

CHAPTER 3
BUILDING REGULATIONS

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§ 1-00. BUILDING CODE

§ 1-01. Uniform Building Code Adopted

There is hereby adopted by the City of Payne Springs, Texas, for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures, that certain building code recommended by the International Conference of Building Officials, known as the Uniform Building Code, being particularly the 1985 edition thereof, and all subsequent revisions, standards or supplements thereto, except as hereinafter amended. A copy of said code is on file in the office of the city secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the same shall be controlling in the construction of all buildings and other structures within the city limits of the City of Payne Springs, Texas.

§ 1-02. Conflicts with Code of Ordinances

In the event of a conflict between the provisions of the building code adopted by reference in § 1-01 above and any provision of the Code of Ordinances, the provisions of the Code of Ordinances shall prevail.

§ 1-03. Amendments to Uniform Building Code

The sections and provisions of the 1985 Uniform Building Code are amended to read as follows:

(a) Sec. 201 Office of Building Official Created - The office of building official is hereby created. The building official may be appointed by the mayor, subject to approval by the city council. Such building inspector shall be competent to perform the duties of this office and receive such compensation as may be fixed by the city council. The building official shall not have interest whatever, directly or indirectly, in the sale or manufacture of any material, process, or device entering into, or used in, or in connection with building construction within the city.

(b) Sec. 204 Appeals - Any person aggrieved by an interpretation of the building code or by any decision or ruling by the city's designated inspector, shall have the right to make an appeal to the city council. Such appeal shall be perfected by written notice submitted to the city council asking for a hearing by the council. Such notice of appeal shall be filed within 15 days after such decision or ruling of the building inspector. Prior to rendering a decision on any appeal, the city council may seek expert advice and counsel.

(c) Sec. 301 - 304 pertaining to building permits is hereby repealed. No building permits will be required by the city.

(d) Sec. 305 pertaining to inspections is amended to provide that all inspections shall be in accordance with the procedures established by the building official.

(e) Sec. 307 pertaining to issuance of a Certificate of Occupancy is hereby repealed. (Ordinance adopting Code)

§ 2-00. PLUMBING CODE

§ 2-01. Uniform Plumbing Code Adopted

There is hereby adopted for the purpose of prescribing regulations governing the installation, alteration, repair, and replacement of plumbing, piping, fittings, fixtures, and equipment which may be conducted to any water and/or sewer system in the city, that certain code recommended by the International Association of Plumbing and Mechanical Officials and endorsed by the International Conference of Building Officials, known as the Uniform Plumbing Code, being particularly the 1985 edition, and all subsequent revisions, standards or supplements thereto, except as hereinafter amended. A copy of said code is on file in the office of the city secretary and the same is hereby adopted and incorporated as full as if set out at length herein.

§ 2.02. Conflicts with Code of Ordinances

In the event of a conflict between the provisions of the plumbing code adopted by reference in § 1-01 above and any provision of the Code of Ordinances, the provisions of the Code of Ordinances shall prevail.

§ 2.03. Amendments to Uniform Plumbing Code

The sections and provisions of the 1985 Uniform Plumbing Code are amended to read as follows:

(a) Sec. 20.1 Administrative Authority - The administrative authority for enforcing the provisions of this plumbing code shall be the city plumbing inspector who may be appointed by the mayor, subject to approval by the city council. Such plumbing inspector shall be competent to perform the duties of this office and receive such compensation as may be fixed by the city council. The plumbing inspector shall not have any interest whatever, directly or indirectly, in the sale or manufacturing of any material, process or device used in connection with plumbing work within the city.

(b) Sec. 20.3 Violation and Penalties - Any person, firm, or corporation violating any provision of this code shall be deemed guilty of a misdemeanor as provided for in § 1-06 of Chapter 1 of the Code of Ordinances.

(c) Sec. 20.4 - 20.7 pertaining to permits is hereby repealed. No permit will be required by the city.

(d) Sec. 20.8 pertaining to inspections is amended to provide that all inspections shall be in accordance with the procedures established by the plumbing inspector.

(e) Sec. 20.14 Appeals - Any person aggrieved by an interpretation of the plumbing code or by any decision or ruling by the city's designated plumbing inspector, shall have the

right to make an appeal to the city council. Such appeal shall be perfected by written notice submitted to the city council asking for a hearing by the council. Prior to rendering a decision on any appeal, the city council may seek expert advice and counsel.
(Ordinance adopting Code)

§ 3-00. *ELECTRICAL CODE*

§ 3-01. National Electric Code Adopted

The 1987 edition, and all subsequent revisions, standards, or supplements thereto, of the National Electrical Code of the National Fire Protection Association, is hereby adopted by reference and made part of this section as the general standard for electrical equipment and installations in the city, except such provisions thereof as may be in conflict with this section or other ordinances of the city. All electrical equipment installed or used in the city and all installations of electrical equipment shall be reasonably safe to persons and property in conformity with the standards provided in the National Electrical Code and with the provisions of this section and applicable state statutes, and any rules and regulations issued by authority thereof. A copy of the National Electrical Code referred to herein is on file in the office of the city secretary for reference and public inspection.

