

ALTERNATIVE HOUSING STRUCTURES ORDINANCE  
CITY OF THORNDALE  
Ordinance No. 2018-01

AN ORDINANCE OF THE CITY OF THORNDALE, TEXAS,  
ADOPTING ALTERNATIVE HOUSING STRUCTURES  
REGULATIONS; PROVIDING FOR ENFORCEMENT,  
INCLUDING FINES AND CRIMINAL PENALTIES NOT TO  
EXCEED \$2,000.00; A REPEALER; SEVERABILITY; AND  
EFFECTIVE DATE; PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Thorndale seeks to promote safe and orderly construction activities within its corporate limits; and

WHEREAS, the City Council seeks to deter poor craftsmanship and substandard work by contractors; and

WHEREAS, the City Council is authorized to regulate construction and enforce its regulations pursuant to the City's general police powers and Texas Local Government Code Chapters 51, 54 and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the City Council is expressly authorized to establish procedures to adopt building regulations, establish local amendments to standard codes, and provide for the administration and enforcement of the codes; and

WHEREAS, the City Council finds that the municipal regulation of the buildings used as residences is necessary for the protection of the public health, safety, and general welfare; and

WHEREAS, the City Council finds the enclosed codes and rules to be reasonable and necessary.

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

ARTICLE I. ENACTMENT

SECTION 1.01 POPULAR NAME

This Ordinance may be referred to as the "Alternative Housing Structures Ordinance"

SECTION 1.02 FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 1.03 PURPOSE

This Ordinance is adopted so that the City Council may promote the public health, safety and general welfare within the City of Thorndale through the adoption of codes regulating and governing the design, construction, quality of materials, erection, installation, alteration,

repair, location, relocation, replacement, addition to, use or maintenance of structures and/or their systems and other construction activities.

#### SECTION 1.04 SCOPE OF JURISDICTION

The provisions of this Ordinance shall apply within the city limits (i.e., incorporated municipal boundary) of the City.

#### SECTION 1.05. DEFINITIONS

- A. DEFINITION OF ALTERNATIVE HOUSING STRUCTURE. A structure outside the definition of a Mobile Home or Manufactured Home as defined by Section 1.02, that is:
1. designed, purposed, or repurposed as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems;
  2. constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
  3. designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- B. Examples of an Alternative Housing Structure include but are not limited to: Industrialized Buildings, Industrialized Housing, Relocatable Educational Facilities, Modular Homes, Sectional Homes, Cabins, and Tiny Homes intended to be used as a dwelling. This term does not include a recreational vehicle.

#### SECTION 1.06 SPECIFICATIONS

- A. An Alternative Housing Structure shall comply with all requirements and shall be subject to all restrictions applicable to Manufactured Housing under Ordinance 122 including any amendments thereto.
- B. An Alternative Housing Structure shall 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 Alternative Housing Structure is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located. For the purposes of this subsection, "value" means the combined taxable value of the Alternative Housing Structure and the lot on which it is proposed to be located.
- C. An Alternative Housing Structure shall have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the Alternative Housing Structure is proposed to be located.
- D. An Alternative Housing Structure shall comply with all site requirements applicable to single-family dwellings.
- E. An Alternative Housing Structure shall be securely fixed to a permanent foundation as defined by the IBC building codes adopted by the Legislature of the State of Texas.



## SECTION 1.07 PERMITS

- A. Before issuance of an Alternative Housing Structure Permit, the Building Official shall require the applicant to provide all designs, plans, specifications, and other information necessary to ensure compliance with the requirements of this section.
- B. When upon review of the application, the Building Official is satisfied that the proposed plan meets the requirements of the mandatory building codes and of this Ordinance, the Building Official shall bring the recommendation to the City Council for approval.

## SECTION 1.08 INSPECTIONS

- A. For each Alternative Housing Structure permit issued, the Building Official shall establish procedures, at the Owner's expense, for the inspection of:
  - 1. the erection and installation of the structure, to ensure compliance with mandatory building codes and of this Ordinance; and
  - 2. all foundation and other on-site construction, to ensure compliance with mandatory building codes and of this Ordinance.
- B. Procedures described by Subsection A. shall require, but are not limited to:
  - 1. before occupancy, a final inspection conducted by an approved third-party inspector and/or testing conducted by an approved third-party testing agency in accordance with mandatory building codes; and
  - 2. before occupancy, correction of any deficiency discovered in the final inspection or identified by the test; and
  - 3. before occupancy, when all deficiencies have been corrected and when upon review of the inspection and testing reports the Building Official is satisfied that the structure meets the requirements of the mandatory building codes and of this Ordinance, a Certificate of Occupancy shall be issued.
- C. An Alternative Housing Structure shall not be occupied by any resident until a Certificate of Occupancy has been issued.

## ARTICLE II. EFFECTIVE DATE

That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect upon publication as may be required by law, and be in full force and effect for all plan review and permit applications submitted on or after August 3, 2018; and all work for which a permit is required and work commences on or after September 1, 2018.

## ARTICLE III. ENFORCEMENT

### Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- 1. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- 2. a civil penalty up to two thousand dollars (\$2,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving

- notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. other available relief.

#### ARTICLE IV. CODE CONFLICTS

If any provision of this Ordinance conflicts with or is found to be contrary to a provision in any of the codes adopted by the City of Thorndale, the more stringent provision shall govern. In the event it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

#### ARTICLE V. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

#### ARTICLE VI. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

#### ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this, the 3<sup>RD</sup> day of August, 2018, by a vote of 3 ayes, 1 nays, and \_\_\_\_\_ abstentions of the City Council.

CITY OF THORNDALE, TEXAS:

by: \_\_\_\_\_

George Galbreath Jr., Mayor

ATTEST:

Stacy Irwin  
Stacy Irwin, City Secretary