

### 3.4-18 "M-1A" light industrial district.

*Purpose.* The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) *Uses permitted by right.*

**Residential uses:**

Accessory building/structure  
Bed and breakfast inn (see Sec. 5.6)  
Boardinghouse/lodging house  
Community home (see definition)  
Dormitory (in which individual rooms are for rental)  
Multifamily (apartments/condominiums – at least five units)  
Residential use in buildings with the following non-residential uses

**Non-residential uses:**

Accounting, auditing, bookkeeping, and tax preparations  
Adult day care (no overnight stay)  
Adult day care (with overnight stay)  
Aircraft support and related services  
Airport  
All terrain vehicle (ATV) Dealer / Sales  
Ambulance service (private)  
Amphitheater  
Amusement devices/arcade (four or more devices)  
Amusement services or venues (indoors) (see Sec. 5.13)  
Amusement services or venues (outdoors)  
Animal grooming shop  
Answering and message services  
Antique shop  
Appliance repair  
Archery range  
Armed services recruiting center  
Art dealer / gallery  
Artist or artisan's studio  
Assembly/exhibition hall or areas  
Athletic fields  
Auction sales (non-vehicle)  
Auto body repair, garages (see Sec. 5.11)  
Auto glass repair/tinting (see Sec. 5.11)  
Auto interior shop / upholstery (see Sec. 5.11)  
Auto leasing  
Auto muffler shop (see Sec. 5.11)  
Auto or trailer sales rooms or yards (see Sec. 5.12)  
Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)  
Auto paint shop  
Auto repair as an accessory use to retail sales  
Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts  
Auto tire repair /sales (indoor)  
Automobile driving school (including defensive driving)  
Bakery (retail)  
Bank, savings and loan, or credit union  
Bar/Tavern  
Barber/beauty college (barber or cosmetology school or college)  
Barber/beauty shop, haircutting (non-college)  
Barns and farm equipment storage (related to agricultural uses)  
Battery charging station  
Bicycle sales and/or repair  
Billiard / pool facility  
Bio-medical facilities  
Blacksmith or wagon shops  
Book binding  
Book store  
Bottling or distribution plants (milk)  
Bottling works  
Bowling alley/center (see Sec. 5.13)  
Broadcast station (with tower) (see Sec. 5.7)  
Bus barns or lots  
Bus passenger stations  
Cafeteria / café / delicatessen  
Campers' supplies  
Car wash (self-service; automated)  
Car wash, full service (detail shop)  
Carpenter, cabinet, or pattern shops  
Carpet cleaning establishments  
Caterer  
Cemetery and/or mausoleum  
Check cashing service  
Chemical laboratories (not producing noxious fumes or odors)  
Church/place of religious assembly  
Civic/conference center and facilities  
Cleaning, pressing and dyeing (non-explosive fluids used)  
Clinic (dental)  
Clinic (emergency care)  
Clinic (medical)  
Club (private)  
Coffee shop  
Cold storage plant  
Commercial amusement concessions and facilities  
Communication equipment - installation and/or repair  
Community building (associated with residential use)  
Computer and electronic sales  
Computer repair  
Confectionery store (retail)  
Consignment shop  
Contractor's office/sales, with outside storage including vehicles  
Contractor's temporary on-site construction office (with permit from Building Official; Sec. 5.10)  
Convenience store with or without fuel sales  
Credit agency  
Crematorium  
Curio shops  
Custom work shops  
Dance hall / dancing facility (see Sec. 5.13)

Day camp  
Department store  
Drapery shop / blind shop  
Driving range  
Drug sales/pharmacy  
Electrical repair shop  
Electrical substation  
Electronic assembly/high tech manufacturing  
Electroplating works  
Engine repair/motor manufacturing re-manufacturing and/or repair  
Exterminator service  
Fair ground  
Farmers market (produce market - wholesale)  
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)  
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)  
Feed and grain store  
Filling station (fuel tanks must be below the ground)  
Florist  
Food or grocery store with or without fuel sales  
Food processing (no outside public consumption)  
Forge (hand)  
Forge (power)  
Fraternal organization/civic club (private club)  
Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)  
Freight terminal, truck (all storage of freight in an enclosed building)  
Frozen food storage for individual or family use  
Funeral home/mortuary  
Furniture manufacture  
Furniture sales (indoor)  
Galvanizing works  
Garden shops and greenhouses  
Golf course (public or private)  
Golf course (miniature)  
Governmental building or use  
Greenhouse (commercial)  
Handicraft shop  
Hardware store  
Health club (physical fitness; indoors only)  
Heating and air-conditioning sales / services  
Heavy load (farm) vehicle sales/repair (see Sec. 5.14)  
Heliport  
Home repair and yard equipment retail and rental outlets  
Hospital, general (acute care/chronic care)  
Hospital, rehabilitation  
Hotel/motel  
Hotels/motels - extended stay (residence hotels)  
Ice delivery stations (for storage and sale of ice at retail only)  
Ice plants  
Industrial laundries  
Kiosk (providing a retail service)  
Laboratory equipment manufacturing  
Laundromat and laundry pickup stations  
Laundry, commercial (w/o self-serve)  
Laundry/dry cleaning (drop off/pick up)  
Laundry/washateria (self-serve)  
Lawnmower sales and/or repair

Leather products manufacturing  
Light manufacturing  
Limousine / taxi service  
Locksmith  
Lumberyard (see Sec. 5.15)  
Lumberyard or building material sales (see Sec. 5.15)  
Machine shop  
Maintenance/janitorial service  
Major appliance sales (indoor)  
Manufactured home sales  
Manufacturing and processes  
Market (public, flea)  
Martial arts school  
Medical supplies and equipment  
Metal fabrication shop  
Microbrewery (onsite manufacturing and/or sales)  
Mini-warehouse/self-storage units (with or without outside boat and RV storage)  
Motion picture studio, commercial film  
Motion picture theater (indoors)  
Motion picture theater (outdoors, drive-in)  
Motorcycle dealer (primarily new / repair)  
Moving storage company  
Moving, transfer, or storage plant  
Museum  
Needlework shop  
Non-bulk storage of fuel, petroleum products and liquefied petroleum  
Nursing/convalescent home/sanitarium  
Offices, brokerage services  
Offices, business or professional  
Offices, computer programming and data processing  
Offices, consulting  
Offices, engineering, architecture, surveying or similar  
Offices, health services  
Offices, insurance agency  
Offices, legal services - including court reporting  
Offices, medical offices  
Offices, real estate  
Offices, security/commodity brokers, dealers, exchanges and financial services  
Outside storage (as primary use)  
Park and/or playground (private)  
Park and/or playground (public)  
Parking lots (for passenger car only) (not as incidental to the main use)  
Parking structure / public garage  
Pawn shop  
Personal watercraft sales (primarily new / repair)  
Pet shop / supplies (10,000 sq. ft. or less)  
Pet store (more than 10,000 sq. ft.)  
Photo engraving plant  
Photographic printing/duplicating/copy shop or printing shop  
Photographic studio (no sale of cameras or supplies)  
Photographic supply  
Plant nursery  
Plant nursery (growing for commercial purposes with retail sales on site)  
Plastic products molding/reshaping  
Plumbing shop  
Portable building sales