§ 3-02. Conflicts with Code of Ordinances

In the event of a conflict between the provisions of the electrical code adopted by reference in § 3-01 above and any provision of the Code of Ordinances, the provisions of the Code of Ordinances shall prevail.

§ 3-03. Scope

The provisions of this section shall apply to all installations of electrical conductors, fittings, devices, signs, fixtures, motors, generators, starters, controls, and raceways, hereinafter referred to as "electrical equipment", within or on public and private buildings and premises within the city.

§ 3-04. Liability of City

This section shall not be construed to affect the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property which were caused by any defect in such equipment or in the installation thereof, nor shall the city be held as assuming any liability by reason of the inspection, failure to inspect, or reinspection authorized herein, or any certificates of conformance or nonconformance issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

§ 3-05. Electrical Inspector

(a) Office of Electrical Inspector Created - The office of electrical inspector of the City of Payne Springs is hereby created. Such electrical inspector shall be competent to perform the duties of this office and may be appointed by the mayor, subject to approval by the city council. He shall receive such compensation as fixed by the city council. The electrical inspector shall not have any interest whatever, directly or indirectly, in the sale or manufacturing of any material, process or device used in connection with electrical work within the city.

(b) Duties of the Electrical Inspector - It shall be the duty of the electrical inspector to see that all provisions of these regulations are fully complied with and make inspections of electrical installations. The electrical inspector shall keep complete records of all permits issued, inspections made, and any other official work performed. It shall be the duty of the electrical inspector to inspect all electrical wiring and apparatus in the City of Payne Springs at any time in order to ascertain whether such electrical wiring or apparatus is in any respect dangerous to life or property; and, if any part of said electrical wiring or apparatus shall be found to be defective or in dangerous condition, he shall notify in writing the owner of such wiring or equipment to have the defect corrected within a reasonable time. It shall be the duty of the electrical inspector to notify the service company, firm or individual furnishing electric current to such defective wiring or equipment to cease to supply electricity to same.

§ 3-06. Electrical Permits

No electrical permits will be required by the city.

§ 3-07. Amendments to National Electric Code

The following amendments, revisions, additions, and deletions to the 1987 National Electrical Code are hereby adopted.

(a) Electric Power Companies not to Connect until Authorized - It shall be unlawful for any electric light, heat, or power company to do any wiring of any nature in or on any building (except power houses and substations of electric light, heat, and power company operating under a franchise granted by the city) or to make any electrical connection to any building or electrical wiring or apparatus not in accordance with the procedures as which may be established by the electrical inspector. The electrical inspector shall provide such companies a copy of the such procedures and amendments upon their adoption. All persons, firms or corporations, whether operating under a regular franchise granted by the city or not, shall upon written notice by the electrical inspector disconnect from any such circuit, including main service wires, branch feeder wires or distribution as designated by and said notice, and shall not reconnect, to said installation except upon written notice from the electrical inspector.

(b) When Wires may be Ordered Disconnected - Every company, firm, co-partnership, corporation or individual owning or controlling electrical wires and apparatus for the transmission of light, heat or power shall in time of fire or in case of severe climatic conditions or any other emergency wherein lives or property of the citizens of the City of Payne Springs may be endangered by the operation of such wires and apparatus upon notice by the electrical inspector, the mayor, or the fire marshal disconnect such dangerous wires from current or service as are designated by the electrical inspector.

§ 3-08. Appeals

Any person aggrieved by an interpretation of the electrical code adopted by reference within this section, or by any decision or ruling by the city's designated electrical inspector, shall have the right to make an appeal to the city council. Such appeal shall be perfected by written notice submitted to the city secretary and addressed to the mayor and city council asking for a hearing by the council. Such appeal must be filed within 15 days after such decision or ruling of the electrical inspector. Prior to rendering a decision on any appeal, the city council may seek expert advice and counsel. (Ordinance adopting Code)

§ 4-00. *CURB, GUTTER, DRIVEWAY AND CULVERT
INSTALLATIONS*

It shall be unlawful for any person to construct, reconstruct, or repair any driveway, curb, gutter, or drainage facility in the streets and alleys of the city without first obtaining a permit. To obtain such permit an application must be filed with the city describing the abutting property to which the proposed work on the public property is to be done either by lot, block, or tract and house number, location on the street or similar description which will readily identify and definitely locate the site of proposed work; a description of the proposed work to be performed; and any other pertinent information as shall be required by the city. The fee for such permit shall be \$2.00 and shall expire if the work authorized therein is not commenced within three months of the date of the permit. Plans for such work shall be approved by the mayor prior to issuance of any permit. All construction work must be done in accordance with the "Standard Specifications for Public Works Construction" manual published by the North Central Texas Council of Governments. (Ordinance adopting Code)

