

Order Adopting Minimum Infrastructure Requirements for Manufactured Home Communities

The State of Texas }
 }
County of Williamson } Know All Men By These Presents:

That on this, the 16th day of November, A. D. 1999, the Commissioners Court of Williamson County, Texas, met in duly called and convened lawful Session at the County Courthouse in Georgetown, Texas, with the following members present:

John Doerfler, County Judge, Presiding,
Mike Heiligenstein, Commissioner Precinct One,
Greg Boatright, Commissioner Precinct Two, and
David Hays, Commissioner Precinct Three, and
Frankie Limmer, Commissioner Precinct Four

where, among other matters, came up for consideration and adoption the following Order:

Whereas, the Regular Session of the Seventy-sixth Legislature adopted Senate Bill 712, amending Section 212.007 of the Texas Local Government Code to give counties authority to adopt minimum infrastructure requirements for Manufactured Home Rental Communities;

Whereas, pursuant to such authority, the Williamson County Commissioners Court has held a public hearing and published notice in a newspaper of general circulation in such county;

Whereas, the Court has otherwise solicited information and advice from affected members of the public; and

Whereas, the Williamson County Commissioners Court finds that there is a public necessity to establish each of the following infrastructure requirements in order to adequately protect the public health, safety, and welfare,

Therefore be it Ordered, that the attached "Williamson County Infrastructure Requirements for Manufactured Home Communities" be, and are hereby, adopted by this Court, to take effect immediately and to apply to all Manufactured Home Communities for which construction is commenced on or after this date; and be it

Further Ordered, that County Judge John Doerfler be, and is hereby, authorized to sign this Order as the act and deed of Commissioners Court, and the County Clerk is directed to place this Order and the attached "Williamson County Infrastructure Requirements for Manufactured Home Communities" (which are incorporated herein by reference as fully and completely as if set out verbatim in the body hereof) in the Minutes of the Court.

The foregoing Order was lawfully moved by _____, duly seconded by _____, and duly adopted by the Commissioners Court on a vote of _____ members for the motion and _____ opposed.

John Doerfler, Williamson County Judge

Williamson County Infrastructure Requirements for Manufactured Home Communities

I. Definitions

- (a) **“Manufactured Home”** means a structure falling within the definition of manufactured housing in Art. 5221f, Texas Civil Statutes Annotated.
- (b) **“Manufactured Home Community”** means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, sold, or offered for rental, lease, or sale for the installation of manufactured homes for use and occupancy as residences. As used in this Order, this term shall include Manufactured Home Subdivisions and Manufactured Home Rental Communities, as defined below. A single Manufactured Home Community may be both a Manufactured Home Subdivision and a Manufactured Home Rental Community if multiple lots will be both sold and leased, in which event the community must comply with both relevant sets of regulations.
- (c) **“Manufactured Home Subdivision”** means a Manufactured Home Community in which two or more of the spaces or lots are to be sold or offered for sale.
- (d) **“Sale”** shall be construed to include any and all transactions in which legal, beneficial, or equitable ownership of the space or lot is transferred to another. It is immaterial whether such transfer occurs by deed, contract of sale, option contract, lease-purchase, long-term ground lease, or any other method. Without limitation to the foregoing, “sale” includes both (1) any rental or lease agreement for a term of 60 months or more and (2) any rental or lease agreement with a purchase option.
- (e) **“Manufactured Home Rental Community”** means a Manufactured Home Community in which two or more spaces or lots are rented, leased, or offered for rent or lease for a term of less than 60 months without a purchase option.

II. Manufactured Home Subdivisions

Unless exempted by some provision of state law, Manufactured Home Subdivisions are “subdivisions” within the meaning of the Williamson County Subdivision Regulations and related rules. Such related regulations include (but are not limited to) the Williamson County Flood Plain Regulations and the Williamson County On-Site Sewage Disposal Facility Regulations. Manufactured Home Subdivisions must comply with all such regulations on the same basis as subdivisions that do not include manufactured homes.

III. Manufactured Home Rental Communities

- (a) The owner of land located in Williamson County outside the limits of a municipality who intends to use the land for a Manufactured Home Rental Community must have an infrastructure development plan prepared that complies with the minimum infrastructure standards that are set out below in Section IV.
- (b) Prior to beginning any construction, the owner must submit the plan to the Williamson County Engineer for approval. Construction may not begin before the plan is approved.
- (c) Not later than the 60th day after the date the plan is submitted, the County Engineer shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.
- (d) The County Engineer, as well as any other person designated by either the County Engineer or the Commissioners Court, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- (e) On completion of construction, the owner shall confirm in writing to the County Engineer that the infrastructure is complete, and a final inspection must be completed not later than the second business day after the date of notice. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner should request another inspection.
- (f) When the inspector determines that the infrastructure complies with the plan, the Commissioners Court shall issue a Certificate of Compliance not later than the fifth business day after the day the final inspection is completed.
- (g) A utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community or to a manufactured home in the community unless the owner provides the utility with a copy of the Certificate of Compliance.

IV. Infrastructure Requirements

The infrastructure development plan for a Manufactured Home Rental Community must include each of the following:

- (a) A survey identifying the proposed community's boundaries and any significant features of the community, including the proposed location of lots or spaces, utility easements, and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this Order.

- (b) Reasonably specified plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain.
- (c) Reasonably specified plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- (d) Either
 - (1) Reasonably specified plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or
 - (2) Reasonably specified plans for providing on-site sewage facilities in accordance with Chapter 366, Health and Safety Code. Approval by the Environmental Services Division of the Williamson County and Cities Health District must be attached to the plan.
- (e) Reasonably specified plans for streets or roads in the Manufactured Home Rental Community to provide ingress and egress for fire and emergency vehicles.
 - (1) The Commissioners Court finds that it is reasonably necessary that streets in these communities should be built to the same standards (but to no more stringent standard) than the requirements adopted by the Court for subdivisions.
 - (2) The road design and construction standards contained in the Williamson County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this Order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable.
 - (3) Commissioners Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship.
- (f) The road specifications must include adequate provision for roadway maintenance to guarantee future ingress and egress by fire and emergency vehicles. It may meet this requirement by either
 - (1) dedicating the roadways to the public. The County will accept dedicated rights-of-way for public maintenance only if their current condition complies with all county standards, and only upon the earlier of (i) two years from issuance of the certificate of completion or (ii) posting of an adequate two-year maintenance bond. (or)

- (2) providing an adequate financing mechanism for private maintenance. The plan must contain a covenant that every future lease or rental agreement will inform the tenants that the County will never maintain any road or street in the community under any circumstances.

V. Other Regulations

Persons developing Manufactured Home Communities should be aware that this Order is not the exclusive law or regulation controlling development in Williamson County. The following is only a partial list of regulations that may apply.

- (a) Manufactured Home Subdivisions are subject to the Williamson County Subdivision Regulations. All Manufactured Home Communities are subject to county regulations of general applicability, such as the Nuisance Abatement Regulations.
- (b) The Williamson County and Cities Health District administers the Williamson County Flood Plain Order, the Williamson County On-Site Sewage Disposal Facility Regulations, and the Edwards Aquifer Regulations, among other rules.
- (c) If the Manufactured Home Community is located within the extraterritorial jurisdiction of a municipality, it is subject to certain municipal ordinances. For example, each Manufactured Home Subdivision must receive approval under the municipal subdivision ordinance before the plat may be recorded.
- (d) Other agencies with regulatory authority that may apply to a Manufactured Home Community include, but are not limited to, the Brushy Creek Water Improvement and Control District, several Emergency Services Districts, the Texas Natural Resources Conservation Commission and Public Utilities Commission, the United States Parks and Wildlife Service and Environmental Protection Agency, and the U.S. Army Corps of Engineers.

Issuance of a Certificate of Compliance under this Order does not indicate compliance with any of these other requirements.

VI. Penalties

- (a) Violation of this Order will result in the denial of utility service.
- (b) The requirements of this Order have been established by and adopted by the Williamson County Commissioners Court under Chapter 232 of the Texas Local Government Code and all the civil and criminal penalties applicable under that chapter shall apply to violations of this Order.