

ORDINANCE NO. 93

AN ORDINANCE OF THE TOWN OF INDIAN LAKE REPEALING ORDINANCE 0079 AND ANY AMENDMENTS THERETO, AND ANY PARTS OF ORDINANCES WHICH WOULD BE IN CONFLICT WITH THIS ORDINANCE; DEFINING AND LIMITING RESIDENTIAL DWELLING UNITS IN THE TOWN OF INDIAN LAKE TO CONFORM WITH EXISTING STATE, LOCAL AND FEDERAL LAW; CLARIFYING THE USE OF CERTAIN STRUCTURES FOR PERMANENT AND/OR TEMPORARY HOUSING; ALLOWING FOR APPROVED “MOBILE HOMES” CONSTRUCTED BEFORE JUNE 15, 1976, CURRENTLY EXISTING IN THE TOWN OF INDIAN LAKE, TEXAS; ALLOWING “HUD-CODE MANUFACTURED HOMES” WHICH WERE BUILT AFTER JUNE 15, 1976, TO BE PLACED AS A DWELLING WITHIN THE TOWN OF INDIAN LAKE, TEXAS; PROVIDING BUILDING STANDARDS AND PERMITS REGULATING NON-RESIDENTIAL STRUCTURES; ALLOWING GARAGES AND ADDITIONS TO EXISTING RESIDENCES; PROVIDING STANDARDS FOR CONSTRUCTION OF FENCES ON PRIVATELY OWNED RESIDENTIAL PROPERTY; ESTABLISHING REQUIREMENTS OF DRIVEWAYS FOR EACH DWELLING WITHIN THE TOWN OF INDIAN LAKE; REGULATING THE CONSTRUCTION OF A SECOND ROOF OVER AN EXISTING ROOF; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, through its Legislature, the State of Texas has determined that it is the responsibility of the State to provide for the protection of its citizens who desire to purchase “HUD-CODE MANUFACTURED HOMES” by imposing certain regulations on the construction and installation of such housing in the coastal tier of counties in Texas bordering on the Gulf of Mexico, and

WHEREAS, in order to accomplish the above mentioned goals, the State of Texas, through its Legislature has adopted the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, effective January 1, 2003; and

WHEREAS, it is not the intent of the Town of Indian Lake to restrict the building of standard built homes on existing lots so long as the home meets the standard building codes and all of the set-back requirements, and any other requirements of a HUD-Code manufactured home within this Ordinance.

NOW, THEREFORE, BE IT ORDINANED BY THE TOWN OF COUNCIL OF THE TOWN OF INDIAN LAKE:

SECTION 1: The Town of Indian Lake adopts the *International Residential Code for One-and-Two Family Dwellings, 2003 Edition*, but the provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 2: The Texas Manufactured Housing Standards Act of the State of Texas (Chapter 1201 of the Texas Occupations Code) and all of its definitions, is hereby included and adopted in its entirety as part of this Ordinance and shall serve as the guidelines for enforcement by the Town of Indian Lake.

SECTION 3: HUD-CODE MANUFACTURED HOME, as defined under the Texas Manufactured Housing Standards Act, may be brought into the Town of Indian Lake to be used as a dwelling with proper certification of compliance with standards established by the Department of Housing and Urban Development, as identified by a permanently affixed “label” which identifies such HUD-CODE MANUFACTURED HOME as complying with Department of Housing and Urban Development Standards, and of compliance with the standards of the Texas Manufactured Housing Standards Act.

SECTION 4: A mobile home, defined as a type of prefabricated housing consisting of a structure constructed before June 15, 1976, designed to be used as a dwelling with or without a permanent foundation when the structure is attached to the required utilities, transportable in one or more sections, existing and used as a dwelling in the Town of Indian Lake as of the date of passage of this ordinance may continue to exist and be used as a dwelling until the same is destroyed, removed or replaced. No mobile home, as defined in this ordinance, may be brought into the Town of Indian Lake and placed on a lot to be used as a dwelling.

SECTION 5: No mobile home, site-built home or HUD-CODE MANUFACTURED HOME smaller than 14 feet by 40 feet is allowed as permanent residential housing in the Town of Indian Lake.

All residences must be parallel with lot lines or the street, and must be at least fifteen (15) feet from the street easement and at least five (5) feet inside the owner’s lot boundary line.

All mobile homes and HUD-Code Manufactured Homes will be tied down in accordance with state law or manufacturer’s specifications, whichever is greater, and there will be a presumption that the state law requirement is greater unless proved otherwise.

