

ARTICLE 214.001a ENCROACHMENTS AND OBSTRUCTIONS

SECTION I. REMOVAL OF ENCROACHMENTS AND OBSTRUCTIONS

It shall be lawful for any person of business to encroach upon or place any obstructions of whatever kind upon any street or highway right of ways within the city limits of Mabank, Texas.

SECTION II. ABATEMENT

Any now existing of future encroachments or obstructions upon such right of ways shall be abated and removed by the owner of the abutting property or by the person of business responsible for such encroachments no later than ten (10) days after receiving written notice that such encroachment or obstruction does exist and should be abated and removed.

SECTION III. NOTICE

- A. Upon discovering any encroachment or obstruction upon a street or highway right of way within the city limits of Mabank, Texas, the proper city authority shall give the owner of the abutting property, or the person or business responsible for such encroachment written notice of such encroachment of obstruction and that it must be abated and removed.
- B. All notices sent hereunder shall be mailed by certified or registered mail, with a five-day return receipt requested, to the owner of the abutting property or to the person or business responsible for the encroachment or obstruction.
- C. The owner of the abutting property or the person or business responsible for such encroachment or obstruction shall have ten (10) days after receipt of the notice to remove and abate such encroachment or obstruction.

SECTION IV. PENALTIES

The violation of the terms and provisions of this ordinance is a Class C Misdemeanor. Each day of violation shall be and constitute a separate offense.

Article 214.001b Elimination or Repair of Dangerous Buildings

Section 1. Title

This ordinance is, and may be cited as, the "Mabank Dangerous Buildings Ordinance".

Section 2. Definitions

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

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Dangerous building means a substandard, damaged or deteriorated building or improvement that has one or more of the defects in section 3 of this ordinance.

Habitation means the occupation of a building for sleeping or other living purposes.

Occupant means a resident of a building or any person having lawful possession of a building or any portion thereof.

Occupancy means the purpose for which a building, or part thereof, is used or intended to be used.

Owner means a person claiming, or in whom is vested, or in possession of the ownership, dominion or title to real or personal property, including but not limited to:

- (1) The holder of fee simple title;
- (2) The holder of a life estate;
- (3) The holder of a leasehold estate, unless the context differentiates between owner and tenant or resident, in which case "owner" shall include lessees with a lease term of five (5) or more years;
- (4) The owner's attorney-in-fact;
- (5) The buyer in a contract for deed; or
- (6) A mortgagee, receiver, executor, or trustee in control of real property.

Sanitary means any condition of good order and cleanliness that precludes the probability of disease transmission.

Structure means that which is built or constructed, an

edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Watertight means made or assembled so that water cannot enter or escape.

Weatherproof means able to withstand exposure to weather without damage.

Section 3. Dangerous Buildings Defined

(a) All buildings and structures, regardless of their date of construction, that have any or all of the following defects are deemed to be dilapidated, substandard or unfit for human habitation and a danger to the public health, safety and welfare, and are further declared to be dangerous buildings:

(1) Walls or other vertical structure members that list, lean or buckle in excess of one-quarter (1/4) inch of horizontal measurement for each foot of vertical measurement;

(2) Thirty-three (33) percent or more damage or deterioration of the supporting members, or fifty (50) percent or more damage or deterioration of the non-supporting members or outside walls or coverings;

(3) Roofs or walls that are not weathertight and waterproof;

(4) Improperly distributed loads upon the floors or roofs or in which the floors are overloaded, or which floors or roofs have insufficient strength to be reasonably safe for the purpose used;

(5) Parts that are not properly attached so that they may fall or injure members of the public or property;

(6) Light, air or sanitation facilities that are inadequate to protect the life, safety or general health and welfare of the structure's occupants or inhabitants of the city;

(7) Unsafe or defective electrical wiring, devices or equipment, or unsafe or defective gas piping or appliances that are liable to cause or promote fires;

(8) Damage by fire, explosion, wind, vandalism, elements of nature or otherwise so as to be dangerous to the life, safety, or the general health and welfare of the structure's occupants or inhabitants of the city;