Propane sales (retail)  
Public recreation/services building for public park/playground areas  
Publishing/printing company (e.g., newspaper)  
Quick lube/oil change/minor inspection  
Radio/television shop, electronics, computer repair  
Rappelling facilities  
Recreation buildings (private)  
Recreation buildings (public)  
Recycling kiosk  
Refreshment/beverage stand  
Research lab (non-hazardous)  
Restaurant  
Restaurant/prepared food sales  
Retail store and shopping center  
Rodeo grounds  
RV park  
RV/travel trailer sales  
School, K-12 (public or private)  
School, vocational (business/commercial trade)  
Security monitoring company  
Security systems installation company  
Sheet metal shop  
Shoe repair shops  
Shooting gallery - indoor (see Sec. 5.13)  
Shopping center  
Sign manufacturing/painting plant  
Specialty shops in support of project guests and tourists  
Storage - exterior storage for boats and recreational vehicles  
Storage in bulk  
Studio for radio or television (with tower) (see Sec. 5.7)  
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)  
Tailor shop  
Tattoo or body piercing studio  
Taxidermist  
Telemarketing agency  
Telephone exchange (office and other structures)  
Tennis court (commercial)  
Theater (non-motion picture; live drama)  
Tire sales (outdoor)  
Tool rental  
Transfer station (refuse/pick-up)  
Travel agency  
Truck or transit terminal (with outside storage)  
Truck Stop  
University or college (public or private)  
Upholstery shop (non-auto)  
Used or second-hand merchandise/furniture store  
Vacuum cleaner sales and repair  
Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential  
Video rental / sales  
Warehouse / office and storage / distribution center  
Waterfront amusement facilities - berthing facilities sales and rentals  
Waterfront amusement facilities - boat fuel storage / dispensing facilities  
Waterfront amusement facilities - boat landing piers/launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses  
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system  
Welding shop  
Wholesale sales offices and sample rooms  
Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

- (2) Only the following manufacturing and processes are permitted when they meet the following requirements:

No use is permitted that would emit or cause radiation, dust, odor, smoke, gas or fumes objectionable to persons of ordinary sensitivity or reasonably hazardous to health, beyond the boundary property lines of the lot or tract upon which the use is located, and which do not generate noise or vibration at the boundary of the M-1A district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

Assaying works  
Cooperage works  
Foundries (iron, brass, bronze, aluminum).  
Hides and skins (storage and curing).  
Manufacture of adding machines, cash registers, typewriters, basket material, boxes, electric lamps, clay, shale and glass products, cutlery tools, bicycles, electrical machinery, tools, fiberglass products, and piping subassemblies  
Metal stamping, shearing, punching, forming, cutting, cleaning, heat treating, etc.  
Sheet metal shops  
Welding

- (3) *Conflict.* In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) *Maximum height, minimum area and setback requirements:*

- (1) Non-residential uses.
- (i) *Height.* 120 feet.
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Side building setback.* No side building setback is required.
  - (iv) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
  - (v) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

- (vi) *Residential setback.* Where a non-residential building abuts a one or two-family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
  - (vii) *Rear building setback.* 20 feet.
  - (viii) *Width of lot.* 60 feet.
  - (ix) *Lot depth.* 100 feet.
  - (x) *Parking.* See Sec. 5.1 for permitted uses' parking.
- (2) Multifamily dwellings.
- (i) *Height.* 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
  - (ii) *Front building setback.* 25 feet.
  - (iii) *Side building setback.* A side building setback of five feet shall be provided. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
  - (iv) *Garage setback.* Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
  - (v) *Rear building setback.* 25 feet.
  - (vi) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two-family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
  - (vii) *Accessory uses.* Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
  - (viii) *Width of lot.* The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 72 feet.
  - (ix) *Density.* 24 units per acre.
  - (x) *Lot area.* 20,000 square feet.
  - (xi) *Lot coverage.* The combined area of all yards shall be at least 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.
  - (xii) *Distance between structures.* There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear. (See Illustration 1)
  - (xiii) *Minimum number of units.* Five.

(xiv) *Parking.* For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:

1. One-bedroom apartment or unit . . . 1 1/2 spaces
2. Two-bedroom apartment or unit . . . 2 spaces
3. Each Additional bedroom . . . 1/2 space
4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space  
("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

See Section 5.1 for other permitted uses' parking.



### 3.6. *Special Use Permits.*

- 3.6-1. *Compatible and orderly development.* A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.
- 3.6-2. *Application processing.* Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

#### Types of Special Use Permit:

*Type 1.* Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.

*Type 2.* Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.

- 3.6-3. *Standards.* When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:
- (a) *Comprehensive plan consistency.* The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
  - (b) *Zoning district consistency.* The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
  - (c) *Supplemental Standards.* The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;
  - (d) *Character and integrity.* The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

A Type 2 Special Use Permit may include improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- (2) Off-street parking and loading areas;
- (3) Refuse and service areas;
- (4) Utilities with reference to location, availability, and compatibility;

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
  - (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - (7) Required yards and open space;
  - (8) Height and bulk of structures;
  - (9) Hours of operation;
  - (10) Paving of streets, alleys, and sidewalks,
  - (11) Provisions for drainage,
  - (12) Exterior construction material and building design; and
  - (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

3.6-4. *Procedures for special use permit (SUP).* Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).