All mobile homes and HUD-Code Manufactured Homes must be skirted after installation and before occupancy.

All lots and homes in the Town of Indian Lake will be for residential use only. No open storage of any household appliance, indoor furniture, leftover building rubbish, water heaters or inoperable motor vehicles is allowed.

SECTION 6: Storage buildings must be a minimum size of forty-eight (48) square feet in floor area. Storage buildings, garages, patios, enclosed porches or any other improvement must be approved by the Town Building Official before installation and/or construction. Due to climatic conditions, galvanized metal sheets are acceptable only with factory-applied protective coating.

All buildings must be properly anchored and skirted and have utilities connected before occupancy. All buildings must be fifteen (15) feet off the street easement and at least five (5) feet inside the owner's side lot lines. An exception may be granted in situations where a storage building is removed and a replacement is installed on the existing permanently installed foundation which is positioned at least three (3) feet from the property line. No storage buildings will be allowed in front of dwellings nor closer to the road than the inhabited portion of the permanent residence. No storage building, garage, enclosed porch, patio cover or carport may be taller than the existing mobile home, HUD-Code Manufactured Home or site-built home.

All improvements, including but not limited to driveways, sidewalks, patios, garages, carports, storage buildings, residences and mobile homes, will conform to a maximum percent impervious coverage of 70%.

No storage-type building may be used as a dwelling or for any sales or service business.

Carports may be within five (5) feet of the property lines, provided that the carport has no sides within the buildings setback line of fifteen (15) feet.

Sun decks, screened-in porches, and closed-in porches are authorized to be attached to mobile homes, site-built homes and HUD-CODE MANUFACTURED HOMES provided they are within the setback limitations stated above.

SECTION 7: Buildings permits, construction drawings and site plans are required when building or placing a home, HUD-Code Manufactured Home, storage building, fencing, patio, enclosed porch, concrete work, or any improvement on any lot within the Town of Indian Lake. The fee for obtaining building or inspection permits shall be set by the Town Council. Building and Inspection Permits will be obtained from Building Permit Department. A copy of said building permit will be conspicuously displayed at the construction site while such work is being performed and shall remain there until inspection is completed. The Town Building Department shall use the latest edition of the International Building Code, International Electric Code, International Plumbing Code, and International Mechanical Code and their standards for approval of all permits and any required inspections.

No alterations or repairs, other than routine maintenance, nor any new construction of any kind shall begin without the approval of the Town Building Official and the issuance of a permit for the type of work to be done. Any work begun prior to obtaining a written permit will subject the lot owner to a fine of \$25.00. The Town of Indian Lake reserves the right to require the owner to

remove unauthorized structures, and/or any alterations, repairs, or new construction, to include but not be limited to, concrete work, roofs, fences, carports, patios, awnings, storage buildings, garages and additions to the mobile home, site-built home or HUD-CODE MANUFACTURED HOME. The dimensions for the work must be written on the building permit and attached site plan when issued as set forth above.

SECTION 8: Self-contained trailers and any other HUD-CODE MANUFACTURED HOME smaller than 14'x40' are to be used only as temporary housing under a permit issued by the Town Permit Department for a period not to exceed 180 days in any twelve month period. The fee for this permit is \$10.00. The permit must be displayed and visible from the exterior at all times.

One travel trailer or recreational vehicle, as defined by the Texas Transportation Code, shall be allowed per lot. The lot must have its own water meter, sewer tap and electrical service connections. All such travel trailers/RVs shall be set back at least fifteen (15) feet from the street easement and at least five (5) feet from the side and rear property lines. Each travel trailer or RV must be placed on a concrete or asphalt parking area no smaller than the travel trailer or RV and the lot must have a driveway no smaller than 10'x15' adjacent to the street right-of-way. No rooms, screened-in-porches/rooms, or other additions attached to travel trailers or RVs will be permitted.

Visitors of residents may park one self-contained travel trailer or RV weighing less than 20,000 lbs on the resident's property for a period of up to twenty-eight (28) days in any twelve month period under a permit issued by the Town Permit Department. The fee for this permit is \$10.00. The permit must be displayed and visible from the exterior at all times. All such travel trailers or RV's shall be set back at least fifteen (15) feet from the street easement and at least five (5) feet from the side and rear property lines. Travel trailer or RV wheels must be placed on concrete, asphalt, or paving blocks. No rooms, screened-in porches/rooms, or other additions attached to the travel trailer or RV will be permitted.