(9) Dilapidated, decayed, unsafe, unsanitary or

substandard conditions or any conditions that fail to provide amenities essential to decent living so that the premises are unfit for human habitation or are likely to cause sickness or disease so as to cause injury to the public health, safety or welfare;

(10) Buildings and structures, regardless of their structural condition, that have during times that they were not actually occupied by their owners, lessees or other legal invitees, been left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children;

(11) Inadequate facilities for ingress and egress in case of fire or panic or those having insufficient stairways, elevators, or other means of communication; or

(12) Buildings and structures which because of their condition are unsafe, insanitary or dangerous to the health, safety or general welfare of the people of this city.

(b) A building that is boarded up, fenced or otherwise secured in any manner is nevertheless declared to be a dangerous building under the foregoing criteria if:

(1) The building constitutes a danger to the public even though secured from entry;

(2) The building's roof, walls or floor contains holes that would allow insects, ectoparasites, rodents or other pests to gain access to the building for harborage to the extent constituting a present hazard to health or safety; or

(3) It is found that the means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

Section 4. Dangerous Buildings Declared Nuisances

All dangerous buildings and structures within the terms of section three (3) of this ordinance are hereby declared to be public nuisances and shall be vacated, secured, repaired, removed or demolished as hereinafter provided or otherwise abated.

Section 5. Duties of Building Inspector

The building inspector shall:

(1) Inspect any building or structure that may be in violation of the terms of section three (3) of this ordinance, whether based upon public complaint or determination by city employee;

(2) Report to City Council the existence of buildings or structures discovered upon inspection to be dangerous so that hearings may be scheduled pursuant to this ordinance; and

(3) Appear at hearings conducted pursuant to this ordinance and testify about the conditions existing in the dangerous building.

Section 6. Notice of Hearing

If a building has, upon inspection, been discovered to be a dangerous building, then the building inspector shall serve written notice on all persons having an interest in the property as shown in the real property records of the county in which the property is located either by personal service or by certified mail, return receipt requested. This notice shall inform the persons that a hearing will be held in which the city will seek an order requiring the building to be vacated and/or requiring the building to be repaired and/or demolished and/or secured upon a finding that the building is a dangerous building. This notice shall also set forth:

(1) The specific conditions that render the building a dangerous building within the standards set forth in section three (3) of this ordinance;

(2) That a hearing will be held before the city council at a certain time on a certain day at city hall in the City of Mabank, Texas, not less than five (5) days and not more than thirty (30) days after receipt of the notice, in which the city will seek an order that the building be vacated, secured, repaired, and/or demolished as provided in section 8 of this ordinance;

(3) That all persons having an interest in the property may appear in person and/or be represented by an attorney and may present testimony and cross-examine all witnesses; and

(4) That the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this division and the time it will take to reasonably perform the work.

If the address of any person having an interest in the property as shown in the deed records is unknown, or if notice to any person having interest in the property is returned undelivered, a copy of such notice shall be posted in a conspicuous place on the property on which the building is located. The posting of such notice shall constitute notice to any person having an interest in the property who does not receive personal notice or notice by mail. In addition, the city may file notice of the hearing in the real property records of the county in which the property is located. The notice must contain the name and address of the owner

of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire an interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

Section 7. Hearings

At hearing, all persons having an interest in the property may make their appearance and be heard. Procedure shall conform as near as possible to that which obtains in the District Courts of this state. Any evidence of probative value may be received and considered by the City Council. The Mayor, or in his absence, the Mayor pro tem, shall preside, and shall determine all questions of order, procedure and as to the admission of evidence. The hearing may be adjourned from day to day, or continued upon a majority vote of the Council. The following rules shall apply to hearings:

(1) All parties shall have the right to representation by an attorney, though an attorney is not required;

(2) Each party may present witnesses in the party's own behalf;

(3) Each party has the right to cross-examine all witnesses; and

(4) Only evidence presented at the hearing may be considered in rendering the order.

(5) The owner has the burden of proof to demonstrate the scope of any work that may be required to comply with this ordinance and the time it will take to reasonably perform the work.

