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ORDINANCE NO. 26

AN ORDINANCE TEMPORARILY LIMITING THE LOCATION OF MOBILE HOMES, TRAILERS AND OTHER TEMPORARY HOUSING IN THE CITY OF ANNETTA; PROVIDING EXCEPTIONS; ESTABLISHING A PENALTY AND PROVIDING FOR SEVERABILITY AND PUBLICATION.

WHEREAS, the Board of Aldermen of the City of Annetta has appointed a Planning and Zoning Commission for the purpose of formulating a comprehensive set of zoning regulations and comprehensive plan for the City;

WHEREAS, the Planning and Zoning Commission has indicated that it has more work to do before it is able to make a final recommendation to the Board of Aldermen after which there will be additional delays necessitated by compliance with State law in order to impose such regulations; and,

WHEREAS, it has come to the attention of the Board of Aldermen that a number of mobile homes, recreational vehicles and temporary housing are being moved onto land within the City and is being utilized for residence purposes; and,

WHEREAS, the continued intrusion of such uses into areas currently being planned for comprehensive zoning irreparably damages the integrity of the plan under development; and,

WHEREAS, the Texas Supreme Court has previously ruled in City of Brookside Village vs. Comeau, 633 SW2d 790 (1982, Texas), cert. denied; 459 U.S. 1082; 74 L.Ed 2d 932; 103 S.Ct. 570, that a general law city may restrict mobile homes in the absence of a comprehensive zoning ordinance; and,

WHEREAS, the City Attorney has rendered his legal opinion based in part upon the decision of City of Dallas vs. Crownrich, 506 SW2d 654 (Texas Civ. App. - Tyler 1974, err. ref.) that a temporary moratorium upon the location of mobile homes and other similar structures in the City is a lawful exercise of the police powers of the City;  
NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ANNETTA, TEXAS:

Sec. 1. The term "mobile home" shall be deemed to be a portable vehicle constructed on a chassis and which is designed so that it may be occupied and used without a permanent foundation. For the purpose of this ordinance the term

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"mobile home" includes those structures from which such chassis and wheels have been removed.

The term "temporary housing" is hereby defined for the purposes of this ordinance as to include a mobile home as herein defined, recreational vehicle, camper bus, motor home, and a camper trailer.

Sec. 2. No mobile home or temporary housing shall be placed on any property within the corporate limits of the City of Annetta before the Board of Aldermen has adopted a zoning ordinance for the City or until September 1, 1988, whichever comes earlier.

Sec. 3. Exceptions to the foregoing restrictions may be granted by the Board of Aldermen only upon a temporary basis upon the lot where a permanent residence is being build and only upon satisfaction of the following requirements:

(a) Certification to the City Secretary from the county that septic systems are in place and have cleared inspection.

(b) Submission of an application for the permit showing the time for which the permit is requested accompanied with a \$35.00 permit fee. Such time shall be strictly adhered to unless an extension is granted by the Board.

(c) Building permit for the permanent residence filed prior to or simultaneously with the application for the temporary use.

Sec. 4. The Board may grant exceptions to the prohibitions herein without making the requirements set forth in the foregoing section on individual basis in case of destruction of existing buildings by fire, tornado or other disaster.

Sec. 5. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined One Hundred Dollars (\$100.00) for each day such violation shall continue.

Sec. 6. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent

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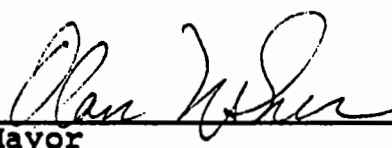
jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 7. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

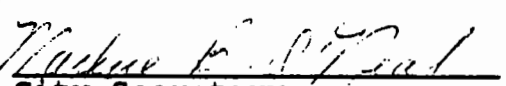
AND IT IS SO ORDAINED.

PASSED AND ADOPTED by the City of Annetta, Texas, on the 5<sup>th</sup> day of February, 1988.


CITY OF ANNETTA

By:   
Mayor

ATTEST:

  
City Secretary

Approved as to form and legality:

  
George R. Staples, Jr.  
City Attorney