3.6-5. *Revocation.* The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:

- (a) Construction is not begun within five years of the date of approval of the permit.
- (b) Progress toward completion is not being made. Progress toward completion includes the following:
  - (1) An application for a final plat is submitted;
  - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
  - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
  - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

- (5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
  - (c) *Abandonment of the project.* Abandonment includes development of the property in a way other than provided for by the SUP.
  - (d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.
  - (e) *Code violations.* Revocation may be considered if there are three or more code violations in a 720 day period.
    - (1) *Notice to property owner.* If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.
    - (2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.
    - (3) *Appeal to Municipal Court.* Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.
  - (f) *Revocation process.* The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.
  - (g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.
  - (h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.
- 3.6-6. *Compliance with conditions.* Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.
- 3.6-7. *Telecommunication towers and/or antennas.* See Sec. 5.7
- 3.6-8. *Deviation from Code.* The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.

## APPENDIX B - MOBILE HOME COMMUNITIES<sup>[1]</sup>

*An Ordinance Enforcing Minimum Standards For Mobile Home Communities; Establishing Requirements For the Design, Construction, Alteration, and Extension of Mobile Home Communities; Providing For Maintenance Regulations of Mobile Home Communities; Authorizing the Issuance of Permits For Construction, Alteration and Extension of Mobile Home Communities; Authorizing the Issuance and Transfer of Licenses To Administer Mobile Home Communities; Authorizing the Inspection of Mobile Home Communities; and Fixing Penalties For Violations.*

*Be It Ordained By the City Council of the City of New Braunfels, Texas, As Follows:*

Footnotes:

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**Editor's note**— Printed herein is Ord. No. 72-17, as adopted by the council on August 28, 1972. Amendments to such ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

**Cross reference**— Buildings and building regulations, ch. 14; businesses, ch. 18; hotels, lodginghouses, § 18-176 et seq.; community development, ch. 38; fire prevention and protection, ch. 54; water distribution system for fire protection, § 54-146 et seq.; health and sanitation, ch. 62; mobile homes, house cars and tourist courts, § 62-196 et seq.; mobile homes located outside a mobile home park, § 62-261 et seq.; planning, ch. 98; solid waste, ch. 110; streets, sidewalks and other public places, ch. 114; subdivisions, ch. 118; utilities, ch. 130; zoning, app. A.

### PART I. - ADMINISTRATION AND COMPLIANCE

#### Sec. 101. - Short title.

This ordinance shall be known and may be cited as the "New Braunfels Mobile Home Community Ordinance."

#### Sec. 102. - Findings and policy.

- (a) The New Braunfels city council finds that properly planned and operated mobile home communities:
  - (1) Promote the safety and health of the residents of such communities and of other nearby communities.
  - (2) Encourage economical and orderly development of such communities and other nearby communities.
- (b) It is, therefore, declared to be the policy of this New Braunfels, Texas, city council to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planned and supervised mobile home communities and by providing for the standards and regulations necessary to accomplish these purposes.

#### Sec. 103. - Definitions.

[The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Accessory structure.* Any structural addition to the mobile home, including awnings, cabanas, carports, porches, storage cabinets, and similar appurtenant structures.

*Barrier, natural or artificial.* Any river, pond, canal, railroad, levee, embankment, or screening fence of masonry or solid wood not less than six feet high.

*Building.* A roofed structure erected for permanent use.

*Certificate of occupancy.* A certificate, issued by the building official, certifying that all work on any building or project has been inspected by the official, meets all building requirements, and is ready for occupancy.

*City.* The City of New Braunfels, Texas.

*City officers.* Includes but [is] not limited to the following: Building official, local health authority, city sanitarian, fire chief, policeman, planning director, and tax assessor-collector.

*Common area.* Any area or space designed for joint use of all tenants of the mobile home community.

*Community.* As used in this ordinance, shall mean mobile home community or mobile home park.

*Cul-de-sac.* A short, minor, private street having but one access to another street and terminated by a vehicular turnaround.

*Driveway.* A minor, private way off a common access route within the community to an off-street auto parking area serving one or more mobile homes.

*Enforcing agency.* Any officer of the city, or health agency of this state, who is charged by law to enforce the provisions of this [appendix] and other applicable regulations.

*License.* A document issued by the local health authority which will allow a person to operate and maintain a mobile home community under the provisions of this [appendix] and other applicable regulations.

*Licensee.* Any person who holds a valid license to operate and maintain a mobile home community under the terms of this [appendix] and other applicable regulations.

*Living unit.* A residential unit complete with facilities to accommodate one person or family with provisions for eating, sleeping, and sanitation.

*Lot area.* The total area reserved for placement of one mobile home and the exclusive use of its occupants.

*Manager or owner.* The person who owns or has charge, care, or control of the mobile home community.

*Mobile home.* A complete living unit manufactured at a location away from the homesite in one or more parts. Each part is manufactured with its own chassis and wheels and is designed to be pulled to the homesite where it arrives as one unit or is expanded or assembled into one unit. A mobile home must be at least eight feet wide and 35 feet long according to the certificate of title. Any smaller size is considered a recreational vehicle.

(Ord. No. 73-27, § 1, 9-24-73)

*Mobile home community.* A unified development of mobile home spaces restricted to mobile home use, with community facilities and permitted permanent buildings; this development being located on a single tract of land under one ownership and meeting the requirements of this ordinance.

*Mobile home community plan.* A complete and exact plan of the proposed community (as described in section (104.20) of this ordinance), which is submitted to city officers for review.

*Mobile home, dependent.* A mobile home which does not have a kitchen sink, flush toilet, lavatory, and a tub or shower.

*Mobile home, independent.* A mobile home which has a kitchen sink, flush toilet, lavatory, and a tub or shower.

*Mobile home stand.* That part of a lot area which has been reserved for the placement of one mobile home and permitted accessory structures.

*Office building.* A mobile home or permanent building located on the mobile home community site where the community register and records are kept and community rules and regulations are on public display.

*Parking space, off-street.* An area not less than nine feet wide and 18 feet long, having unobstructed access from a street within the community and located on a mobile home lot or in a common parking area, or in a common parking and storage area located within 100 feet of the lot it serves.

*Permanent building.* Any building that is not an accessory building.

*Permit.* A written document issued by the building official permitting the construction, alteration, or expansion of mobile home community facilities.

*Person.* Any individual, firm, trust, partnership, public or private association or corporation.

*Recreational vehicle, independent.* Any travel trailer, pickup camper, motor home, camping trailer, or mobile home less than eight feet wide and 35 feet long according to the certificate of title, that has its own sink, lavatory, flush toilet, and tub or shower and is designed so that it may be connected to available utilities.