(6) If no person having an interest in the property appears at the hearing at the date and time specified for the hearing, the building inspector shall proffer evidence showing the building to be a dangerous building within the standards set forth in section three (3) of this ordinance.

Section 8. Findings; order

(a) After the completion of the presentation of testimony by all parties appearing at the hearing, if the Council, by majority vote, shall find upon the evidence presented before them, that the building is a dangerous building within the standards set forth in section three (3) of this ordinance, they shall issue an order directing the owner, occupant and all other persons having an

interest in the property as shown by the real property records of the county in which the property is located that:

(1) The building be vacated if it is occupied and the City Council finds that the building is in a condition that makes it dangerous to the health, safety or welfare of its occupants;

(2) The building be lawfully secured, repaired, renovated or demolished if it can reasonably be brought into compliance by one (1) or more of these actions;

(3) The building be demolished if it cannot reasonably be repaired or renovated; and/or

(4) If the building is unoccupied and the condition of the building is such that it may be brought into compliance by securing it from unauthorized entry, then the order may provide that the building be lawfully secured and be kept secured and may include or adopt written specifications that must be complied with in securing the building and may provide that the building be demolished if it is not secured in compliance therewith.

Section 9. Time allowed for action

If the City Council determines that a building is a dangerous building, the order shall state the date by which the action ordered must be completed, and that the City may cause the building to be secured, vacated, repaired and/or demolished if the persons having an interest in the property do not comply with the order. The order shall require the owner of a dangerous building to comply with the order within thirty (30) days; provided that, if the owner establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, and the City Council determines from the record that a greater period of time is warranted, the City Council may provide for a specified period greater than thirty (30) days as provided below.

If the City Council allows the owner more than thirty (30) days to comply with the order, the City Council shall establish specific time schedules for the commencement and performance of work and shall require the owner to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

The City Council may not allow the owner more than ninety (90) days to perform fully all work required to comply with the order unless the owner: (i) submits a detailed plan and time schedule for the work at the hearing; and (ii) establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work. If the City Council allows the owner more than ninety (90) days to comply with the order, or an part of the work required to comply with the

order, the City Council shall require the owner to submit regular progress reports to the city to demonstrate that the owner has complied with time schedules established for the commencement and performance of the work. The order may require that the owner appear before the City Council to demonstrate compliance with specified time schedules.

Section 10. Placarding

(a) If the City Council finds that the building is a dangerous building and in a condition that makes it dangerous to the health, safety or welfare of its occupants or to the citizens, the City Council may order that the city place a notice in a conspicuous place on such building. The notice shall state the following, or words substantially similar thereto, sufficient to be visible from the nearest public street:

THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING. OCCUPANCY OF THIS BUILDING IS PROHIBITED BY LAW AS SUCH OCCUPANCY IS DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF ITS OCCUPANTS. THIS NOTICE IS POSTED (here the notice shall set forth the date and hour such notice is posted.) ALL PERSONS MUST VACATE THIS BUILDING NOT LATER THAN FORTY-EIGHT (48) HOURS AFTER THE TIME OF POSTING AND SHALL NOT REENTER THE SAME UNTIL THE CITY FINDS THAT THE BUILDING HAS BEEN REPAIRED SO AS TO BE IN COMPLIANCE WITH THE ORDINANCES OF THE CITY OF MABANK. THIS NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED.

(b) If the City Council finds that, in addition to requiring vacation as described above, the building is in such condition that it is dangerous for anyone to enter other than to carry out work in compliance with the order, the City Council may order that the city place a notice in a conspicuous place on the building, stating the following, or words substantially similar thereto, sufficient to be visible from the nearest public street:

THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE CITY OF MABANK. NO PERSON SHALL ENTER THIS BUILDING EXCEPT PERSONS AUTHORIZED BY THE OWNER WHO ENTER SOLELY FOR THE PURPOSE OF CORRECTING THE HAZARDOUS CONDITIONS THEREIN AND INSPECTORS OF THE CITY OF MABANK. THIS NOTICE SHALL REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED OR DEMOLISHED.

