

ORDINANCE NO. 04-25

AN ORDINANCE OF THE CITY OF SNOOK REGULATING PORTABLE BUILDINGS, INDUSTRIALIZED HOUSING AND INDUSTRIALIZED BUILDINGS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt ordinances and regulations that are for the good government, peace or order of the City and are necessary or proper for carrying out a police power granted by law to the City; and

WHEREAS, the City Council of Snook finds that the regulation of portable buildings is necessary and appropriate in order to protect the health, safety and welfare of the citizens of the City;

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

SECTION 1. PORTABLE BUILDINGS

“Portable Building” means a structure that was built off-site and moved to a lot, tract, or a parcel of land within the City of Snook, designed or constructed for use as storage, and/or is not habitable according to the most recent International Residential Code, International Building Code or other applicable buildings codes adopted by the City of Snook. A Portable Building shall not be used as a dwelling unit for residential use. The term *“Portable Building”* does not include a mobile home, manufactured home, modular/industrialized housing or modular/industrialized building.

SECTION 2. MODULAR/INDUSTRIALIZED HOUSING

- A. Industrialized housing must comply with all local permit and license requirements that are applicable to other residential dwellings.
- B. Any industrialized housing shall:
 - (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located;
 - (2) comply with applicable City aesthetic standards, building setbacks, side and rear yard requirements, square footage, site planning, development, subdivision regulations, landscaping, and all site and other requirements applicable to single-family dwellings;
 - (3) have exterior siding, roofing, roof pitch, foundation, fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located; and

(4) be securely fixed to a permanent foundation.

C. In this Ordinance:

(1) “Industrialized housing” is a residential structure, including the structure’s plumbing, heating, air conditioning, and electrical systems, that is:

- (a) designed for the occupancy of one or more families;
- (b) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
- (c) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

(2) Industrialized housing does not include:

- (a) a residential structure that exceeds four (4) stories or 60 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;
- (b) housing constructed of a sectional or panelized system that does not use a modular component; or
- (c) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

(3) “Modular component” means a structural part of housing constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without:

- (a) damage; or
- (b) removal and reconstruction of a part of the housing.

(4) “Permanent foundation” means a permanent foundation system as defined in 16 Texas Administrative Code §70.10(a)(33), as may be amended.

(5) “Value” means the taxable value of the industrialized housing and lot after installation of the housing.

D. Any person who intends to construct, erect, install, or move any industrialized housing into the City shall first submit all required applications to the City Secretary and obtain all required permits. In addition to any other information otherwise required for the permits, a building permit application for industrialized housing shall:

- (1) include a complete set of design plans, specifications, and calculations bearing the stamp of the Texas Industrialized Building Code Council for each installation within the City limits;
- (2) identify by address each single-family or duplex dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located;
- (3) describe the exterior siding, roofing, roof pitch, foundation, fascia, and fenestration of the industrialized housing proposed to be located in the City;
- (4) be accompanied by at least one photograph, with identifying address, of the front of each single family or duplex dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
- (5) show proof of the value of the improved property by providing:
 - (a) a copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, including the value of the lot, if the lot is included in the sale; or,
 - (b) a copy of the sales receipt, signed by the purchaser, of the industrialized housing unit, and documentation showing the taxable value of the lot as determined by the most recent certified tax appraisal roll for the county in which the industrialized housing is to be located, if the lot is not included in sale of the housing unit or if the value of the lot is not included on the sales receipt;
- (5) describe the permanent foundation and method of attachment proposed for the industrialized housing to which the application applies; and

E. Failure to provide any documentation as required herein will be considered grounds to deny a permit application.

F. Inspections shall be conducted at the permanent site where the structure is intended to be located. The City Secretary, or authorized designee, shall inspect all construction involving industrialized housing to be located in the City to ensure compliance with designs, plans, and specifications, including inspection of:

- (1) the construction of the foundation system; and
- (2) the erection and installation of the modules or modular components on the foundation.

G. Any person proposing to locate an industrial housing unit within the territorial limits of the City shall demonstrate that all modules or modular components bear an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation, as required by rules adopted by the Texas Commission on Licensing and Regulation.

H. Any person constructing, locating or erecting industrialized housing in the City shall be subject to a final inspection by the City prior to occupancy and no person shall occupy, inhabit or

otherwise use an industrialized housing unit unless and until a certificate of occupancy has first been issued by the City.