All travel trailers, RVs, boats and boat trailers that are stored in place on a year round basis or during hurricane season will be placed on concrete or asphalt and shall be set back at least fifteen (15) feet from the street easement and at least five (5) feet from the side and rear property lines and will be tied down with a minimum of four (4) auger type anchors that are a minimum of three feet long with four-inch discs, or by anchors embedded in concrete.

SECTION 9: There shall be one (1) sewer tap and water meter per residence, whether the residence is permanent or temporary.

SECTION 10: All fences to be erected must have a permit. Fences cannot exceed six feet (6) feet in height, measured from the ground up, for chain link, redwood, cedar, pine or wrought iron.

Any pine used in the construction of fences shall be chemically treated lumber. Fences shall have all supporting posts on the inside of the fence, facing the owner's property, so that these support posts are not visible from the outside of the property. All fences must be constructed in compliance with applicable building codes.

All fences must be a minimum of one (1) inch inside lot lines. No fence may cross or enclose land that is designated by the Town of Indian Lake as a utility right-of-way. Access gates adjacent to all meters must be installed. No privacy fence or any fence taller than five (5) feet shall be placed or constructed between the residence and the street easement, parallel to the street easement used as the property's physical address. A privacy fence is one constructed of wood or other material that is designed or intended to prevent the clear view of anything on the opposite side, regardless of the position of the viewer.

SECTION 11: Every lot within the Town of Indian Lake on which a dwelling has been placed or constructed shall have a driveway. Such driveway must be constructed of concrete or asphalt, and must be of sufficient size to accommodate all vehicles parking on a regular basis, but not less than a minimum size sufficient to accommodate one (1) vehicle. No caliche driveways are allowed in the Town of Indian Lake. Parking or driving on any surface other than concrete or asphalt is prohibited. An exception is granted for guests or residents during occasional, short-term visits of seventy-two (72) hours or less.

If a structure on a lot is used for the uninterrupted continuous storage of a motor vehicle for any period of time more than four consecutive months, the lot must have a concrete or asphalt driveway from the street easement to the structure.

All homes must be situated on one or more lots having a minimum of fifty (50) feet wide road frontage. All mobile homes or manufactured homes on existing lots less than fifty (50) feet wide at the time of the passing of this Ordinance may remain in place. If the owner decides to replace said home with a HUD-Code Manufactured Home or a site-built home which meets all the building codes, including setback requirements, parking requirements and density requirements, the replacement or construction, of such home must be commenced within the ninety (90) day period following removal of the previous home.

The owner of any lot must construct a driveway before a home on the lot can be occupied. The construction of the driveway shall be at the sole expense of the owner of the lot. Each driveway shall abut directly to the road easement bordering the lot on which the dwelling is placed.

Each driveway crossing a drainage ditch shall follow the contour of the ditch or bridge, piping or other means, such means to be approved by the Town Building Official, so that such driveway shall allow for the passage of water through the ditch with as little impediment as possible.

SECTION 12: Any roof built over an existing mobile home or manufactured home must have independent supporting posts with treated lumber having sufficient strength to support the load of the new roof. All rafters are to be attached with hurricane straps and shall meet the standard building code structural requirements.

The center ridge shall not exceed three feet six inches (3'6") from the height of the center of the existing roof line. Structural design of the roof over shall not increase any stress on, or require any support from the existing mobile home unit or manufactured home which it is covering.

Wood shingles or shanks are not permitted on any roofs or roof overs within the Town of Indian Lake.

No metal other than fourteen (14) gauge steel or heavier, with factory applied protective coating, is allowed on any roof within the Town of Indian Lake.

Roof installations foamed in place or over, when used in conjunction with existing surface, will not be allowed.

Self Seal Asphalt Strip Shingles require a minimum of six (6) fasteners per shingle to withstand basic wind speed of one hundred (100) miles per hour. Fasteners shall penetrate through the roofing material and into and through the roof sheathing.

SECTION 13: VIOLATIONS, PENALTIES, SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, inoperative, or unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance.

Violations and Penalties

A violation of any provision of this Ordinance shall be punishable by a fine not to exceed \$250.00 or by a Civil Penalty not to exceed \$500.00 per day of violation, following actual notice of the violations of the provisions of this ordinance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Barbara Collum, Mayor

ATTEST

Amy Gonzales, Town Secretary