

ORDINANCE # 10-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMANCHE, TEXAS, AMENDING ORDINANCE 03-2007 CODE OF ORDINANCES, ARTICLE II PERMITTED USES AND AREA REGULATIONS, ADDING SECTION 1-3 REPLACEMENT OF HUD-CODE MANUFACTURED HOMES; RESTRICTING THE REPLACEMENT OF HUD-CODE MANUFACTURED HOMES; AND PROVIDING FOR SAID AMENDED ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, Chapter 1201 of the Texas Occupations Code addresses the licensing, acquisition, regulation and taxation of manufactured housing; and

WHEREAS, the 80th Regular Session of the Texas Legislature amended Chapter 1201 of the Texas Occupations Code with the passage of House Bill 1460; and

WHEREAS, Section 1201.008(e) of the Texas Occupations Code, as added by House Bill 1460, provides that "[n]otwithstanding any zoning or other law, in the event that a manufactured home occupies a lot in a municipality, the owner of the 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 and is at least as large in living space as the prior manufactured home"; and

WHEREAS, Section 1201.008(f) of the Texas Occupations Code, as added by House Bill 1460, provides that "[a]n owner's ability to replace the home as a result of a fire or natural disaster cannot be restricted. Other than in the case of a fire or natural disaster, a general-rule [sic] or home-rule municipality by an ordinance or charter may limit the ability of the owner to replace his home to a single replacement."

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

SECTION 1

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

SECTION 2

ZONING ORDINANCE ARTICLE II PERMITTED USES AND AREA REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF COMANCHE is hereby amended by adding a new Section 1-3, entitled "Replacement of HUD-Code Manufactured Homes," to read as follows:

SECTION 1-3 REPLACEMENT OF HUD-CODE MANUFACTURED HOMES

In the event that a HUD-Code manufactured home occupies a lot in the City, the owner of the HUD-Code manufactured home may remove the HUD-Code manufactured home from its location and place another HUD-Code manufactured home on the same property, provided that the replacement is a newer HUD-Code manufactured home, and is at least as large in living space as the prior HUD-Code manufactured home. Except in the case of a fire or natural disaster, the owner of the HUD-Code manufactured home is limited to a single replacement of the HUD-Code manufactured home on the same property.

SECTION 3

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas.

DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COMANCHE, TEXAS, ON THIS 9TH DAY OF JULY, 2018.



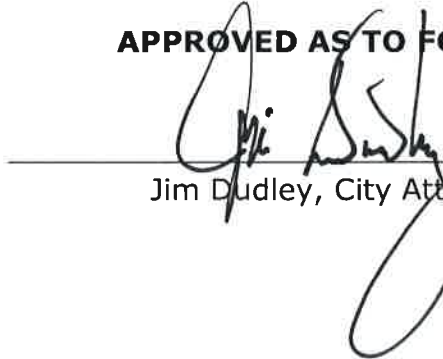
Ronnie Clifton, Mayor

ATTEST:



Jacqui Stewart, CCD, ISC
Interim City Secretary

APPROVED AS TO FORM:



Jim Dudley, City Attorney