(Ord. No. 73-27, § 1, 9-24-73)

*Service building.* A building housing toilet and sanitary facilities, as required by this ordinance.

*Shall.* Indicates that which is required.

*Should.* Indicates that which is recommended but not required.

#### Sec. 104. - Permits.

(104.10) *Permit required.* It shall be unlawful for any person to construct, alter or extend any mobile home community within the city limits of New Braunfels unless he holds a valid permit issued by the building official in the name of such person for the specific construction, alteration or extension proposed. (This is not the same permit as required in section (301.18), when mobile homes are moved or relocated.)

(104.20) *Application requirements for permit.* All applications for permits shall contain the following:

- (a) Name and address of applicant;
- (b) Location and legal description of the proposed mobile home community (hereinafter called the "community");
- (c) Permit fee (see section (104.30));
- (d) Five copies of the complete site and engineering plans and specifications of the proposed community, at a scale of one inch equals 100 feet or larger as necessary, including but not limited to the following:
  - (1) The area, dimensions, and bearings of the tract of land (not to supersede or preclude any subdivision plat to be filed in county records as required by state and local subdivision regulations);
  - (2) The number, location and size of all mobile home lots and the mobile homes-per-acre ratio;
  - (3) The location and width of roadways, walkways and driveways;
  - (4) The location and size of water and sewer lines and riser pipes;
  - (5) Plans and specifications of the water supply and refuse and sewage disposal facilities;
  - (6) The location and details of lighting, electrical, and gas systems;

- (7) Site locations of all service buildings and community facilities, including but not restricted to: Office, recreation areas and facilities, storage buildings, sanitary facilities, etc.;
- (8) Existing and proposed topography on two-foot contours;
- (9) The location and size of fire mains, the location of hydrants, and any other equipment which may be provided;
- (10) Plans and specifications of all buildings altered or to be constructed within the community at a scale of one-fourth inch equals one foot or larger; and
- (11) Such other information as municipal reviewing officials may reasonably require.

(104.30) *Permit fee.* The application shall be accompanied by the deposit of a fee, the amount of which varies with the size of the project and is computed as outlined in section 14-27 of the Code of Ordinances of the City of New Braunfels and paid to the City of New Braunfels through the building official.

(104.40) *Issuance of permit.* When, after review of the application and plans by the utilities department, city engineer, building official, fire chief, local health authority and planning director, the building official is satisfied that the proposed plan meets all requirements of this [appendix] and other applicable ordinances, a permit shall be issued. After a permit is issued, any changes in the plans must be submitted apart from the initial plans and according to the same procedure.

(104.50) *Denial of permit; hearing.* Any person whose application for a permit has been denied because of a provision of this ordinance with which compliance as required is impossible or unreasonable may request and shall be granted a hearing before the zoning board of adjustment, according to the procedure set forth in section (107.20). Any person whose permit has been denied because of a provision of any other ordinance may request and shall be granted a hearing on the matter before the appeal board having jurisdiction and according to the procedure authorized by such ordinance. (See also section (107.20).)

(Ord. No. 73-27, § 2, 9-24-73)

#### Sec. 105. - Licenses.

(105.10) *Community operator's license required.* It shall be unlawful for any person to operate any mobile home community within the city limits of the City of New Braunfels unless he holds a valid license issued annually by the local health authority in the name of such person for the specific community. All applications shall be made in writing on forms furnished by the local health authority, and returned to the same officer, who shall issue a license upon compliance by the applicant with the provisions of all applicable ordinances. The local health authority shall not issue a license unless the applicant is the holder of a valid permit and certificate of occupancy issued by the building official. If at any time a certificate of occupancy is revoked, the license is automatically void. The license will expire at midnight, June 30th, of each year.

Each community shall be thoroughly inspected by the fire chief, building official, police chief, and the local health authority (or their authorized representative) annually, and all shall determine that the community meets all requirements of all applicable ordinances before the license is renewed.

(105.20) *Application for original license.* The application for the original license shall be according to the procedure set forth in section (105.10) and shall be accompanied by:

- (a) An affidavit by the applicant as to the truth of the application;
- (b) One set of engineering plans as approved by the building official and outlined in section (104.20)(d);
- (c) A copy of the valid certificate of occupancy and permit; and
- (d) License fee (see section (105.41)).

(105.30) *Application for license renewal.* The application for license renewal shall be according to the procedure as set forth in section (105.10) and shall contain any change in the information occurring after the original license was issued or the latest renewal granted.

(105.40) *License fee.*

(105.41) *Original license.* Original license fee shall be computed as in section (105.42) except the fees shall be prorated on a quarterly basis as follows:

- (a) *First quarter.* Applications filed during the first quarter of the city's fiscal year shall be accompanied by the full amount of the annual fee.
- (b) *Second quarter.* Applications filed during the second quarter shall be accompanied by three-fourths of the annual fee.
- (c) *Third quarter.* Applications filed during the third quarter shall be accompanied by one-half the annual fee.
- (d) *Fourth quarter.* Applications filed during the fourth quarter shall be accompanied by one-fourth the annual fee.

(105.42) *License renewal.* License renewal applications shall be accompanied by a fee of \$200.00 for mobile home communities with 1—100 spaces, \$300.00 for mobile home communities with 101—200 spaces, and \$500.00 for mobile home communities containing greater than 201 spaces.

(Ord. No. 2013-75, § II, 12-9-13)

#### Sec. 106. - Inspection.

(106.10) *Inspections required.* All city officers are hereby authorized and directed to make such inspections as necessary to determine compliance with this ordinance or other applicable ordinances. In addition, the fire chief, building official, police chief, and local health authority (or their authorized representative) shall inspect each community annually before the operator's license is renewed and before each transfer of license, as outlined in sections (105.10) and (105.50).

(106.20) *Entry on premises.* All city officers shall have the authority, while discharging their official duties relative to this ordinance, to enter at reasonable times upon any private or public property.

(106.30) *Inspection of register.* All city officers shall have the authority, while discharging their official duties, to inspect the register of the community containing all records as required by this ordinance. (See section (301.11).)

(106.40) *Duty of occupants; entry on private property.* It shall be the duty of every occupant of a community to give the licensee, his agent, or authorized employee, access to any part of such community at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this ordinance or any other applicable ordinance.