§ 5-00. *STREET EXCAVATIONS*

§ 5-01. Warning Devices Required

Any person, firm, or corporation making any excavation or embankment in any street, alley, or public easement in the city shall provide, erect, place, and maintain all warning signs, lighting devices, and barricades and channelizing devices required in Part VI Traffic Controls for Street and Highway Construction and Maintenance Operation of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

§ 5-02. Restoration of Work Areas

Upon completion of any work involving excavation in any street, alley, or public easement in the city, the person, firm, or corporation making such excavation, shall remove all equipment, men, materials, and debris as soon as possible and restore the street and premises in as good a condition as existed prior to the excavation. All construction work must be done in accordance with the "Standard Specifications for Public Works Construction" manual published by the North Central Texas Council of Governments. Failure to restore such streets or premises shall be considered a misdemeanor. (Ordinance adopting Code)

§ 6-00. *BUILDING SETBACK LINES*

The minimum front building lines upon any lot in the city, where the building has not been established by an approved plat or by any other city ordinance such as the subdivision regulations or zoning regulations, shall be determined by the city council prior to issuance of a building permit. The minimum building setback lines shall be 25 foot in front, 10 feet in rear and 5 feet on each side. For corner lots, a 15 foot setback shall be required on the side fronting the two intersecting streets. (Ordinance adopting Code)

§ 7-00. OFF-STREET PARKING REQUIREMENTS

All residential dwellings and commercial buildings shall include provisions for adequate off-street parking to accommodate the parking needs for the type occupancy for which the building is designed. However, in no case shall there be less than two off-street parking spaces provided. (Ordinance adopting Code)

§ 8-00. DANGEROUS BUILDINGS

§ 8-01. Definitions

(a) The term "building" in this section shall include buildings, appurtenances, or other structures or excavations existing above or below the ground level.

(b) The term "dangerous buildings" is defined as all buildings which have any or all of the following defects:

(1) Those whose walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of its base.

(2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members, or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the City of Payne Springs.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein.

(6) Those having height, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communications.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(c) The term "nuisance" as used herein, shall mean any building, fence, awning, shed, sign, wall, or other erection of any kind whatsoever, or any part thereof, which, for want of repair, or by reason of age, dilapidated condition, or use to which it is put, or

overloaded floors, or lack of guards against fire, which is a fire hazard, and is so situated as to endanger the person or property of others, or is liable to fall, or which, by reason of its condition or construction or use is dangerous to the health of the community, or which from any other sufficient cause, endangers the safety of persons or property, or renders the use of any street, alley, or sidewalk within the City of Payne Springs, unsafe or dangerous to the users of such street, alley or sidewalk.

(d) The term "owner", as used herein, shall be taken in the singular and plural sense of the word and shall include all owners, whether one or more, and all occupants, whether one or more.

(e) The term "building code" as used herein, shall mean the city building code as it now exists and as it may hereafter from time to time be amended.

§ 8-02. Declaration of Nuisance

All nuisances or dangerous buildings as defined herein are declared to be public nuisances and shall be ordered repaired, vacated, or demolished as hereinafter provided.

§ 8-03. Standards for Ordering Repair, Vacation or Demolition

The following standards shall be followed in substance by the mayor and the city council in ordering repair, vacation, or demolition:

(a) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this section, it shall be ordered repaired.

(b) If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(c) In any case where a dangerous building is 50% damaged or decayed, or deteriorated from its original value or structure, it shall be demolished and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this section, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this section or any ordinance of the city or statute of the State of Texas, it shall be demolished or repaired to the extent that the fire hazard will be eliminated.

§ 8-04. Investigation; Notice to Owner; Hearing

(a) Whenever it shall come to the attention of the mayor, or any officer of the city, or by reason of complaint of any citizen of the City of Payne Springs or city council, that a nuisance or dangerous building exists, as herein defined, the mayor shall upon receipt of such complaint, cause a thorough inspection of such alleged nuisance to be conducted.

(b) After such due inspection has been made, the mayor shall make a report for permanent records explaining the circumstances, and his conclusions and/or recommendations.

(c) If, in the opinion of the mayor, that a building is in fact a nuisance or a dangerous building, then the mayor shall notify the owner in writing in the following manner:

(1) If the owner and his residence is known, such notice can be served:

(i) by personal service to the owner, or person in possession, by the mayor or any peace officer of the City of Payne Springs, or by the sheriff of the county of the residence of the owner as in the case of citations in the district courts of the State of Texas; or

(ii) by registered mail with return receipt requested addressed to the last known address of the owner.

