

ORDINANCE NO. 2026-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDWAY, AMENDING ORDINANCE NO. 2014-05.2 PROVIDING RULES AND REGULATIONS GOVERNING THE INSTALLATION, OCCUPANCY AND USE OF MANUFACTURED HOME, MOBILE HOMES, AND RECREATIONAL VEHICLES; PROVIDING AN APPLICATION WITH FEE; PROVIDING INSPECTION WITH FEE; PROVIDING A FINE; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT.

WHEREAS, the City Council of the City of Midway, Texas (the “City”) hereby finds and determines that the City shall implement the standards provided by the United States Department of Housing and Urban Development and the Texas Department of Community Affairs; and

WHEREAS, the City finds that it is in the best interest of the public safety, health and general welfare to regulate manufactured homes as described in this ordinance;

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

SECTION 1. DEFINITIONS.

- a. **“HUD-CODE MANUFACTURED HOME”** means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by C.F.R. Section 3282.8(g).
- b. **“MOBILE HOME”** means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and included the plumbing, heating, air-conditioning, and electrical systems.

SECTION 2. RECREATIONAL VEHICLES PROHIBITED.

No recreational vehicle shall be permitted as a permanent residence on a residential lot within the City limits of the City of Midway, Texas.

SECTION 3. PERMITTED HUD-CODE MANUFACTURED HOUSING.

- a. No HUD-CODE MANUFACTURED HOME shall be located in the City limits of the City of Midway, Texas without first obtaining a building permit. Application for the permit shall be in writing, signed by the applicant and shall contain the following:
 - (1) The name, phone number and residence address of the applicant.

- (2) The exact location and legal description of where the HUD-CODE MANUFACTURED HOME will be located.
 - (3) The year, serial number and make of the HUD-CODE MANUFACTURED HOME.
 - (4) The size of the HUD-CODE MANUFACTURED HOME
 - (5) Photographs of the HUD-CODE MANUFACTURED HOME inside and out shall be submitted with the application for permit.
 - (6) Application for permit shall be filed with the City Secretary; following a site approval by the City Secretary and review by the Mayor, the City Secretary shall issue such original permit.
 - (7) A fee of \$25.00 (twenty-five dollars) shall be submitted with application for permit. Such fee shall be submitted by check or money order; if the permit is rejected the check or money order shall be returned to the applicant.
- b. All HUD-CODE MANUFACTURED HOMES shall meet the following requirements:
- (1) NO MOBILE HOME OR HUD-CODE MANUFACTURED HOME OLDER THAN 10 YEARS MAY BE PLACED WITHIN THE CITY LIMITS OF THE CITY OF MIDWAY
 - (2) No HUD-CODE MANUFACTURED HOME shall be placed within the city limits of the City without first having an approved permit from the City.
 - (3) Must be at least 14 feet wide and 50 feet long
 - (4) Must have underpinning/skirting installed within 30 days of move-in
 - (5) The following material (or its equivalent as approved by the appropriate city officials) is approved to be used for skirting:
 - a. Manufactured skirting with vent panels;
 - b. Corrugated steel sheets without rust or holes;
 - c. Galvanized steel sheets without rust or holes;
 - d. Aluminum sheets without rust or holes;
 - e. Plywood sheets, with a 3/8 inch minimum thickness, rated for exterior use by the manufacturer;
 - f. Oriented strand board with a 3/8 inch minimum thickness, rated for exterior use by the manufacturer;
 - g. Brick or concrete blocks
 - h. Treated lattice board, with a 3/8 inch minimum thickness, rated for exterior use by the manufacturer
 - (6) Screened vents are required to be used with all skirting to allow for air circulation
 - (7) Must install tie-downs conforming to the methods and standards of the state Department of Housing and Community Affairs
 - (8) Every such unit shall have its own water and sewer tap
 - (9) No more than one residence, HUD-CODE MANUFACTURED HOME or part thereof may be parked, erected or situated on any lot within the City limits.
 - (10) Each HUD-CODE MANUFACTURED HOME will be subject to an inspection by the City's building inspector or his designee. Such inspection to be conducted within 30 days.
- c. A HUD-CODE MANUFACTURED HOME may be replaced with a newer HUD-CODE MANUFACTURED HOME as necessary.

SECTION 4. UNOCCUPIED OR UNSAFE MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES.

- a. If a MOBILE HOME OR HUD-CODE MANUFACTURED HOME is used as a rental property and has become vacant, before such property can be rented, it must be inspected by the City's building inspector or his designee.
- b. If such MOBILE HOME OR HUD-CODE MANUFACTURED HOME is found to be unsafe or uninhabitable, the owner shall be notified by certified letter containing a copy of the inspection form and a resolution of the City Council with the number of days to remove the MOBILE HOME OR HUD-CODE MANUFACTURED HOME.

SECTION 6. FEES

The following fees for HUD-CODE MANUFACTURED HOMES are as follows:

1. Application Fee \$25.00
This fee is to be submitted with the completed application and is to be in the form of a check or money order. Should the application be rejected this check or money order shall be returned to the applicant.
2. Inspection Fee \$500.00
This fee is for inspection conducted by the building inspector or his designee and is non-refundable.
3. Administration Fees \$44.25
These fees are for the administration of this program.

SECTION 5. NONLIABILITY.

The City of Midway and its officers, agents and employees shall have no liability of any nature for any actions, omissions, or other matters in any way concerning the subject matter of this ordinance.

SECTION 6. VIOLATIONS AND PENALTIES.

Any person, firm or corporation who commits any of the following shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed \$500.00 (five hundred dollars):

1. Any violation of this ordinance; or
2. Providing false information to a City official concerning licensing or permitting under this ordinance or compliance with this ordinance.

Each day or portion of a day during which any violation occurs or continues shall be a separate offense.

SECTION 7. CONSTITUTIONALITY.

If any part, section, clause or phrase of this ordinance is for any reason held to be illegal or unconstitutional, such invalidity shall not affect the remaining portions of this ordinance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2026.

SIGNED:

Randal Dorman, Mayor

ATTEST:

Debra Newkirk, City Secretary

APPROVED BY THE CITY COUNCIL

Marc Nelson

Brenda Ford

Penny Conner

Rhonda Owens

Rex Newkirk