

ORDINANCE NO. 04-06

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, ADOPTING REGULATIONS FOR INDUSTRIALIZED HOUSING AND FOR ALL HOUSING BUILT OFF-SITE; REGULATING SUCH HOUSING AS TO VALUE, FOUNDATIONS, DECALS, ELEVATIONS, EXTERIOR SIDING, ROOFING, ROOF PITCH, FOUNDATION FASCIA, FENESTRATION, AESTHETIC STANDARDS, BUILDING SETBACKS, SIDE AND REAR YARD OFFSETS, ARCHITECTURAL LANDSCAPING, SQUARE FOOTAGE, AND OTHER SITE REQUIREMENTS APPLICABLE TO SINGLE-FAMILY DWELLINGS; REQUIRING APPLICATIONS, INSPECTIONS, PERMITS, AND CERTIFICATES OF OCCUPANCY; PROVIDING A GRANDFATHER CLAUSE; PROVIDING FOR OFFENSES, PENALTIES, AND A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS BETWEEN ORDINANCES; AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DULY ASSEMBLED:

Section 1. Regulation of Single-Family and Duplex Industrialized Housing.

- (a) Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.
- (b) For purposes of this section, single-family or duplex industrialized housing is real property.
- (c) Any single-family or duplex industrialized housing shall:
 - (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for Brazoria County;
 - (2) have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - (3) comply with City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other size requirements applicable to single-family dwellings;

- (4) be securely fixed to a permanent foundation;
 - (5) bear, on all modules or modular components, an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation; and
 - (6) comply with Section 2 of this ordinance.
- (d) For purposes of subsection (c), "value" means the taxable value of the industrialized housing and lot after installation of the housing.

Section 2. Regulation of All Housing Not Built On-Site.

- (a) This section applies to all housing not built on-site, including but not limited to industrialized housing, manufactured housing, HUD-Code manufactured housing, and all other housing not built from the ground up on the site where it is installed or located (herein collectively called "housing built off-site").
- (b) All housing built off-site shall:
- (1) have foundation fascia and fenestration of the same color as the siding, the trim, or the roof, and of a material very similar in appearance to the siding, so that the housing appears to be resting directly on the ground rather than elevated above the ground/grade;
 - (2) be installed on a permanent foundation; and
 - (3) be installed with the finished floor elevation no higher than 24 inches above the ground/grade at the perimeter of the house.

Section 3. Permits for Industrialized Housing.

Any person, including but not limited to any owner or authorized agent, who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the City and obtain a permit to do so and any other required permits. In addition to any other information otherwise required for said permits, the application shall:

- (a) include a complete set of designs, plans, and specifications bearing the Texas Industrialized Building Code Council's stamp of approval;
- (b) identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county;

- (c) state the taxable value of the industrialized housing and the lot after installation of the industrialized housing;
- (d) describe the material, color, and type of exterior siding, roofing, roof pitch, foundation fascia, and fenestration for the industrialized housing in question, and for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located; and
- (e) include the contents required by section 4 of this ordinance.

Section 4. Permits for All Housing Built Off-site Except Mobile Homes and HUD-Code Manufactured Homes.

Any person, including but not limited to any owner or authorized agent, who intends to construct, erect, install, or move any housing built off-site (but not mobile homes or HUD-Code manufactured homes) into the City shall first make application to the City and obtain a permit to do so and any other required permits. In addition to any other information otherwise required for said permits, the application shall:

- (a) describe the permanent foundation and method of attachment proposed for the housing built off-site;
- (b) include clear photographs of each side of the housing built off-site, of a size and quality to allow the City to determine compliance with this ordinance; and
- (c) include a color drawing of the housing built off-site, the foundation fascia, and the fenestration in sufficient detail to allow the City to determine compliance with this ordinance.

Section 5. Final Inspection and Certificate of Occupancy for All Housing Built Off-Site Except Mobile Homes and HUD-Code Manufactured Homes.