(2) If the ownership of the building is unknown, then the notice shall be considered served by attaching a copy of it in a place of prominence on such building.

(3) When a complaint under this section has been made as to the condition of a particular building, the ownership of which has been granted or accrued to the heirs of such of any deceased person, and if the names of such heirs are unknown, the notice shall be directed against them, their heirs, or legal representatives, describing them as the heirs of such named ancestor.

(d) The notice, as called for this in this section, shall command the owner, or his authorized agent, to appear before the city council and show cause why his building should not be declared a nuisance or dangerous building and show cause why he should not be ordered to vacate, repair, or destroy such building. The date of the hearing shall not be less than 10 days after the notice shall have been served. The hearing shall be held at a regular meeting place of the city council.

§ 8-05. City Council to Order Abatement of Nuisance or Dangerous Building

(a) On the day set in the notice for hearing, the hearing shall be had and on the basis of the hearing, the city council shall make its decision to the effect that the building is in fact a nuisance or dangerous building or not. The judgment shall further contain an order, as the facts may justify, requiring the owner to either repair such building in compliance with the building code of the City of Payne Springs, or that the owner shall entirely remove or tear down such building, and that such repairs or removal shall be commenced within 30 days from the date of notice of such judgment and completed within a reasonable time not exceeding 60 days. However, an extension may be granted if it is determined by the city council a reasonable attempt has been made by the owner or circumstances beyond the owner's control have prevented him from remedying the nuisance or dangerous building. Such judgment shall also contain an order to cause a notice of the dangerous condition of the building to be affixed in one or more conspicuous places on the exterior of the building, and no person shall remove or deface such notice under penalty of law, as herein set out or as set out in other ordinances of the City of Payne Springs, Texas, as the same exists as the date of such notice.

(b) If the owner has failed to comply with the order to repair or remove such building, then the city may cause the said building to be repaired or removed without delay, and the expenses of such procedure shall be charged against the owner and shall thereupon become a valid and enforceable personal obligation of the owner of such premises which may be recovered by the city in a suit brought for the purpose; and the city council may by ordinance enacted by it, assess the expenses on the land occupied by such building, or the land to which such building was attached, and make the same a lien thereon.

§ 8-06. Resort to the Court

Nothing in this section shall be construed as abridging the right of the City of Payne Springs, Texas, to resort to the courts of this state for the enforcement of this section, or of the rights of any owner to resort to the courts of this state in an attempt to enjoin the enforcement of this section. (Ordinance adopting Code)

§ 9-00. *MOVING HOUSES, BUILDINGS OR STRUCTURES INTO CITY*

§ 9-01. Permit Required

It shall be unlawful for any person to move from or into or to relocate any old or used house, building, structure or portion thereof within the corporate limits of the City of Payne Springs for the purpose of placing such house, building or structure upon any lot or tract of ground for any use or occupancy of any nature whatsoever without first obtaining a permit from the city council.

§ 9-02. Application for Permit

Any person desiring to move or relocate any old or used house, building or structure within the corporate limits shall file an application with the city secretary requesting that he be permitted to do so. Upon filing an application for a permit, the applicant shall pay a fee of \$25.00 to help defray the cost of processing the permit application. The application shall contain the following information:

- (a) Name, address, and telephone number of applicant;
- (b) Description and size of the house, building or structure to be moved, together with a picture thereof;
- (c) Legal description of the lot and the local address upon which the house, building or structure is to be moved or relocated if a permit is granted by the city council;
- (d) A drawing or plot plan showing the dimensions of the lot or tract of land upon which the house, building or structure is to be moved or relocated, and the location of existing buildings or structures upon the lot, if any, together with the location of existing buildings or structures upon adjoining lots;
- (e) The proposed route, including the time and date, when the applicant proposes to move or relocate the house, building, or structure;
- (f) Intended use of the house, building, or structure.

§ 9-03. Investigation of Application

Upon filing of the application, the mayor shall investigate the application by inspecting the house, building or structure to be moved or relocated upon the lot or tract of land, and the lot or tract of land upon which the house, building or structure is to be located. He shall then advise the city council as to whether the house, building or structure meets the requirements of the building code and other applicable ordinances of the City of Payne Springs, and whether or not the lot and house, building or structure, if allowed to be

moved onto the designated lot or tract of land, would meet all of the requirements of the building code and other applicable regulations of the city.