#### Sec. 107. - Notices, hearings, and orders.

(107.10) *Notice of violations; requirements of notice.* Whenever it is determined by any city officer that there has been a violation of any of the provisions of this ordinance or any applicable ordinance, the local health authority shall give notice of the alleged violation to the licensee or his agent, as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include a statement of the reasons for issuance;
- (c) Allow a reasonable time for the performance of the act it requires and specify the time allowed;



- (d) Be served upon the licensee or his agent; provided that such notice or order shall have been deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state; and
- (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance or other applicable ordinances.

(107.20) *Appeal from denial of permit by the building official.* Any person denied a permit under a provision of this ordinance, as set out in section 104, with which compliance as required is impossible or unreasonable, may request and shall be granted a hearing before the zoning board of adjustment; provided that such person shall file within ten days after the permit was refused, in the office of the building official, a written petition requesting such hearing and giving a brief statement of the grounds therefor. Such petition shall be accompanied by a fee of \$10.00. When the building official receives such a petition, he shall set a time and place for the hearing and give the petitioner a written notice thereof. At the hearing, the petitioner shall have an opportunity to be heard and to show why such refusal should be modified or withdrawn.

Any person denied a permit because of a violation under a provision of any other applicable ordinance shall have access to the appeal board having jurisdiction under that ordinance and according to the procedure authorized by such ordinance.

(Ord. No. 73-27, § 2, 9-24-73)

(107.30) *Appeal from notice of license suspension issued by local health authority.* Any person issued a notice of license suspension by the local health authority in connection with the enforcement of any provision of this ordinance with which compliance as required is impossible or unreasonable may request and shall be granted a hearing on the matter before the zoning board of adjustment; provided that such person shall file within ten days after the day notice of license suspension was served, in the office of the local health authority, a written petition requesting such hearing and setting forth a brief statement of the reasons for appeal. The petition shall be accompanied by a fee of \$10.00. (The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an emergency notice or suspension issued under section (107.50) of this ordinance). Upon receipt of such petition, the local health authority shall forward such petition to the building official, who shall set a time and place for such a hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice of license suspension should be modified or withdrawn. Any person issued a notice of license suspension because of a violation under a provision of any other applicable ordinance shall have access to the appeal board having jurisdiction under that ordinance and according to the procedure authorized by such ordinance.

(Ord. No. 73-27, § 2, 9-24-73)

(107.40) *Hearing and order after the hearing.* After such hearing, the building official (if the appeal was made under section (107.20) of this ordinance), or the local health authority (if the appeal was made under section (107.30) of this ordinance), shall issue an order in writing sustaining, modifying or withdrawing his notice of license suspension, which order shall be served as provided in section (107.10) of this ordinance. Upon failure to comply with such an order (after a hearing), the occupancy permit and the license of the community affected by the order shall be revoked.

Any failure of the licensee to comply with this order will make him subject to prosecution in a court having jurisdiction, under terms set out in part VII of this ordinance.

(107.50) *Order without notice.* Whenever the local health authority finds an emergency exists which requires immediate action to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as he may deem necessary to meet the emergency. Any order issued under this provision shall be effective immediately. The person to whom this order is directed shall comply therewith immediately, but upon written petition to

the local health authority shall be afforded a hearing before the zoning board of adjustment as soon as possible. The provisions of section (107.40) shall apply to such hearing and the order issued thereafter.

Any failure of the licensee to comply with any order without notice will make him subject to prosecution in a court having jurisdiction, under terms set out in part VII of this ordinance.

(Ord. No. 73-27, § 2, 9-24-73)

## PART II. - DEVELOPMENT STANDARDS

### Sec. 201. - General requirements; environmental requirements.

(201.10) *Development plans; content and submission.* The development plans shall be filed with the building official when application is made for a permit and in accordance with section 104 of this ordinance.

(201.20) *Site requirements.*

(201.21) *Zoning district.* Mobile home communities shall be located only in the zoning district or location authorized by the zoning ordinance, the planning and zoning commission, and the city council of the City of New Braunfels.

(201.22) *Residential use.* Communities shall be used for residential purposes only except such uses [which] are permitted or are required for the direct servicing of the specific community residents or its management, and to provide for community maintenance. Nothing in this section shall prohibit the sale of a mobile home while it is located on its stand and connected to pertinent utilities.

(201.23) *Health and safety hazards.* Conditions of soil, groundwater level, drainage and topography shall not create hazards to the health or safety of its occupants. The site shall be located away from sources of objectionable smoke, dust, noise, odors and other adverse influences, and no portion subject to predictable flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

(201.24) *Site size.* The total initial development of any community shall not be less than four acres fully improved with served spaces.

(201.30) *The mobile home lot.*

(201.31) *Lot area.* There shall be no minimum lot area but such area shall be controlled by a maximum density, setback, or other required area or spacing requirement, as required by this ordinance. Lot lines shall be clearly defined on the ground.

(201.32) *Lot location.* All lots shall abut upon a community street which shall have unobstructed access to a wider community street or public street. (For street requirements, see section (201.70).)

(201.33) *Maximum density.* There shall be a maximum density of eight residential units per acre and one single-family residential unit per lot, with its permitted accessories and parking area.

(201.34) *Mobile home stands.* A mobile home stand to provide adequate support for a mobile home shall be provided on each lot. It shall not shift or settle under the weight of the mobile home. Anchors or tie-downs shall be furnished by the developer and shall be cast-in-place steel deadman eyelets imbedded in concrete, or acceptable anchors, and shall be placed at each corner of the stand and at intervals of 20 feet or less. Each anchor shall be able to withstand a minimum sustained pull of 2,400 pounds and each pair of anchors and their tie or strap shall be able to withstand a minimum tensile stress load of 4,800 pounds. All existing mobile homes shall have their frames attached to the anchors. All mobile homes manufactured or installed after passage of this ordinance shall have acceptable ties or straps passed over the mobile home and attached to the anchors in addition to having their frame attached to the anchors.

(201.35) *Structure setback and spacing requirements.*

- (a) There shall be at least 15 feet clearance between all mobile homes and all permanent or nonaccessory structures.
- (b) There shall be at least five feet of clearance between any mobile home or its accessory structure and any lot line; except the front lot line, where the clearance shall be ten feet, and except where a lot line and a community property line coincide; then section (201.35)(c) shall apply.
- (c) No mobile home or nonaccessory structure shall be closer than ten feet to any community property line not adjoining a public street, nor closer than 25 feet to a property line adjoining a public street. The required setback distance for an accessory structure shall be ten feet from any community property line.

