, recreational vehicle, or mobile home from its location is prohibited from replacing the travel trailer, recreational vehicle or mobile home with a replacement travel trailer, recreational vehicle, or mobile home, and may only replace the removed travel trailer, recreational vehicle or mobile home with a manufactured home on the same property, provided that the replacement is a newer manufactured home and is at least as large in living space as the prior travel trailer, recreational vehicle or mobile home. Other than in the case of a fire or natural disaster, this subsection limits the ability of an owner to replace his home under this subsection to a single replacement in accordance with the terms of § 1201.008(f) of the Texas Occupations Code, as amended.

Sec. 138-93. Miscellaneous requirements.

The collection of the annual license fee set forth in sections 138-61 and 138-62, above, shall provide the funds necessary to reimburse the city for the cost of inspection and investigation in order to ensure compliance with the requirements of both park and individual ownership. In addition, this fee shall reimburse the city for inspections for compliance with any other requirement found in this article, as amended. The accomplishment of these inspections in order to ensure such compliance is necessary for the health, safety and welfare of the occupants of the manufactured home park and the general public and cannot be provided for by other means.

(1) *Responsibilities of park management.* Manufactured home park management shall have the following responsibilities:

- a. The licensee or his agent shall operate the park in compliance with this article and other applicable ordinance and federal and state statutory provisions and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The licensee or agent shall supervise the placement of each manufactured home on its manufactured home stand and the installation of all utility connections.
- c. The licensee or agent shall maintain a register of park occupancy, which register shall contain the following information:
 1. name and address of park residents;
 2. manufactured home registration date, including make, length, width, year of manufacture and identification number;
 3. location of each manufactured home within the park by space or lot number; and
 4. a new register shall be initiated on January 1 of each year, and the old register may thereafter be retired but shall be retained on park premises for at least one (1) year following its retirement. Registers shall be available for inspection by the director of code services and/or chief building official at each calendar quarter, during any annual inspection, and at all reasonable times by any official of the city whose duties may necessitate access to the information contained therein.

(2) *Responsibilities of park occupants.* Park occupants shall have the following responsibilities:

- a. The park occupant shall comply with all requirements of this article and shall maintain his manufactured home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The park occupant shall be responsible for proper placement of his manufactured home on its manufactured home stand and proper installation of all utility connections in accordance with the instructions of the park management and this article. All manufactured homes and nonconforming recreational vehicles shall be underpinned or skirted with a solid sheet material, or other such material to adequately conceal the undercarriage. All four sides of the manufactured home shall be enclosed from the bottom of manufactured home to the concrete pad or ground, as applicable.
- c. Skirting, porches, awnings and other additions shall be maintained in good repair. Skirting material will be consistent with the manufactured home façade and as provided by the manufactured home manufacturer or its equivalent and shall be aesthetically pleasing.
 - 1. Storage areas inside the skirting shall not interfere with the underneath inspection of the manufactured home.
 - 2. Hitch and towing apparatus covers are required and shall be of similar material as skirting.

Secs. 138-94—138-99. Reserved.

DIVISION 6. RECREATIONAL VEHICLE PARKS

Sec. 138-100. General.

- (a) A recreational vehicle park means a unified development of recreational vehicle and travel trailer spaces arranged on a large tract or area under single ownership and meeting all requirements of this article in the same manner as are applicable to manufactured home parks.
- (b) Any development, redevelopment, alteration or expansion of a recreational vehicle park in the city shall be performed in compliance with the requirements in this article as are applicable to manufactured home parks.
- (c) A recreational vehicle park shall be located only where such use is permissible under the terms and provisions of the zoning ordinance concerning manufactured home parks.

Sec. 138-101. Sanitary stations.

- (a) Sufficient facilities shall be provided at recreational vehicle park sanitary stations for the sole purpose of removing and disposing of wastes from all recreational vehicle holding tanks in a clean, efficient and convenient manner.
- (b) Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities. Such units shall be provided on the basis of one for each one hundred (100) self-containing units or fractional part thereof.
- (c) Sanitary stations shall be located not less than fifty feet (50') from any space. Such facilities shall be screened from other activities by visual barriers such as fences, walls or natural growth.

- (d) The disposal hatch of sanitary station units shall be connected to the recreational vehicle park sanitary sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the recreational vehicle park water supply system.
- (e) Sanitary stations shall be approved by the chief building official.
- (f) Required community sanitary facilities. Every recreational vehicle park shall be provided with emergency sanitary facilities consisting of not less than one flush toilet and one lavatory per sex for each one hundred (100) recreational vehicle lots, or fractional part thereof, which facilities shall be accessible to all recreational vehicles. All rooms containing sanitary facilities shall comply with the city's building codes. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. Sanitary rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

Sec. 138-102. Barbecue pits; fireplaces; stoves; incinerators.

Cooking shelters, barbecue pits, fireplaces, woodburning stoves and incinerators in a recreational vehicle park shall be located, constructed, maintained, and used so as to minimize fire hazards and smoke nuisances. No open fire shall be left unattended. No fuel shall be used and no material shall be burned which emit dense smoke or objectionable odors. No open fire shall be permitted except in facilities approved by the chief building official.

Secs. 138-103 – 138-109. Reserved.

DIVISION 7. ADMINISTRATION AND ENFORCEMENT

Sec. 138-110. Inspections required.

The director of code services and/or chief building official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this article and applicable city codes.

Sec. 138-111. Entry on premises.

