

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS, AMENDING MULTIPLE SECTIONS OF CHAPTER 28 (MANUFACTURED HOMES AND PARKS) OF THE CODE OF ORDINANCES, THEREBY UPDATING PORTIONS OF THE CHAPTER TO MODERN STANDARDS.

WHEREAS, the City Council has determined that there is a need to update the sections regarding the permitting, siting and placement of non-site built manufactured residential structures, otherwise known as mobile homes, manufactured homes, modular homes, industrialized homes, travel trailers, motor homes and recreational vehicles, as well as definitions relating thereto,

WHEREAS, the City Council has determined that the sections in Chapter 28 have not been updated since February 13, 2021.

WHEREAS, there have been many population, cultural and technological changes since February 13, 2021, and

WHEREAS, the Code of Ordinances of the City of Livingston should be updated from time to time to reflect changes over time,

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

PART 1. That Section 28-1 is hereby amended to reflect the following additions, subtractions and modifications:

The term, "HUD-Code manufactured/mobile home" under the definition of "Common access route/internal street" shall be changed to "Non-Site Built Manufactured Residential Structure (NSBMRS)."

The term, "HUD-Code manufactured/mobile homes" under the definition of "Driveway" shall be changed to "Non-Site Built Manufactured Residential Structures (NSBMRS)."

A new definition, "Manufactured home park" means any Non-Site Built Manufactured Residential Structure (NSBMRS) park which is specifically intended for the placement of HUD-Code Manufactured, industrialized and modular homes."

The term, "HUD-Code manufactured/mobile home" under the definition of "License" shall be changed to "Non-Site Built Manufactured Residential Structures (NSBMRS)."

The term, "Manufactured home," as used two times under the definition of "Manufactured home stand, " shall be amended to read "Non-Site Built Manufactured Residential Structures (NSBMRS)." The title likewise shall be amended to read,

"Non-Site Built Manufactured Residential Structure (NSBMRS) stand."

Both the term to be defined, "Mobile/manufactured home park, mobile home park, or HUD-Code manufactured home park," as well as the wording of the definition, "any lot, block, tract or parcel of contiguous lots, blocks, tracts or parcels of land, under common ownership, which contains two or more mobile/manufactured homes or mobile/manufactured home lots available for lease or rent to the public and for the placement of mobile homes and/or manufactured homes for occupancy" shall be removed from Section 28-1.

Both the term to be defined, "Modular or Industrialized home", as well as the wording of the definition, "means a residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system." shall be added to Section 28-1.

Both the term to be defined, "Non-Site Built Manufactured Residential Structure (NSBMRS) park", as well as the wording of the definition, " means any lot, block, tract or parcel of contiguous lots, blocks, tracts or parcels of land, under common ownership, which contains two or more NSBMRS or NSBMRS lots available for lease or rent to the public and for the placement of NSBMRS for occupancy." shall be added to Section 28-1.

Both the term to be defined, "Non-Site Built Manufactured Residential Structure, also referred to as NSBMRS within this Code of Ordinances," as well as the wording of the definition, "means any mobile, manufactured, modular, industrialized or HUD-Code manufactured homes, as well as any recreational vehicle, but excludes site-built houses which have been subsequently moved to another property." shall be added to Section 28-1.

The term, "mobile/manufactured home, travel trailer or motor home" under the definition of "Occupant" shall be amended to "Non-Site Built Manufactured Residential Structure (NSBMRS)."

The term, "manufactured/mobile home" under the definition of "Park Management" shall be changed to "Non-Site Built Manufactured Residential Structure (NSBMRS)."

The term, "HUD-Code manufactured home" under the definition of "Parking street, off-street" shall be changed to "Non-Site Built Manufactured Residential Structure (NSBMRS)."

The term, "HUD-Code manufactured home" under the definition of "Permit" shall be changed to "Non-Site Built Manufactured Residential Structure (NSBMRS) or a Non-Site Built Manufactured Residential Structure (NSBMRS) park."

The definition of "Sewer connection" shall be amended to read, "means a connection consisting of pipes, fittings and appurtenances from the drain outlet of a Non-Site Built Manufactured Residential Structure (NSBMRS) to the inlet of the corresponding sewer service riser pipe of the sewage system serving the Non-Site Built Manufactured Residential Structure (NSBMRS) or Non-Site Built Manufactured Residential Structure (NSBMRS) park.