- (a) After installation of a unit of housing built off-site, except a mobile home or HUD-Code manufactured home, the person intending to occupy the housing shall first apply for and pass a final inspection by the City and obtain certificate of occupancy from the City. The certificate of occupancy shall not be issued unless the housing built off-site complies, in all respects with:
 - (1) this ordinance; and
 - (2) all other requirements for a certificate of occupancy.

- (b) No person shall occupy, or allow or suffer any person to occupy, any unit of housing built off-site without a valid certificate of occupancy, but this section shall not apply to a mobile home or HUD-Code manufactured home.

Section 6. Grandfather Clause.

- (a) If a unit of industrialized housing or housing built off-site is lawfully installed and in place, in compliance with all applicable laws, immediately before this ordinance takes effect, so that said housing would be lawful but for this ordinance, then said unit of industrialized housing or housing built off-site shall not be subject to this ordinance.
- (b) If a structure protected by this section is moved, it shall no longer be protected by this ordinance and any replacement (whether by reinstallation of the same structure or by another structure) shall comply with this ordinance.
- (c) If a structure protected by this section is more than 50% (by value) destroyed, it shall no longer be protected by this section.

Section 7. Offenses and Penalties.

- (a) A person commits an offense if the person:
 - (1) fails to make an application for a permit, or fails to obtain a permit, as required by this ordinance; or
 - (2) constructs, erects, moves into the City, occupies, or allows or suffers any person to occupy any industrialized housing which does not comply with this ordinance, or which lacks a permit under this ordinance or any required permit.
- (b) Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500.00. Each calendar day or portion of a calendar day on which a violation occurs, is repeated, or continues shall constitute a separate offense.

Section 8. Savings Clause. Conflicts Between Ordinances.

- (a) All other ordinances and portion of ordinances shall remain in full force and effect.
- (b) This ordinance shall not authorize or excuse any failure to comply with any ordinance or other law.
- (c) In the event of any conflict between the terms of this ordinance and any other applicable law, the more restrictive provision shall govern and control.

Section 9. Severance Clause.

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance of the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid of unconstitutional, or whether there be one or more parts.

Section 10. Effective Date.

This ordinance shall become effective upon its passage and adoption.

PASSED AND ADOPTED this 23rd day of September, 2004.

CITY OF DANBURY, TEXAS

Robert L. Rosier
ROBERT ROSIER, Mayor

ATTEST:

Dee Grigsby
DEE GRIGSBY City Secretary

City of Danbury
P.O. Box 258
Danbury, TX 77534
Phone: 979-922-1551
Fax: 979-922-8143

City of Danbury

Fax

To: THE FACTS - LEGAL

From: Dee Grigsby, City Secretary

Fax: 265-0870

Date: 9/27/04

Phone:

Pages: 1, including this cover sheet

Re: ORDINANCE NO. 04-06

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Please print the following notice in the Legals on Friday, October 1, 2004.

Thank you.

Dee Grigsby, City Secretary

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LAURENCE E. BOYD

ATTORNEY AT LAW
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larryboyd@earthlink.net E-MAIL

September 20, 2004

BY FACSIMILE (979) 922-8143

Honorable Mayor and City Council Members
City of Danbury
P. O. Box 258
Danbury, Texas 77534

RE: Industrialized Housing Ordinance

Dear Mayor and City Council Members:

Enclosed is the revised ordinance on industrialized housing and other housing built off-site. The revisions are as follows:

1. On page 2, Section 2(h)(3) has been revised to specify that the elevation is measured at the perimeter of the house.
2. On page 4, Section 6(a), the grandfather clause, has been revised to apply equally to industrialized housing and other housing built off-site.

Please let me know if you have any questions or would like any further amendments.

Sincerely,


Laurence E. Boyd
Danbury City Attorney

LEB/bt
Enclosure
Danbury.Ltr