§ 9-04. Issuance of Permit

(a) After receiving the application and report of the mayor, the city council shall set a date for a public hearing on the application. After such public hearing, the city council shall either grant or deny the request, taking into consideration the location and size of the lot upon which the house, building or structure is to be located, the size and construction of the house, building or structure to be moved, the population density of the area, the location and use of buildings, structures and land in the area, and the condition that the premises is to be left. No request shall be granted if the city council shall find:

- (1) The house, building or structure to be moved does not meet all the requirements of all applicable ordinances of the City of Payne Springs;
- (2) The lot or tract of land with the house, building or structure thereon would not meet all of the requirements of the applicable ordinances of the City of Payne Springs;
- (3) The house, building or structure to be moved has deteriorated more than 50% of its original value by virtue of fire or by virtue of age or normal wear and tear or other elements;
- (4) The moving of such house, building or structure upon or from the lot or tract of land would cause injury to persons or property or damage to the streets or other public improvements.
- (5) The applicant cannot ensure that he has the financial resources to bring the building up to city standards within 90 days after completion of the move;
- (6) The applicant cannot ensure that the grounds from which a building is removed will be completely cleared, leveled, and cleaned within 90 days after permit is issued.

(b) If the city council shall grant the request to move such house, building or structure, the city council shall cause a permit to be issued authorizing the moving of such house, building, or structure upon or from the lot or tract of land under such conditions, requirements, or restrictions as the city council shall determine.

§ 9-05. Issuance of Certificate of Occupancy

No person shall occupy such house, building or structure permitted to be moved until the city secretary issues the permittee a Certificate of Occupancy. No Certificate of Occupancy shall be issued until the house, building or structure complies with all conditions of the permit and all requirements of all applicable ordinances of the City of Payne Springs.

§ 9-06. Liability of City

Neither the city nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section. (Ordinance adopting Code)

§ 10-00. *MOBILE HOME PARKS*

§ 10-01. Definitions

The following words, when used in this section, shall have the meaning respectively ascribed:

Licensee shall mean a person to whom a license for construction and/or operation and maintenance of a park has been issued.

Mobile Home shall mean a structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as dwelling, with or without a permanent foundation, when connected to the required utilities.

Mobile Home Space shall mean the ground area allocated for occupancy by one mobile home in the layout of a park.

Off-Street Parking Space shall mean an unobstructed area of minimum 9 feet by 18 feet dimensions, allocated for parking a vehicle in the layout of a park.

Park shall mean a plot of ground under single person ownership, upon which two or more mobile homes occupied as dwellings are located.

Permittee shall mean a person to whom a nonconforming use permit for operation and maintenance of a park has been issued.

§ 10-02. License Required for Proposed Mobile Home Park

(a) It shall be unlawful for any person to construct, maintain or operate a mobile home park within the city limits without a license therefore. An initial fee of \$100.00, plus \$5.00 for each mobile home lot, shall be required for the first annual mobile home park license. Thereafter, a renewal fee of \$25.00, plus \$1.00 for each mobile home lot, will be charged for each annual license for each successive year. All licenses shall be approved by the city council subject to compliance with the terms and provisions of this section. No utility service shall be provided until the license herein provided for shall have been issued. Written application for a license, signed by the applicant and accompanied by the exhibits listed below shall be submitted to the city secretary. The application shall state the applicant's address and legal description of the land wherein construction of a mobile home park is proposed and shall be accompanied by the following exhibits:

(1) A plot plan drawn to a scale of 1"=100' showing the location and configuration of the proposed park, including the layout of its mobile home spaces, streets, parking spaces, walkways, and utility service lines. This plot plan does not replace or supersede the subdivision plat of the property required by state law to be recorded in the county records of the county in which the property is located, after review and approval of the City of Payne Springs.

(2) Plans and specifications for all buildings and service facilities.

(b) Upon approval by the city council, the city secretary will issue a license.

§ 10-03. License Required for Existing Mobile Home Park

(a) Application for License - Every person operating a mobile home park within the city limits on the effective date of this section shall, within 60 days after that date, submit a written application for a license, accompanied by exhibits (1) and (2) in § 10-02 above. The city council will review each license application and make recommendations thereon. In considering the disposal of any such application, the city council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the park is located or is in operation. Upon approval of an application by the city council, the city secretary will issue a license.

(b) Nonconforming Use Permit - If the city council denies a license to any applicant whose park was in operation on the effective date of this section, the city secretary will issue to such applicant a nonconforming use permit that specifies the nonconformities with provisions of this section responsible for denial of the license and authorize continued operation of the park, subject to permittee's compliance with all provisions of this section pertaining to park operation and maintenance. However, the permit does not make lawful the extension or enlargement of a specified nonconformity, either within the present confines of a park or by expanding its boundaries. After the remedy or suspension of a nonconforming use such use shall not be restored or resumed. The fee for issuance of a nonconforming use permit shall be the same as the renewal fee for mobile home parks as provided in § 10-02 above.