The term, "mobile/manufactured home" under the definition of, "Skirt" shall be amended to, "Non-Site Built Manufactured Residential Structure (NSBMRS).

The term, "HUD-Code manufactured home", as used twice in the definition of "Space", shall be amended to the term, "Non-Site Built Manufactured Residential Structure (NSBMRS)" in both places.

The definition "Travel trailer, or motor home" shall be renamed, "Recreational Vehicle" and is amended, in it's entirety, to read, "means a portable vehicle built on a chassis and designed as a temporary dwelling for travel, recreation and vacation use and which has been permanently identified and equipped and identified by the manufacturer for use on public streets and highways, including, but not limited to, travel trailers, motor homes and recreational vehicles. The term "recreational vehicle" shall also be deemed to include any other portable contrivance used or intended to be used generally for temporary living and sleeping quarters and which may be moved under its own power, towed or transported by another vehicle.

The definition, "Recreational Vehicle Park" shall be added to Section 28-1, and shall read, "means any Non-Site Built Manufactured Residential Structure (NSBMRS) park that is limited to recreational vehicles, travel trailers and motor homes."

#### Part 2, Sec. 28-3. - Installation requirements.

Section 28-3 shall be replaced, in it's entirety, with, "It shall be required that all manufactured homes, as well as all other Non-Site Built Manufactured Residential Structures (NSBMRS) placed in the corporate limits of the city after the adoption date of the original ordinance from which this chapter is derived must be installed in accordance with all applicable standards, rules, regulations and administrative orders and requirements of the state department of housing and community affairs, or its successor agency.

#### Part 3, Sec. 28-4 - Siting

Section 28-4 shall be replaced, in its entirety, with the following:

Sec. 28-4. Non-Site Built Manufactured Residential Structure (NSBMRS) placement requirements.

Subject to the exceptions listed in this section, it shall be required that all Non-Site Built Manufactured Residential Structure (NSBMRS) placed in the corporate limits of the city after the adoption date of the original ordinance from which this chapter is derived must be installed and located in a Non-Site Built Manufactured Residential Structure (NSBMRS) park, unless:

- (1) The Non-Site Built Manufactured Residential Structure (NSBMRS) was installed on the site prior to the adoption date of the original ordinance from which this chapter is derived, subject to the restrictions of section 28-2.
- (2) On a single lot, limited to one dwelling, that has no other residential or commercial structure on it.
- (3) A Non-Site Built Manufactured Residential Structure (NSBMRS) provided by any governmental agency as temporary housing following any public disaster or public calamity, or a Non-Site Built Manufactured Residential Structure (NSBMRS) temporarily moved from any Non-Site Built Manufactured Residential Structure (NSBMRS) park or subdivision by reason of any public disaster or public calamity.
- (4) A Non-Site Built Manufactured Residential Structure (NSBMRS) that was located upon a site prior to annexation of the site by the city.
- (5) The temporary parking of an occupied, non-vacant travel trailer, recreational vehicle or motor home at any residence or commercial site for a period not exceeding 30 cumulative days in any 12-month period.
- (6) The storage parking of a vacant and unoccupied travel trailer, motor home, or recreational vehicle at any residence or commercial site, as long it does not extend into a public roadway or otherwise impede lawful public traffic.
- (7) The temporary parking of a Non-Site Built Manufactured Residential Structure (NSBMRS) for purposes of security at a temporary commercial facility for a period approved by the city manager or his designee.
- (8) A situation of hardship, as determined by the city, for a period of time not to exceed one year, said situation of hardship to be reviewed by the City after one year and exception granted therefor extended for no more than one year at a time.
- (9) Non-Site Built Manufactured Residential Structure (NSBMRS) parked for purposes of sale to the public within a Non-Site Built Manufactured Residential Structure (NSBMRS) sales lot.
- (10) All non-Site Built Manufactured Residential Structures (NSBMRS), whether placed individually or within a Non-Site Built Manufactured Residential Structure (NSBMRS) park shall be required to have two asphalt or concrete parking spaces connecting the space to an improved street, drive or alley.