(201.36) *Off-street parking and driveways.* There shall be at least two off-street parking spaces for each developed mobile home lot abutting on a street less than 30 feet in width. Where a lot abuts a street of 30 feet or more in width on which street parking is permitted, one off-street parking space per lot is required and two spaces are recommended. (See "parking space" definition in section 103.) Driveways to such off-street parking spaces shall be at least 12 feet wide. (Also see sections (201.71)(d) and (201.74)(a).)

(201.37) *Tenant storage facilities.* To decrease the fire hazard and promote tenant well-being and safety, tenant storage facilities should be provided in an enclosed structure located on each lot or within 100 feet of each lot. If provided, there shall be a minimum of 200 cubic feet of space provided for each developed lot. The structure shall be designed in a manner that will enhance the appearance of the community and shall be faced with masonry, porcelanized steel, baked enamel steel or other material equal in fire resistance. Storage outside the mobile home shall be permitted only within such facilities or in accord with section (302.14) of this ordinance. The structure shall be securely fastened to the ground if not located permanently.

(201.40) *Open space and recreation.* Not less than six percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location, free of traffic hazards, and easily accessible to all community residents. When this recreation area will exceed two-thirds of an acre, the recreation areas may be divided into two or more separate areas, provided that no recreation area shall contain less than 5,000 square feet. Recreation areas may include community use facilities, ballfields, swimming pools, child play areas and other similar facilities.

(201.50) *Lighting.* All streets, walkways and the area around service buildings and community facilities shall be illuminated to a minimum of one-tenth footcandle. (Also see sections (201.76) and (203.21)(d).)

(201.60) *Screening and buffer strips.* A screening and buffer barrier, as defined in this ordinance, shall be properly erected and maintained at the expense of the developer between this community and any abutting "R" zoning district, and should be provided between the community and any farm-market, state or federal highway, provided all fences meet effective setback requirements.

(201.70) *Streets.*

(201.71) *General requirements.*

- (a) All mobile home lots shall abut upon a community street which shall have unobstructed access to a public street or highway. (For specific street width requirements, see section (201.74).)
- (b) Traffic signs, equal in type and quality to those used by the City of New Braunfels, shall be installed to city specifications.
- (c) Parking rules shall be posted and enforced.
- (d) Minimum construction standard for streets and driveways shall be a base of at least six inches of crushed stone, gravel, or equal material compacted to maximum practical density

and surfaced with a two-course surface treatment of asphaltic material, each covered with aggregate.

- (e) All streets and driveways shall be maintained by the owner or agent and be free of cracks, holes, and other hazards, and provide for proper drainage; should be designed by a licensed professional engineer; should have curbs meeting city specifications; and shall be approved by the city engineer before an occupancy permit is issued. (The city engineer may furnish the community developer with the city's minimum street specifications if the developer wishes to use them.)
- (f) Community street names shall not duplicate or nearly duplicate existing city street names by pronunciation or spelling.

(201.72) *Entrances to community.* At least two entrances to the community are recommended, and if the community exceeds 100 potential lots or 12.5 acres, at least two entrances are required. Such entrances shall have at least 36 feet of paved width from the community entrance to a distance of 100 feet inside the community. Street parking shall be prohibited from the community entrance to a point 100 feet inside an entrance. Entrances shall be illuminated at night in accordance with section (201.76) and should have a minimum inside curve turning radius of 25 feet where entrance pavement joins a public street.

(201.73) *Circulation.* Streets should be adequate in width and quantity to provide convenient circulation for the anticipated traffic loads. No cul-de-sac street shall be over 500 feet in length. Each cul-de-sac street shall be terminated by a turnaround with a minimum diameter of at least 90 feet.

(201.74) *Street widths.*

- (a) Any driveway or accessway to an off-street parking space or facility shall be at least 12 feet wide.
- (b) Streets serving 20 or less than 20 lots shall have a minimum width of 20 feet. (See also sections (201.74)(c) and (201.74)(d).)
- (c) Where street (parallel) parking is permitted along one side, the minimum street width shall be 30 feet.
- (d) Where street (parallel) parking is permitted along both sides, the minimum street width shall be 36 feet.
- (e) No corner or inside curve radius of any community street should be less than 25 feet.

(201.75) *Intersections.* Streets should intersect at or near right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.

(201.76) *Street lighting.* All the street system shall be illuminated with at least one-tenth footcandle. Entrances and major street intersections shall be lighted with at least three-tenths footcandle.

(201.80) *Walks.* Walkways, not less than three feet wide, shall be provided from mobile home spaces to the service and community facility buildings and should be provided along all community streets. They shall be constructed of at least two inches of asphalt or concrete on a six-inch base of compacted sand or gravel or better. Sudden changes in grade should be avoided and steps should be well illuminated.

## Sec. 202. - Utilities and services.

(202.10) *Water supply and distribution.*

(202.11) *General requirements.* An accessible, adequate, safe and potable supply of water shall be provided in each community. The municipal water supply shall be used if available. Where the municipal supply is not available or if extreme hardship will be encountered to make it available, a private supply may be used if approved by the local health authority, fire chief, and other enforcing officials having jurisdiction.

(202.12) *Source and volume of supply.*

- (a) Every water source, supply, or system shall be subject to applicable health regulations.
- (b) The water supply and system shall be capable of supplying an adequate amount of water to meet all domestic and fire protection requirements.
- (c) Domestic water requirement of this ordinance shall be at least 150 gallons per day per mobile home.

(202.13) *Water distribution system.*

- (a) Water shall be made available by the developer to all mobile homes, buildings, and other facilities requiring water and in sufficient quantity to meet minimum requirements of this ordinance.
- (b) All the water system must be constructed to meet applicable plumbing and building codes.
- (c) A city-approved fire hydrant, connected to a six-inch water line or larger, shall be located within 500 feet of any mobile home or building within the community. If such line is metered, a city-approved fire-line meter shall be used. (See also sections (301.12) and (306.16).) If no six-inch water line or larger is available and cannot immediately be made available, then fire hydrants are required only when such water line becomes available.

(202.14) *Individual riser pipes and connections.*

- (a) Individual riser pipes and connections shall be constructed in accordance with applicable plumbing and building codes.
- (b) A shutoff valve below the frostline shall be provided on each riser pipe of each lot.
- (c) Water riser pipe diameter shall be at least three-quarter inch, and the outlet shall be capped when not in use.

(202.20) *Sewage disposal.*

(202.21) *General requirements.* The [sewer] system shall be constructed in accordance with all applicable plumbing and building codes.