§ 10-04. Renewal or Transfer of License

For validity, a license or nonconforming use permit shall be renewed each year. Upon inspection by the mayor and with his approval and payment of an annual fee of \$25.00 plus \$1.00 for each mobile home lot, by licensee or permittee, renewal will be effected by the city secretary. To transfer a license or permit, a written request to do so shall be submitted to the city secretary. Upon inspection of the park by the mayor, and with his approval, the city secretary will issue a transfer, the fee therefor being \$25.00. The city secretary shall refuse to issue a renewal or transfer if the mobile home park is in violation of any condition contained in the original license or any regulation contained herein applicable to operation and maintenance of the mobile home park. In the event of denial, the applicant may appeal such denial to the city council by written notice to the mayor within 10 days of such denial.

§ 10-05. Revocation of License or Permit

A license or permit may be revoked by the city council when the licensee or permittee is found to be in violation of any provision of this section, or the terms of nonconforming use permit after a hearing is held before the city council according to written notice given to licensee or permittee at least 10 days prior to such hearing.

§ 10-06. Mobile Home Park Design and Construction Standards

After the effective date of this section, all mobile home parks shall at least meet the following design and construction standards:

(a) Size of Park; Spacing and Clearances for Mobile Homes - The minimum size of a park shall be one-half (1/2) acre. A mobile home space shall be at least three times larger than the mobile home to be placed thereon and no less than 3,000 square feet in area. Such spaces shall be clearly delineated on the ground in accordance with the final plat approved. A minimum clearance of 30 feet between mobile homes shall be provided and

a minimum clearance of 10 feet between any mobile home and a park boundary that does not abut upon public street. When a park boundary abuts upon a public street, no mobile home shall be closer thereto than 25 feet.

(b) Off-Street Parking Spaces - At least two off-street parking spaces shall be provided for each mobile home space to reduce traffic hazards and improve the appearance of the mobile home park. Where individual parking spaces are used, parking may be in tandem. In addition, an additional 150 square feet for each two mobile home spaces shall be provided in common area for the storage of boats and visitor's parking. All parking areas shall be hard surfaced with all-weather material and located to eliminate interference with access to parking areas provided for other mobile homes and common parking areas within the park. Each parking space shall be maintained by the owner or agent free of cracks, holes, or other hazards.

(c) Streets and Walkways - Internal streets, no-parking area signs, and street name signs shall be privately owned, built, and maintained, unless dedicated to and accepted by the city. Streets shall be designed for safe and convenient access to all mobile home spaces and to facilities for common use of park residents. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the mobile home park. The police department shall be authorized to issue citations for the violation of the provisions hereof and to remove and impound offending vehicles. All internal streets shall be paved and constructed to the general construction standards established by the city and shall be maintained by the owner or agent free of cracks, holes, and other hazards. Every mobile home park shall have direct access from a public street and each mobile home space shall have direct access to a public street or to an internal street. Where an internal street provides access, the same shall be dedicated to the public as an emergency access easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety purposes. Each emergency access easement shall have a clear unobstructed width of at least 30 feet and shall connect at each end of a dedicated public street, or shall have a turn-around of minimum 60 feet diameter. Internal streets shall be named, and mobile home spaces numbered to conform with block numbers on adjacent public streets. Street signs shall be of a color contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. All parks shall provide concrete walkways of minimum 30 inches in width for pedestrian access to each mobile home from a street constructed to specifications approved by the city.

(d) Electrical and Telephone Service - All electrical wiring in the mobile home park shall be underground and in accordance with the city's electrical regulations. All telephone lines in the mobile home park shall also be installed underground.

(e) Water Supply - An adequate supply of potable water shall be supplied through an approved water supply system to each mobile home space through piping conforming with the city's plumbing regulations, and an outdoor hydrant shall be installed at each mobile home space, at least 4 inches above the ground. All mobile homes shall be within 500 feet of a fire hydrant.

(f) Sewage Disposal - Each mobile home space shall be provided with a sewer riser pipe of minimum of 4 inches diameter. The individual sewer connections and other elements in the park sewer system shall conform with the city's plumbing regulations. Disposal shall be into an approved sewer system.

(g) Drainage - The park shall be located and graded as to drain away all surface water in a safe and efficient manner. Accumulations of stagnant water will not be permitted. Culverts and drainage ditches shall be maintained free of dirt and debris by the owner or agent.

(h) Fire Protection - Service buildings (office, laundry facilities, repair shops, etc.) shall be provided with emergency fire extinguishing apparatus of such types and sizes as may be prescribed by the city's fire prevention regulations. Fire resistant skirting with the necessary vents, screens, and/or openings shall be installed on each mobile home within 30 days after its emplacement in the park. Each mobile home shall be equipped with an operable smoke detector. To insure compliance by the mobile home owner with these requirements, licensee shall make such compliance and conformation thereof a condition in the agreement for rental of a mobile home space.

(i) Fuel Supply - Gas piping systems shall be installed underground in accordance with the city's plumbing regulations. Gas outlets shall be capped when the mobile home spaces they serve are vacant. Natural gas shall be supplied except that a liquefied petroleum gas system may be installed if the nearest available natural gas supply is more than 1,000 feet from the park and is approved by the city council. LPG systems shall conform with applicable codes and regulations by the Texas Railroad Commission pertaining thereto.