Part 4. Sec. 28-5 – Installation permit requirements.

Section 28-4 shall be replaced, in its entirety, with the following:

(a) Permit required. After the effective date of the original ordinance from which this chapter is derived, it shall be unlawful for any person to install or place on any lot, tract or parcel of land within the city limits any Non-Site Built Manufactured Residential Structure (NSBMRS) without first obtaining an installation permit from the Community Development Department and otherwise complying with the terms of the ordinance and all applicable state laws. A separate permit shall be required for each NSBMRS installation.

(b) No such permit shall be issued without a survey of the property to accurately disclose the placement, unless an exception is granted in the discretion of the Community Development Coordinator. No permit shall be issued without proof that Non-Site Built Manufactured Residential Structure (NSBMRS) is in a habitable condition and complies with all of the applicable building and construction codes. As part of this permit, an inspection may be required.

Once placed, there is a continuing requirement that the Non-Site Built Manufactured Residential Structure (NSBMRS) be maintained in a habitable condition, and a further inspection may be required in the event there is reasonable suspicion that it no longer remains in such a state. If, at any point, a Non-Site Built Manufactured Residential Structure (NSBMRS) becomes uninhabitable, a new inspection may be required, and, if it is determined that it is currently uninhabitable, the permit may be revoked in the discretion of the Community Development Coordinator.

(c) Application requirements. To obtain a Non-Site Built Manufactured Residential Structure (NSBMRS) installation permit, the applicant shall first file an application, in writing, on a form furnished by the city for that purpose. The application for an installation permit shall be signed by the owner of the NSBMRS or his agent, and if the NSBMRS is to be placed outside a NSBMRS park, the owner of the land on which the NSBMRS is to be located. The application shall set forth:

- (1) A description of the Non-Site Built Manufactured Residential Structure (NSBMRS) by dimensions, manufacturer and serial or identification number.
- (2) The name and address of the person having title to the Non-Site Built Manufactured Residential Structure (NSBMRS).
- (3) The date of manufacture of the Non-Site Built Manufactured Residential Structure (NSBMRS).
- (4) If the Non-Site Built Manufactured Residential Structure (NSBMRS) is a manufactured home, whether it has affixed to it a seal, label or decal certifying its compliance with standards adopted by the state department of labor and standards or a seal or label or decal issued by another state certifying its

compliance with standards promulgated for manufactured homes by the United States Department of Housing and Urban Development.

- (5) If the manufactured home has affixed to it a seal, label or decal as described in subsection (b)(4) of this section, the applicant shall certify whether or not there have been any alterations to the manufactured home since the seal, label or decal was affixed.
- (6) The proposed location of the Non-Site Built Manufactured Residential Structure (NSBMRS), shown on a survey, as well as a legal description and any plot plan, diagram or other means which is necessary in order to advise the building official of the exact placement and the relationship to property lines or other structures.
- (7) The valuation of the Non-Site Built Manufactured Residential Structure (NSBMRS).
- (8) Any information necessary to determine compliance with any applicable regulations pertaining to flood-prone areas.
- (9) Any additional information the building official finds will aid him in the enforcement of this chapter or other laws applicable to Non-Site Built Manufactured Residential Structures (NSBMRS).

(d) *Review for Compliance.* The application, plans and specifications and other data filed for an applicant for a permit shall be reviewed by the City's Community Development Coordinator or other building official, as well as any such other departments of the City as may be required to verify compliance with any applicable laws and ordinances.

(e) *Fees.* The fee for each Non-Site Built Manufactured Residential Structure (NSBMRS) installation permit shall be established by the City based on the valuation of the NSBMRS.

PART 6. That nothing in this ordinance, as amended, shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

PART 7. 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 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PART 8: That the City Secretary is hereby ordered and directed to cause this amended ordinance (or the caption thereof) to be published.

PART 9: That this amended ordinance shall be effective on March 1, 2026.

APPROVED AND ADOPTED this 13th day of February, 2026.

SIGNED:

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JUDY B. COCHRAN, MAYOR

ATTEST:

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ELLIE MONTEAUX, City Secretary