Section 11. Notice or order

(a) After the hearing, the city shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building, and if the owner does not take the ordered action within the allotted time, the city shall promptly mail by certified mail, return receipt requested, a copy of the order to any lienholder or mortgagee of the building. The city

shall use the real property records of the county in which the building is located to determine, if possible, the identity and address of any owner, lienholder, or mortgagee of the building. If the address of a person having an interest in the property as shown on the deed records is unknown, or if the order is returned undelivered, a copy of the order shall be posted in a conspicuous place on the building subject to the order. The posting of the order shall constitute notice to any person having an interest in the property who does not receive personal service.

(b) Within ten (10) days after the date that the order is issued, the city shall (i) file a copy of the order in the office of the city secretary; and (ii) publish in a newspaper of general circulation the city a notice containing (A) the street address or legal description of the property, (B) the date of the hearing, (C) a brief statement indicating the results of the order, and (D) instructions stating where a complete copy of the order may be obtained. A copy of the order of the City Council shall also be filed in the deed records of the county in which the property is located.

Section 12. Action by city authorized

If the persons having an interest in the property fail to comply with the order of the City Council within the time specified in the order for compliance, the City Council may order the building inspector to cause the building to be vacated, repaired, secured, and/or demolished pursuant to the order.

Section 13. Reconvened hearings

In any instance in which an order has been issued pursuant to item (4) of section 8 of this ordinance, providing that a building be secured and the owner complies with the order by securing the building, the City Council's case file shall, nevertheless, remain active for a period of three (3) years from the date of the order. The building inspector may request the City Council to reconvene the hearing if the building inspector receives evidence that the building has not remained secured and is in contravention of section 3(a)(10) of this ordinance. Upon notice of the unsecured condition of the building to the owner, lienholders, occupants or other persons having an interest in the property, the City Council shall reconvene the hearing. If the City Council finds that the building remains a dangerous building notwithstanding the owner's efforts to secure it, the City Council may issue a revised order that the building be demolished. An order of the City Council ordering the securing of the building shall not be released until the owner requests a release, and the building inspector issues a certificate of compliance certifying that the building is in full compliance with applicable minimum standards for the contemplated use of the building.

Handwritten notes:
... shall constitute a lien on the land unless it is a homestead as protected by the Texas Constitution, on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law.

Section 14 Judicial review

Unless a judicial review petition is timely filed as provided by under chapter 214 of the Texas Local Government Code, the orders of the City Council shall in all things be final and binding.

Section 15. Administrative expenses; lien ✓

(a) The City Council hereby finds and declares that the general administrative expenses of inspecting buildings, locating owners, conducting hearings, issuing notices and orders, together with all associated administrative functions, require the charge of not less than four hundred fifty dollars (\$450.00) for each lot, adjacent lots under common ownership, or tract of land for which an order is issued under this ordinance, and such minimum charge is hereby established and declared to be the charge for such administrative expenses to be assessed in each instance where the city secures, demolishes or performs other work in connection with an order or contracts for such services thereon. Notwithstanding any tabulation of recorded costs, a charge of not less than four hundred fifty dollars (\$450.00) is hereby expressly stated to be a minimum charge. Further, the costs of securing, demolishing or performing other work in connection with an order either by the city or by persons doing so under contract with the city, shall be separately calculated and assessed in each instance in which the city takes the described action pursuant to this ordinance.

(b) The building inspector shall certify all administrative expenses and costs of vacating, securing, repairing or demolishing a building or buildings incurred by the city or by persons doing so under contract with the city as a charge that shall be assessed the owners thereof, and shall constitute a lien on the land, unless it is a homestead as protected by the Texas Constitution, on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law. Upon the filing of the lien statement with the county clerk, the charges shall bear interest at the rate of ten (10) percent per annum until paid.

(c) If the city has let a contract for demolition of a building pursuant to a valid order issued under this ordinance and the building is subsequently repaired or demolished by persons other than the city or its contractors prior to the completion of the contract let by the city, or such demolition is not carried out due to events beyond the city's control, the administrative expenses and all costs for cancellation of the demolition contract shall be certified as a charge that shall be assessed against the owner thereof, and that shall constitute a lien on the land, unless it is a homestead as protected by the Texas Constitution, on which the building or buildings are or were situated, privileged over all other liens to the maximum extent allowed by law. Upon the filing of the lien statement with the county clerk, the charges shall bear interest at the rate of ten (10) percent per annum until paid.

Section 16. Execution of written release of lien upon payment of charges or where lien place on property through error; execution of written notice of compliance

(a) Upon full payment of the charges assessed against any property and upon the compliance of the property with all applicable orders as well as the terms of this ordinance, or in the event the lien is placed on the property through error, the building inspector is hereby authorized to execute, for and on behalf of the city, a written release of lien approved in each case by the city attorney. A fee shall not be imposed for such release of lien.

(b) Upon compliance with an order of the City Council hereunder, the building inspector shall be and is hereby authorized to execute a written notice setting forth the date the notice of compliance is issued, the date the city found the building to be secured, repaired or demolished or otherwise in compliance with the order; and if the building has not been demolished, whether or not the building is in such condition that it may be occupied. An order to secure a building will be released only upon issuance of a certificate of compliance by the building inspector.

Section 17. Violations; penalty for disregarding or removing notices or orders

(a) It shall be unlawful for the owner, occupant or lessee in possession of any building subject to an order issued under this ordinance, or anyone having an interest in the building as shown by the real property records of the county in which the building is located, and under a legal duty to take the ordered actions with respect to the building, to fail to comply with any applicable order issued pursuant to this ordinance. Violations of this subsection shall be punishable as a Class C Misdemeanor.

(b) It shall be unlawful for any person to remove any notice posted under the provisions of this ordinance. Violations of this subsection shall be punishable as a Class C Misdemeanor.

ATTEST:

Louann Confer, City Secretary

ARTICLE 214.001c HOUSING CODE

SECTION I. ADOPTION OF HOUSING CODE

There is hereby adopted by the City Council that certain health and housing standard known as Uniform Housing Code, the provisions thereof shall be controlling on all dwellings and premises within the corporate limits of he City of Mabank.

SECTION II. BUILDING OFFICIAL AS HOUSING ENFORCEMENT OFFICIAL

The Building Official shall be the Housing Enforcement Official.

SECTION III. DUTIES OF BUILDING OFFICIAL

It shall be the duty of the Building Official to enforce all laws and provisions specified in the Uniform Housing Code.

SECTION IV. RIGHT OF ENTRY

The Building Official in the discharge of official duties, and upon proper identification, shall have authority to enter any building, structure, or premised at any reasonable hour.

SECTION X. BOARD OF HOUSING APPEALS

There is hereby created a Board of Housing Appeals.

SECTION VI. MEMBERSHIP OF THE BOARD OF HOUSING APPEALS

The membership of the Board of Housing Appeals shall consist of five (5) members appointed by the Mayor subject to confirmation to the City Council.

SECTION VII. TERMS OF MEMBERSHIP

One member of the Board of Housing Appeals shall be appointed to serve one (1) year, two members to serve two (2) years, and two members to serve three (3) years.

SECTION VIII. MAJORITY VOTE

The Board of Housing Appeals shall act by majority vote of the members present.

SECTION IX. PUBLIC HEARINGS

The Board of Housing Appeals shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Building Official in the enforcement of this Article.

ARTICLE 214.001d MOBILE HOMES

SECTION 1. That hereafter it shall be unlawful for any person, firm or corporation to move into the City of Mabank, Texas, any mobile home and place same on any lot without the written consent of the City Council of the City of Mabank, Texas, unless said mobile home or trailer house or other portable building is being placed within the following designated areas:

- A. Blocks 27, 28, 44 and 45, Mabank Original Township
- B. Northpark Center Subdivision

SECTION II. For the purposes of this ordinance, a mobile home is defined as a structure, transportable in one or more sections, which is eight (8) or more feet in width and is thirty-two (32) feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities.

Prior to locating any mobile home within a designated area defined herein, the owner shall obtain a building permit from the City of Mabank. Any mobile home located within said designated areas shall be underpinned and provide tie downs in accordance with the Standard Building Code. Said underpinning and tie downs shall be installed within 30 days of the issuance of the building permit.

SECTION III. If any provisions, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or set of circumstances and, to this end, all provisions of this ordinance are declared to be severable.

SECTION IV. Any person, firm or cooperation violating any provisions of this ordinance or failing to observe any provisions thereof shall be deemed guilty of a Class C Misdemeanor. Each day of violation shall be considered a separate offense.

SECTION V. This Ordinance shall become effective after publication in the newspaper of local publication. The City Secretary is hereby directed to give notice hereof by causing the caption of this Ordinance to be published in the official newspaper of the City of Mabank at least twice after passage of this Ordinance.

Ordinance # 941011 passed October 11, 1994

ORDINANCE NO. 941011

AN ORDINANCE OF THE CITY OF MABANK, TEXAS AMENDING CITY OF MABANK ORDINANCE NO. 6569 PERTAINING TO PREVENTING THE MOVING OF ANY MOBILE HOME WITHIN THE CITY LIMITS OF THE CITY OF MABANK, TEXAS WITHOUT CITY COUNCIL APPROVAL; AMENDING ARTICLE 214.001d, MOBILE HOMES, OF THE MABANK CITY CODE; PROVIDING FOR A DEFINITION OF MOBILE HOME; PROVIDING FOR AREAS WITHIN THE CITY LIMITS WHERE THE LOCATION OF MOBILE HOMES ARE APPROPRIATE, PROVIDING CERTAIN STANDARDS ARE MET; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mabank City Ordinance No. 6569 prohibits the placement of any mobile home within the City limits of the City of Mabank without City Council approval; and

WHEREAS, since the adoption of Ordinance No. 6569, the City Council has approved requests for the placement of mobile homes within the City limits in specified locations which have been deemed appropriate for the location of this type of housing; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Mabank to allow the placement of mobile homes within certain specific areas without prior City Council approval, providing that certain standards can be met.

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

That City of Mabank Ordinance No. 6569 and Article 214.001d, Mabank City Code, be amended as follows:

1. Section 1 of Ordinance No. 6569 is hereby amended to read:

Section 1: That hereafter it shall be unlawful for any person, firm or corporation to move into the City of Mabank any mobile home, and place same on any lot, without the written consent of the City Council of the City of Mabank, Texas, unless said mobile home or trailer house or other portable building is being placed within the following designated areas:

- a. Blocks 27, 28, 44 and 45, Mabank Original Township
- b. Northpark Center Subdivision

Section 2: For the purposes of this ordinance, a mobile home is defined as a structure, transportable in one or more sections, which is eight (8) or more feet in width and is thirty-two (32) feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities.

Prior to locating any mobile home within a designated area defined herein, the owner shall obtain a building permit from the City of Mabank. Any mobile home located within said designated areas shall be underpinned and provide tie downs in accordance with the Standard Building Code. Said underpinning and tie downs shall be installed within 30 days of the issuance of the building permit.

Section 3: If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of this ordinance are declared to be severable.

Section 4. Any person, firm or corporation violating any provisions of this ordinance or failing to observe any provisions thereof shall be deemed guilty of a Class C Misdemeanor. Each day of violation shall be considered a separate offense.

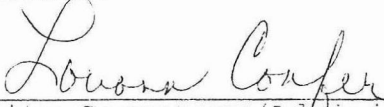
Section 5. This Ordinance shall become effective after publication in a newspaper of local publication. The City Secretary is hereby directed to give notice hereof by causing the caption of this Ordinance to be published in the official newspaper of the City of Mabank at least twice after passage of this Ordinance.

INTRODUCED, READ AND PASSED by the affirmative vote of the City Council of the City of Mabank Texas this the 11th day of October, 1994.



Mayor, City of Mabank, Texas

ATTEST:



City Secretary/Administrator