The director of code services and/or chief 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 article. It shall be the duty of the licensee or his agent to give the director of code services and/or chief building official free access to all lots at reasonable times for the purpose of inspection. If entry is refused, the director of code services and/or chief building official shall have recourse to every remedy provided by law to secure entry.

Sec. 138-112. Inspection of register.

The director of code services and/or chief building official shall have the power to inspect the register containing a record of all residents of the manufactured home park.

Sec. 138-113. Duty of occupants to permit access.

It shall be the duty of every occupant of a manufactured home park and a recreational vehicle park to give the licensee, his agent or authorized employee, access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article.

Sec. 138-114. Notice of violations; requirements of notice.

Whenever the director of code services and/or chief building official determines that there are grounds to believe that there has been a violation of any provision of this article, the director of code services and/or chief building official shall give notice of such alleged violation to the licensee or agent, as provided in this section. Such notice shall:

- (1) be in writing;
- (2) include a statement of the reasons for its issuance;
- (3) allow a reasonable time for the performance of any act it requires;
- (4) be served upon the licensee or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy has been sent by certified mail, return receipt requested, 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 article.

Sec. 138-115. Appeal from notice; requests for variances or waivers.

Any person aggrieved by any notice of violation which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the city's building and standards commission pursuant to Chapter 126, Division 2, of this code, as amended.

Sec. 138-116. Order without notice.

Whenever the director of code services and/or chief building official finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the temporary suspension of a permit or license. Notwithstanding any other provisions of this article, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the city's building and standards commission, shall be afforded a hearing as soon as possible under the provisions of Chapter 126, Division 2 of this code, as amended.

Sec. 138-117. Penalty.

Notwithstanding any other provision of this article, any person, firm, or corporation who violates or fails to comply with any of the provisions of this article shall be subject to the penalty provisions set forth in Section 1-18 of this code; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Secs. 138-118 – 138-119. Reserved.

DIVISION 8. MANUFACTURED HOME SUBDIVISIONS.

Sec. 138-120. Manufactured home subdivisions.

Any development of manufactured homes as a manufactured home subdivision shall be governed by the provisions of the city’s zoning ordinance and the city’s subdivision ordinance as applicable, and the provisions of this article.

Secs. 138-121—138-129. Reserved.”

SECTION 3. The Code of Ordinances of the City of McKinney, Appendix A, entitled “Schedule of Fees,” is hereby amended by deleting the fee provisions for City Code Sections 138-175, 138-210, 138-241, and 138-369, and replacing those sections with fee provisions for City Code Sections 138-61(a), 138-61(b), 138-62, 138-63, and 138-72, and these new fee sections shall read as follows:

- “Sec. 138-61(a). *Original License Fee.*
Original License Application Fee (per space)20.00
- Sec. 138-61(b). *Annual License Renewal Fee.*
Annual License Renewal Fee (per space)10.00
- Sec. 138-62. *License Transfer Fee.*
Fee for Transfer of License (per space) 5.00
- Sec. 138-63. *Fees.*
See Section 138-61(a) or (b), or Section 138-62, as applicable.
- Sec. 138-72. *Fee.*
See Chapter 122, Construction Regulations, for applicable fees.”

SECTION 4. The Code of Ordinances of the City of McKinney, Chapter 126, entitled “Housing,” is hereby amended by amending Section 126-43, entitled “Model codes and amendments,” by adding new subsection (4), to read as follows:

* * *

“(4) The application of the federal Manufactured Home Construction and Safety Standards Act, codified in 42 U.S.C. §§ 5401, et seq., as amended, and regulations adopted pursuant thereto, in 24 C.F.R. Parts 3280, 3282, 3285, 3286, as amended, and the Texas Manufactured Housing Standards Act, codified in Chapter 1201 of the Texas occupations Code, as amended, and regulations adopted pursuant thereto, in Title 10, Texas Administrative Code, Chapter 80, as amended, shall be included in the term “Model Codes” as applicable to manufactured homes under Chapter 138 of this code.”

SECTION 5. The Code of Ordinances of the City of McKinney, Chapter 126, entitled “Housing,” is hereby amended by amending Section 126-64, entitled “Definitions,” by amending the definition of “Building code(s),” to read as follows:

“*Building code(s)* means the adopted editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the National Electrical Code, the International Property Maintenance Code, and the Housing Code, adopted by the city council, and as amended, or other such codes officially designated by the city council for the regulation of construction,

alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures. The term *building codes* also includes the federal Manufactured Home Construction and Safety Standards Act, codified in 42 U.S.C. §§ 5401, *et seq.*, as amended, and regulations adopted pursuant thereto, in 24 C.F.R. Parts 3280, 3282, 3285, 3286, as amended. The term *building code(s)* also includes the Texas Manufactured Housing Standards Act, codified in Chapter 1201 of the Texas Occupations Code, as amended, and regulations adopted pursuant thereto, in Title 10, Texas Administrative Code, Chapter 80, as amended. If there is a conflict between various codes referenced herein, the federal Manufactured Home Construction and Safety Standards Act, and C.F.R. regulations, shall take first precedence, and the Texas Manufactured Housing Standards Act, and Texas Administrative Code regulations, shall take second precedence.”

SECTION 6. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict herewith.

SECTION 7. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 8. This Ordinance shall take effect immediately from and after its passage.

DULY PASSED AND ADPPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE _____ DAY OF _____, 2019.

CITY OF MCKINNEY, TEXAS

GEORGE FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney