

City of Caney City
Ordinance No. 2011-04
Portable Dwellings

An Ordinance defining Portable Dwellings, Registration, Keeping and Use thereof and Providing for Liens, Abatement, Penalties and Fines not to exceed \$200.00 per day.

BE IT ORDAINED by the City Council of the City of Caney City, Texas:

1. Definitions:

A. **Portable Dwellings:** Vehicles or trailers which are designed to be easily relocated under their own power or towed by a separate vehicle including but not limited to:

(1) **Travel Trailer** - A vehicular, portable structure built chassis (less than eight (8) feet wide and forty (40) feet long when measured from the outer most dimensional protrusions) designed to be used as a temporary dwelling for travel, recreational and vacation uses.

(2) **Camping trailer** - A folding structure mounted on wheels and designed to be used as a temporary dwelling for travel, recreational and vacation uses.

(3) **Motor home** - A portable, temporary dwelling to be used for travel, recreational and vacation uses, constructed as an integral part of a self-propelled vehicle.

2. Application:

A. **Allowable City Areas:** Portable Dwelling Units are allowed in Bridgeview Addition which includes Boatman, Leroy Kirby Road, Smothers Road and Cappy

Drive; Point LaVista, from the Langley intersection North to the City Limits; Caney Cove and Caney Cove Storage.

B. Unallowable City Areas: Deep Water Bay, Presidio Bay, Dorchester Addition, Palm Springs Estate, Brookins Lane, Hubbard Drive, Richardson Street, Langley Lane, Blair Drive, Thomas, Wingham Road, McAllister Lane, Barron Road, Benjamin Drive and Highway 198.

C. If a property owner owns a single tract of land of five (5) acres or more which has a permanent dwelling on the land which complies with the City Zoning Ordinance, the property owner may keep a portable dwelling which they own on the property. The Portable Dwelling must not be permanently attached to water, electrical, or a septic system. The Portable Dwelling Unit cannot be used as a permanent dwelling on the property. The Portable Dwelling must be parked on the owner's property in such a manner that it is not visible from the street or other public or private property.

D. In order for any person to keep a Portable Dwelling in the City they must register the dwelling with the City Secretary and provide the information listed on the Portable Dwelling Registration Form CC 004.

E. If a property owner who is in the process of building an approved permanent dwelling wishes to keep a Portable Dwelling Unit on their property during the lot clearing and construction period they must file an Application Form CC 005 to be approved by City Council. The City Council may approve or disapprove the application for specific periods of time depending on the information in the application.

F. All Portable Dwelling Units which are kept in the City must have a current valid title, registration, license plate, and all safety inspections required by Texas law. The Portable Dwelling Unit must be maintained in a highway ready condition.

G. The owner of a vacant piece of property in Caney City may place a Portable Dwelling upon their property for a period of no more than four consecutive days after which the Portable Dwelling must be removed for thirty (30) consecutive days. The Portable Dwelling must be registered with the City Secretary and the City Secretary must be notified in advance of the arrival and departure dates each time the Portable Dwelling is placed on the property.

3. Abatement of Unlawful Conditions: NOTICE

A. It shall be the duty of the Caney City Police Department, upon having knowledge of any land, tract, lot or portion thereof, regardless of size, within the corporate limits of the City of Caney City, that is in violation of this Ordinance, to (after receiving approval of the City Council) serve written notice to the owner either by hand delivering in person or by depositing notice in the United States mail (certified mail, return receipt requested). Such notice shall reference this ordinance, state the nature of the violation and the legal address of the property in violation, and the name of the person to whom notice was sent or delivered.

B. Upon being served with such notice, the owner of the property shall have ten (10) days from the date of notification to bring said property into compliance with the provisions of the Ordinance. In the event no address for the owner or if notice of violation is returned to the City unclaimed, then the City Secretary is hereby authorized to attempt to notify such person by citation in the official newspaper of Caney City at least two (2) times within ten (10) consecutive days. Such notice shall contain therein a legal description of the subject property and the name of the record owner and of any other persons or parties thought to have ownership interest in such property. In addition to the recorded owner, the notice is also to be addressed to "To Whom It May Concern". The owner of said property shall be liable for the cost of the certified mail and the newspaper notice, in addition to the fine amount.

4. Abatement of Unlawful Conditions: Portable Dwelling Removal, Portable Dwelling Sale, Property Liens, Foreclosure:

A. In the event the owner of any land, tract, or lot, upon which a condition described in this Ordinance exists fails to correct, remedy or remove such condition within ten days after notice to do so is given in accordance with this Ordinance, the City may take whatever action is necessary to correct, remedy, or remove such conditions including, but not limited to, the removal, transport, storage, sale, or in-place demolition of the portable dwelling or cause the same to be done, and pay therefore and charge the expenses incurred thereby to the owner of such land, tract, or lot or other property upon which the portable dwelling was kept. The doing of such work by the City shall not relieve any person, firm or corporation from prosecution for violation of any provision of this Ordinance.

B. Whenever any work or action is taken by the City pursuant to the provisions of this Ordinance, the City Secretary shall file a lien statement of expenses incurred thereby with the County Clerk of Henderson County, Texas. The lien statement must state the name of the owner, if known, and the legal description of the property. Such statement shall give the amount and description of such expenses, and the date or dates on which the expenses were incurred. The lien attaches upon the filing of the lien statement with the County Clerk. Such liens shall be at the rate of 10% per annum from the date such statement was filed with the County Clerk. For any such expenditure and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the City and the statement of expenses made and filed in accordance with 4 A above or a certified copy thereof, shall be prima facie proof of the amount expended for such work.

C. The remedy provided in 4 A and B above shall be in addition to any other penalty or charge imposed under this Ordinance.

D. The City Council may foreclose a lien on property under this Ordinance in a proceeding relating to the property brought under the applicable Texas Code.


5. Fines:

Any violation of this Ordinance shall carry a maximum fine of \$200 per day. In the event a fine is not paid on time or the portable dwelling is abandoned, the City of Caney City may seize and dispose of the portable dwelling by sale or in-place demolition. The total proceeds from a sale shall be placed in the City's General Fund. All expenses incurred from this paragraph will be processed in accordance with 4 B above.

6. Enforcement:

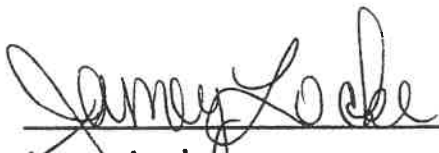
The Caney City Police Chief or his designee may enter the premises at any time to enforce this Ordinance including but not limited to the seizure and transportation of portable dwellings kept in violation of this Ordinance.

PASSED AND APPROVED THIS THE 13th day of October, 2011.



Joe Barron
Mayor, Caney City

ATTEST:



Jamey Locke
City Secretary, Caney City



Portable Dwelling Registration Form

1. Date _____

2. Name (Print) _____ Signature _____

3. Mailing Address _____

4. Telephone _____ Cell Phone _____

5. Address where Portable Dwelling will be located if different than 3 above:

6. Description of Portable Dwelling:

Type _____ Size W _____ L _____

License Number _____ VIN Number _____

Year Model _____ Color _____

Jamey Locke
City Secretary

Date

Portable Dwelling Application Form

1. Date _____
2. Printed Name _____ Signature _____
3. Mailing Address _____

4. Telephone _____ Cell Phone _____
5. Location of Construction Site _____
6. Date Portable Dwelling will be placed on Property _____
7. Description of Portable Dwelling:
Type _____ Size W _____ L _____
License Number _____ VIN Number _____
Year Model _____ Color _____
8. Date property preparation will begin _____
9. Date house construction will begin _____
10. Does property have a well _____? If **NO** when will well be drilled? Date _____
11. Does the property have an approved septic system? _____ If **NO** when will the septic system be installed? Date _____
12. Does the Property have electrical service? _____. If **NO** when will service be installed? Date _____

13. Will the Portable Dwelling be hooked up to:

- A. Well _____
- B. Septic System _____
- C. Electrical _____

14. What date will you submit your plans to the City for a Building Permit _____

15. Preparation for construction time duration _____ months.

16. Home construction time duration _____ months.

17. Total length of time the Portable Dwelling will be on property _____ months.

18. Will anyone be living in the Portable Dwelling while it is on the property _____. If YES for how long? _____ months.

City Council Action:

_____ APPROVED: DATE _____

_____ DENIED: DATE _____

Conditions of Approval: _____

Jamey Locke, City Secretary _____ Date _____