- I. A person commits an offense if the person:
 - (1) causes or permits any industrialized housing to be constructed, erected, installed, or moved into the City without first submitting applications to the building official and obtaining all required permits;
 - (2) causes or permits any industrialized housing which does not comply with this Ordinance to be constructed, erected, installed, or moved into the City; or
 - (3) violates any other provision of Section 2 of this Ordinance.

SECTION 3. MODULAR/INDUSTRIALIZED BUILDINGS

A. All industrialized buildings must comply with all local permit and license requirements that are applicable to other non-residential structures and buildings.

B. Any industrialized building shall:

- (1) comply with City aesthetic standards, building setbacks, side and rear yard requirements, square footage, site planning, development, subdivision regulations, landscaping, and all site and other requirements applicable to non-residential structures and buildings; and
- (2) be securely fixed to a permanent foundation.

C. In this Ordinance:

(1) "Industrialized building" is a commercial structure, including the structure's plumbing, heating, air conditioning, and electrical systems, that is:

- (a) constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site; and
- (b) designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed on a permanent foundation system.

(2) Industrialized building does not include:

- (a) a commercial structure that exceeds four stories or 60 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.
- (b) a commercial building or structure that is:

- (A) installed in a manner other than on a permanent foundation; and

(B) either:

(i) not open to the public; or

(ii) less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

(3) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site.

(4) “Modular component” means a structural part of a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without:

(a) damage; or

(b) removal and reconstruction of a part of the building.

(5) “Permanent foundation” means a permanent foundation system as defined in 16 Texas Administrative Code §70.10(a)(33), as may be amended.

D. Any person who intends to construct, erect, install, or move any industrialized building into the City shall first submit all required applications to the City Secretary and obtain all required permits. In addition to any other information otherwise required for the permits, a building permit application for an industrialized building shall:

(1) include a complete set of design plans, specifications, and calculations bearing the stamp of the Texas Industrialized Building Code Council for each installation within the City limits;

(2) describe the permanent foundation and method of attachment proposed for the industrialized housing to which the application applies.

E. Failure to provide any documentation as required herein will be considered grounds to deny a permit application.

F. Inspections shall be conducted at the permanent site where the structure is intended to be located. The City Secretary, or authorized designee, shall inspect all construction involving industrialized buildings to be located in the City to ensure compliance with designs, plans, and specifications, including inspection of:

(1) the construction of the foundation system; and

(2) the erection and installation of the modules or modular components on the foundation.

G. Any person proposing to locate an industrial building unit within the territorial limits of the City shall demonstrate that all modules or modular components bear an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation, as required by rules adopted by the Texas Commission on Licensing and Regulation.

H. Any person constructing, locating or erecting industrialized buildings in the City shall be subject to a final inspection by the City prior to occupancy and no person shall occupy, inhabit or otherwise use an industrialized building unit unless and until a certificate of occupancy has first been issued by the City.

I. A person commits an offense if the person:

(1) causes or permits any industrialized building to be constructed, erected, installed, or moved into the City without first submitting applications to the City Secretary and obtaining all required permits;

(2) causes or permits any industrialized building which does not comply with this Ordinance to be constructed, erected, installed, or moved into the City; or

(3) violates any other provision of Section 3 of this Ordinance.

SECTION 4. PENALTY

Any person violating the provisions of this Ordinance shall be assessed a fine not to exceed five hundred dollars (\$500.00) for each provision violated. Each day a violation of a provision of this Ordinance continues to exist shall constitute a separate offense.

SECTION 5. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 6. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

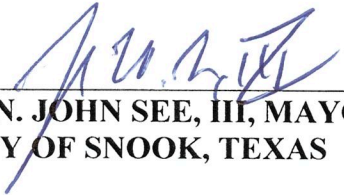
SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as may be required by applicable law.

SECTION 8. PROPER NOTICE & MEETING

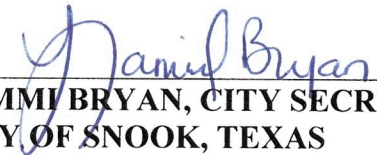
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this 25 day of April, 2016.



**HON. JOHN SEE, III, MAYOR
CITY OF SNOOK, TEXAS**

ATTEST:



**TAMMI BRYAN, CITY SECRETARY
CITY OF SNOOK, TEXAS**