(j) Extensions of Mobile Homes - No structural extension shall be attached to a mobile home in violation of the spacing and clearance requirements of this section. An extension that does not violate those requirements may be installed if it meets the following requirements:

- (1) Constructed of metal, fire resistive, double-wall panels with mechanically connected joints.
- (2) Length no greater than that of mobile home to which it is accessory.
- (3) To be dismantled on removal from the park of the mobile home to which it is accessory.

§ 10-07. Operation and Maintenance of Mobile Home Parks

All mobile home parks shall comply with the following operation and maintenance regulations:

(a) Licensee or permittee shall keep up-to-date and have available for inspection at the park, a register of park occupancy that shall contain the following information:

- (1) Name and address of park residents.
- (2) Mobile home registration data, including make, length, width, year of manufacture, and identification number.
- (3) Location of each mobile home by park street name and number.

A new register shall be initiated on January 1st each year and the old register retired but retained on the park premises for at least three years thereafter.

(b) The licensee or permittee shall be responsible for keeping the park in a clean, safe, and sanitary condition free of accumulations of rubbish and of rank growth of grass or weeds that might constitute a fire hazard or give harborage to noxious insects. Walks, streets, and parking spaces shall be maintained in a serviceable all-weather condition.

(c) No open fire or burning shall be permitted within the park except for outdoor cooking or camper type stoves or charcoal grills. No flammable liquids shall be stored beneath mobile homes. The fire resistant skirting shall be maintained intact to prevent accumulations of flammable materials beneath mobile homes. Emergency fire extinguishing apparatus, if required, shall be inspected and tested at intervals of time suggested by the manufacturer.

(d) The storage, collection, and disposal of refuse and garbage shall be so conducted as to create no health hazards, rodent harborage, insect breeding grounds, fire hazards, litter, or air pollution. Each mobile home space must subscribe to a refuse collection service.

(e) Licensee or permittee shall provide that all mobile homes located in the park be installed and anchored in accordance with Texas Department of Labor and Standards rules and regulations.

§ 10-08. Mobile Home Parks within City's ETJ

No person shall subdivide land within the extraterritorial jurisdiction of the city for the purpose of creating a mobile home park until a plat of the proposed park has been approved by the city council. All plats shall be submitted in accordance with the procedures as outlined in the city's subdivision regulations. Such plats shall be accompanied by the information outlined in § 10-02(a) hereof, and shall conform to the design requirements as provided in § 10-06 hereof.

§ 10-09. Liability of City

Neither the city nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section. (Ordinance adopting Code)

**§ 11-00. *MOBILE HOMES OUTSIDE
MOBILE HOME PARKS***

§ 11-01. Definitions

The following words, when use in this section, shall have the meaning respectively ascribed:

Mobile Home shall mean a structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Permittee shall mean a person for whom a permit has been issued to place or use a mobile home outside a licensed mobile home park.

§ 11-02. Permit Required

(a) It shall hereafter be unlawful for any person to locate or maintain any mobile home in any place in the City of Payne Springs other than in a duly licensed and lawful mobile home park unless such person shall first secure a permit from the city council upon written application therefor filed with the city secretary giving the name and address of the applicant and a description of the property upon which said mobile home is to be located. The city council shall refuse to grant any such permit unless the applicant first shows to the satisfaction of the city council that there are adequate public water and wastewater treatment facilities available within reasonable distance of such mobile home location and that the applicant upon said premises shall provide or cause to be provided the same. It shall be unlawful for any person, firm, or corporation to maintain or live in any such mobile home without first obtaining such permit from the City of Payne Springs. No permit shall be issued unless the applicant can demonstrate ability to comply with all the terms and provisions of this section.

§ 11-03. Application for Permit and Fee

(a) An application for a permit to locate a mobile home not inside a licensed mobile home park shall be submitted to the city secretary accompanied by a complete description of the mobile home and a plot plan showing the proposed location of the mobile home.

(b) A non-refundable permit fee of \$15.00 shall be submitted with the application.

§ 11-04. Permit Required for Existing Mobile Homes

(a) Application for Permit - Every person maintaining a mobile home in the City of Payne Springs outside a duly licensed mobile home park shall, within 60 days after the effective date of this section, submit a written application for a permit. The mayor will review each application and make recommendations thereon to the city council. In considering the disposal of any such application, the city council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the mobile home is located. On approval of an application by the city council, the city secretary will issue a permit.

(b) Nonconforming Use Permit - If the city council denies a permit to any applicant whose mobile home was in place on the effective date of this section, the city secretary will issue to such applicant a nonconforming use permit that specifies the nonconformities with provisions of this section responsible for denial of the permit and authorizes continued use of the mobile home, subject to permittee's compliance with all provisions of the nonconforming use permit. However, the permit does not make lawful the extension or enlargement of a specified nonconformity.