(202.22) *Sewer line requirements.* All sewer lines shall be capable of a minimum daily flow of 150 gallons per day per mobile home lot.

(202.23) [ *Individual riser pipes and connections.* ] Individual riser pipes and connections shall comply with applicable plumbing and building codes.

(202.24) *Sewage treatment and discharge.*

- (a) The system shall be connected to the city sewage system unless extreme hardship is encountered. Then, a private treatment facility may be used if approved by the appropriate regulatory agency of the state; except that the use of septic tanks for the disposal of sewage shall not be approved.
- (b) If permitted, a private sewage treatment facility shall be constructed and operated in accordance with all state and local laws, and effluents from such facilities shall not be discharged in any manner other than that which has been previously approved by the [local health authority] and the appropriate regulatory agency of the state.

(202.30) *Solid waste handling and disposal.*

(202.31) The storage, handling and disposal of refuse within the community shall be so conducted that it will not create fire or health hazards, rodent harborage, insect breeding areas, or air pollution.

(202.32) Individual garbage cans should be kept in racks to prevent tipping and shall have tightfitting lids. Centralized collection stands are encouraged but should be within 100 feet of the lots served.

(202.33) Containerization or centrally located dumper facilities are authorized if permitted by the refuse collection agency.

(202.34) All refuse shall be collected at least twice weekly.

(202.35) Garbage incinerators are not permitted. Garbage shall be transported in closed containers or vehicles to a landfill or disposal site approved by the local health authority or agency having jurisdiction.

(202.36) The refuse disposal department of the City of New Braunfels is the only refuse collection agency authorized to operate within the city unless otherwise ordered by the city council.

(202.40) *Electrical distribution system.*

(202.41) *General requirements.*

- (a) Overhead or underground electric service shall be required throughout the community.
- (b) Installation shall comply with all applicable electrical and building codes.

(202.42) *Distribution system.*

- (a) The secondary distribution system shall provide at least single-phase, 120/240 volt service to each lot and permanent building.
- (b) Underground systems are encouraged. All underground direct burial lines shall be buried at least 30 inches below ground level and underground lines in conduit shall be buried at least 24 inches below ground level, unless encased in concrete; then local codes shall apply. All buried lines shall be not less than two feet radial distance from any other utility line.

(202.43) *Service equipment.*

- (a) Service equipment for each lot must be rated at not less than 100 amperes and larger capacity equipment may be required if the anticipated service loads demand such equipment.
- (b) Electrical receptacles may be provided for connection of electrical equipment located outside the mobile home or permanent buildings, but they shall be weatherproof and they shall be on a different circuit than the mobile home or building.
- (c) All required electric meters shall be installed in such a manner that they can be easily read and will be protected from damage.
- (d) Installation shall comply with applicable building and electrical codes.

(202.50) *Gas distribution system.*

(202.51) *General requirements.*

- (a) Installation and design of gas distribution system shall be in accordance with all applicable state and city regulations.
- (b) All gas piping shall have a minimum of 18 inches of earth cover and shall not be installed beneath a mobile home stand or permanent building.

(202.52) *Shutoff valves.*

- (a) A system shutoff valve, readily accessible and identifiable, shall be installed near the point where the community system is connected to its source of supply.
- (b) Each lot shall have an approved shutoff valve located on the riser pipe to such lot, at a point above grade level, readily accessible and identifiable and not under a mobile home.

(202.53) *Service equipment.*

- (a) Installation [of service equipment] shall comply with plumbing and other applicable regulations.
- (b) City-approved three-quarter-inch pipe and fittings shall be used for the mobile home connection to the lot outlet.
- (c) Lot outlets, riser pipes, meters, valves, regulators, and other exposed gas equipment shall be protected from mechanical damage by vehicles and other causes.
- (d) Lot gas service connections shall be equipped with an approved cap or plug when not in use.
- (e) Lot gas connection shall be installed at the edge of the mobile home stand.

(202.60) *Liquefied petroleum distribution system.* Liquefied petroleum gas containers, if permitted, shall be installed and used in accordance with all applicable federal, state, and city regulations but no containers not in use shall be stored in the community.

(202.70) *Telephone and television system.* When telephone or television cable service to each lot is provided, the distribution system may be an aerial or underground system but shall be in accord with each other.

#### Sec. 203. - Service buildings and community facilities.

(203.10) *Community sanitary facilities.* If a community building or recreation building is provided within the community, it shall contain sanitary facilities or restrooms for both men and women.

(203.20) *Permanent buildings.* [Permanent buildings,] to include sanitary facilities, laundry facilities, storage buildings, indoor recreation areas, office, and other community service facilities[, shall be regulated as provided in this section]. Such a building shall be accessible from all mobile home lots.

#### (203.21) *Structural requirements.*

- (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and so constructed and protected as to prevent entrance or penetration of moisture, heat, and cold.
- (b) All rooms containing sanitary or laundry facilities shall have:
  - (1) Solid, sound-resistant walls extending from floor to ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent and waterproof material, or covered with waterproof material.
  - (2) At least one window facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them.
  - (3) Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.
- (c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- (d) Illumination levels shall be maintained as follows:
  - (1) General seeing tasks: Five footcandles.
  - (2) Laundry room and work areas: Forty footcandles.
  - (3) Toilet room, in front of mirrors: Forty footcandles.

- (e) Hot and cold running water with mixing faucet shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.
- (f) Rooms shall be maintained at a reasonably comfortable temperature (70 to 80 degrees Fahrenheit yearround).

### PART III. - COMMUNITY MAINTENANCE REGULATIONS

#### Sec. 301. - Responsibilities of the management.

[The community manager or owner shall have the following responsibilities:]

- (301.10) License and occupancy permit must be valid and on display in the community office.
- (301.11) Maintain a current community register, available for inspection at the community office, and containing the following:
  - (a) Names and addresses of all community residents.
  - (b) Mobile home registration data including make, length, width, year of manufacture, and identification number [for each mobile home in the community].
  - (c) Location of each mobile home within the community by space or lot number and street address if applicable.
  - (d) Dates of arrival and departure of each home.