After the remedy or suspension of a nonconforming use, such use shall not be restored or resumed. The fee for issuance of a nonconforming use permit shall also be \$15.00

(c) Renewal and Transfer of Permits - For validity, such permits shall be renewed each year. Upon inspection by the mayor and with his approval and payment of an annual fee of \$5.00 by permittee, renewal will be effected by the city secretary. However, an annual permit renewal fee shall not be charged if such mobile home is mounted upon a permanent type foundation.

To transfer a permit, a written request to do so shall be submitted to the city secretary. Upon inspection of the mobile home by the mayor and with his approval, the city

secretary will issue a transfer, the fee therefor being \$5.00. The city secretary shall refuse to issue a renewal or transfer if the mobile home is in violation of any condition contained in the original permit or any regulation contained herein applicable to use or maintenance of the mobile home. In the event of denial by the city secretary, the applicant may appeal such denial to the city council by written notice to the mayor within 10 days of such denial.

§ 11-05. Permit Conditions

The following use and maintenance regulations shall be applicable to mobile homes located within the City of Payne Springs:

- (a) All mobile homes shall be installed and anchored in accordance with Texas Department of Labor and Standards rules and regulations.
- (b) All mobile homes occupied as living quarters shall contain operable smoke detectors.
- (c) No mobile home manufactured prior to June 15, 1976, shall be occupied as living quarters within the city.
- (d) All mobile homes occupied as living quarters shall be located and placed on separate lots with the front door facing the street in the same manner as other residential structures in the block in order to conform as closely as possible. All building setback requirements shall be followed when placing a mobile home for permanent occupancy.
- (e) The temporary parking of only one mobile home belonging to the owner or tenant of the dwelling upon the lot on which the mobile home is placed may be permitted behind the front building setback line of the lot provided no living quarter shall be maintained in such mobile home while such mobile home is parked or stored. The mobile home so stored shall not be closer than 20 feet to an occupied residential structure. Removal of wheels and skirting requirements shall not be applicable to to such temporarily stored, unoccupied mobile homes.
- (f) All mobile homes installed after the date of this section shall be required to be mounted upon a permanent foundation system which shall be either a solid concrete or masonry foundation or a concrete or masonry skirt around the perimeter of the building. If the mobile home is mounted upon a concrete slab, then a fire resistant skirting shall be required around the bottom of the perimeter of the mobile home. In addition, all mobile homes shall have their wheels removed.
- (g) All permits shall be issued subject to compliance with all other applicable codes and ordinances of the City of Payne Springs, and with all applicable deed restrictions.
- (h) No driveway shall be permitted in the front yard of any mobile home lot being occupied as living quarters except along either side of the lot at a right angle to the street or as a circular driveway.

§ 11-06. Exceptions

No permit shall be required and the provisions of this section shall not be applicable to unoccupied mobile homes displayed for sale on mobile home sales lots and mobile homes in storage on mobile home manufacturing plant premises.

§ 11-07. Liability of City

Neither the city nor any authorized agent acting under the terms of this section shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section. (Ordinance adopting Code)

§ 12-00. *FENCES REQUIRED FOR SWIMMING POOLS*

§ 12-01. All Swimming Pools to be Fenced

(a) All outdoor swimming pools of at least 3 feet in depth shall be completely enclosed by a fence which shall be a minimum of 3-1/2 feet high, and of such type and construction such as wood, masonry, or chain link to prevent children from crawling through. Such fence shall have its horizontal supporting members on the inside and where applicable shall have its smooth side facing outside in order to keep children from climbing over the fence. The use of barbed wire fencing is prohibited.

(b) All fence openings or points of entry into the pool area shall be equipped with gates. All gates shall be equipped with self-closing and self-latching devices placed near the top of the gate or shall be of such construction that it can not be unfastened by a child of tender years. All gates shall be kept closed at all times except when passing through.

§ 12-02. Liability of City

Neither the city nor any authorized agent shall be liable or have any liability with respect to whether any fence required herein is constructed or satisfactorily maintained in accordance with the terms of this provision or for failure by the owner to comply with these provisions. (Ordinance adopting Code)

§ 13-00 *STANDARD SPECIFICATIONS FOR PUBLIC WORKS
CONSTRUCTION ADOPTED*

The latest edition of the manual entitled "Standard Specifications for Public Works Construction" prepared by the North Central Texas Council of Governments shall govern the construction of all public works facilities and subdivision improvements as well as establishing standards for materials to be used unless otherwise stipulated by the city. The Manual is hereby adopted and incorporated herein by reference to the same as if fully copied at length and a copy thereof shall be kept on file with the city secretary with the for public inspection during regular business hours. (Ordinance adopting Code)