(Ord. No. 73-27, § 3, 9-24-73)

- (301.12) Provide adequate supervision to maintain the community in compliance with this ordinance and to keep its facilities in good repair and in a clean and sanitary condition. Immediate attention shall be given to damaged fire hydrants.
- (301.13) Provide community regulations for community residents which shall not conflict with this ordinance or other ordinances; inform each resident of his duties and responsibilities; and keep such regulations on public display at the office and in community buildings.
- (301.14) Restrict admittance to include only independent mobile homes and independent recreational vehicles and allow independent recreational vehicles only on a temporary basis. (For the purpose of this ordinance, "temporary" shall be considered as a period of [up to] 180 days.)

(Ord. No. 73-27, § 4, 9-24-73)

- (301.15) Provide for enforcement of parking restrictions. (Refer to sections (201.72) and (201.74).)
- (301.16) Provide for proper solid waste and garbage disposal.
- (301.17) Supervise placement and installation of each mobile home on its stand to include securing it to the ground and connection of its utilities. This shall be completed within 30 days after mobile home is located on a lot.

(Ord. No. 73-27, § 5, 9-24-73)

- (301.18) Secure a permit from the city building official before a mobile home is located or relocated within the community. (The cost of this permit and the first inspection shall be \$3.00 per mobile home. Any additional inspections necessary to assure compliance shall be \$5.00 each.) Application for this permit shall be made to the building official within two city workdays (not



including holidays or Saturday and Sunday) after the mobile home arrives at the community. No skirting shall be permanently attached until after the inspection is complete.

Sec. 302. - Responsibilities of the resident.

[Residents of the community shall have the following responsibilities:]

(302.10) Resident shall comply with applicable requirements of this ordinance and maintain his lot and its facilities in good repair and in a clean, sanitary condition.

(302.11) Resident shall place his mobile home and install his utility connections in accord with the provisions of applicable ordinances.

(302.12) Pets, if permitted, shall not be permitted to run at large or commit any nuisance.

(302.13) Skirtings, awnings, porches and other accessory structures that may be permitted or required shall be in accord with community rules and regulations and applicable ordinances.

(302.14) Storage shall be only in authorized storage areas or permitted accessory buildings and is permitted under a mobile home only when the home is skirted and material stored is not flammable.

(302.15) Resident shall store and dispose of his rubbish and garbage in a clean, sanitary, and safe manner. Garbage containers shall be rodentproof, insectproof and watertight.

Sec. 303. - Accessory structures.

(303.10) Accessory structures shall be permitted only as defined by this ordinance and shall be subject to the approval of the management and the city building official.

(303.11) Accessory structures shall maintain the same clearance and setback requirements as any permanent building or mobile home except as provided in sections (201.35)(b) and (201.35)(c) of this ordinance.

Sec. 304. - Mobile home placement and anchorage.

(304.10) Placement [of mobile homes] shall be on a mobile home stand located on a lot and shall be under the direction of the management. (See sections (201.34), (301.17), (301.18), and (302.11).)

(304.11) The home shall be properly secured against high wind velocities by tying to anchors or tie-downs provided. (See section (201.34).)

(304.12) Accessory structures shall conform to applicable parts of this ordinance. (See sections (201.35)(b) and (c), and (201.37).)

Sec. 305. - Insect and rodent control.

(305.10) Grounds, buildings, and structures shall be maintained free of rodent and insect harborage and infestation.

(305.11) Growth of brush and noxious weeds and grasses shall be controlled.

(305.12) Extermination methods shall be safe for humans.

Sec. 306. - Fire protection.

(306.10) The storage and handling of all flammable liquids and gases shall comply with all federal, state, and local regulations.

(306.11) The community shall be maintained free of rubbish, dry brush, leaves, and weeds.

(306.12) No stored material is permitted under a mobile home unless the home is skirted and material stored is not flammable.

(306.13) Required yards and setbacks shall be maintained.

(306.14) Damaged fire hydrants shall be repaired immediately.

(306.15) No incinerators are permitted and no cooking fires shall be left unattended.

(306.16) Fire hydrant installation shall comply with section (202.13)(c) of this ordinance.

#### PART IV. - COMPLIANCE AND NONCONFORMING CLAUSE

Existing mobile home community operators shall have until January 1, 1974 [sic], to bring existing facilities into compliance with this ordinance except as stated hereafter or where, after appeal to the zoning board of adjustment, the board declares that strict or immediate required compliance is impossible or unreasonable and will constitute undue hardship that will prevent the operator from using his property as a community.

Existing mobile home communities shall be required to comply with section (201.35) when any accessory building is moved or installed. Existing mobile home communities shall not be required to comply with section (201.35) when any mobile home is relocated or installed on a lot which existed in July, 1973; however, no mobile home may be placed on a particular lot if such mobile home is larger than the mobile home which was on that lot, or a similarly sized lot in that community, during July, 1973.

Each community owner or operator shall submit two copies of a plat, drawn to a scale acceptable to the building official. The plat shall show all existing, fully developed lots and the correct dimensions. The building official will note the maximum size home permitted on each lot and no mobile home shall be placed on an existing lot which will exceed either the length or the width of the maximum size denoted on the plat.

Existing mobile home communities shall be required to comply with all provisions of section (201.35) on any lots which may be added or developed in the future.

Existing communities shall not be required to comply with sections (201.24), (201.40), (201.72), (201.74), (202.24), (202.70) and (203.10), unless they expand their site area or increase the number of mobile homes served; then they shall be required to comply with all provisions of this ordinance within the additional area or homes served only.

(Ord. No. 73-27, § 6, 9-24-73)

#### PART V. - CONFLICT OF ORDINANCES

This ordinance shall repeal every prior ordinance and provision of the Code of Ordinances of the City of New Braunfels in conflict herewith but only to the extent that such prior ordinance or provision shall be in conflict. In relation to all other ordinances or provisions not in direct conflict herewith, this ordinance is hereby made cumulative.

#### PART VI. - EFFECT OF PARTIAL INVALIDITY

If any part or provision of this ordinance shall be declared void or unconstitutional by a court having competent jurisdiction, such declaration shall in no way affect the remaining parts or provisions and they shall remain in full force and effect.

#### PART VII. - PENALTIES

Any person violating this ordinance shall be subject to a fine not to exceed \$500.00 for each provision violated, and each day that there is a failure to comply with the terms of any provision of this ordinance is declared to be a separate offense.

**State Law reference—** Penalties, V.T.C.A., Local Government Code § 54.001.

[PART VIII.] - CONCLUSION AND EFFECTIVE DATE

Be it therefore ordained by the city council of New Braunfels, Texas, that this ordinance shall be in effect upon the 10th day after third and final reading and publication as required by the city Charter.