

ORDINANCE NUMBER 2010-58

DECLARING AN EMERGENCY; PROVIDING FOR THE CONTINUATION OF TEMPORARY HOUSING ON RESIDENTIAL LOTS; PROVIDING FOR APPLICATIONS, APPROVAL AND PERMITS; AND, SUSPENDING RULES, REGULATIONS, AND ORDINANCES IN CONFLICT HEREWITH

AN ORDINANCE DECLARING AN EMERGENCY; PROVIDING FOR THE CONTINUATION OF TEMPORARY HOUSING ON RESIDENTIAL LOTS; AND, SUSPENDING RULES, REGULATIONS, AND ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHOREACRES, STATE OF TEXAS:

SECTION 1. The City Council officially finds, determines, and declares that a public emergency exists as the result of catastrophic damage inflicted widely upon the city by Hurricane Ike.

SECTION 2. Temporary housing. The owner of a dwelling that was rendered uninhabitable as the result of damage caused by hurricane Ike on or about September 13, 2008, may place one (1) motor home; one (1) travel trailer; or, one (1) temporary housing unit provided by the Federal Emergency Management Agency (FEMA) on the same residential lot for the purpose of temporary housing during construction, reconstruction, or repair of the damaged habitation. All connections to utilities shall be in compliance with applicable codes and are further subject to approval by, or additional requirements of, the Building Official. Such temporary housing must be located no closer than five (5) feet from side or back property lines and may be placed in part or whole in front of the front building set back line up to the front property line. The temporary housing may not however extend beyond the property line into the public right of way. No internal combustion engine powered generator shall be used to provide electrical service to the temporary housing when commercial electrical service is available. Each trailer or motor home used as temporary housing must be equipped with a minimum of one (1) readily accessible 5# ABC fire extinguisher and a battery operated smoke detector in working condition mounted in compliance with the manufacturer's instructions.

SECTION 3. Permit required. After March 31, 2010, it shall be unlawful for any person, without a valid permit to occupy temporary housing (motor home, travel trailer, or FEMA housing unit) on any residential lot; or, allow temporary housing (motor home, travel trailer, or FEMA housing unit) to be placed on or remain on any residential lot they own, lease, occupy, or otherwise exercise legal control over.

SECTION 4. Permit eligibility. Eligible temporary housing applicants must meet the following minimum criteria:

- (a) have owned the storm damaged dwelling on September 13, 2008,
- (b) have continuously occupied the subject temporary housing since January 1, 2010, and
- (c) have a valid contract or other proof of viable, timely and verifiable plan for repair and/or reconstruction of the damaged dwelling at the time of application.

SECTION 5. Permit application. The City Secretary shall prescribe an application that includes the following information:

- (a) name of applicant,
- (b) mailing address of applicant,
- (c) street address of temporary housing proposed for permit,
- (d) ownership of real property where the temporary housing is located,
- (e) description of temporary housing,
- (f) ownership of temporary housing,
- (g) location of temporary housing on the lot,
- (h) statement of compliance with utility, setback and fire safety requirements for temporary housing,
- (i) statement of temporary occupancy, and,
- (j) statement of plan and projected completion date for repair or reconstruction of storm damaged dwelling.

SECTION 6. Permit approval. The City Council shall consider the approval or disapproval of applications for temporary housing permits. Complete applications shall be considered at the next regularly scheduled City Council meeting following the fifth day after receipt by the City Secretary. A permit approved by City Council shall not become effective and valid until the applicant signs an agreement to comply with the terms and conditions of the permit as set forth by the City Council. Permits approved by City Council shall establish terms and conditions of the permit including, but not limited to, the following:

- (a) permit expiration date,
- (b) location of temporary housing on the lot, and
- (c) periodic proof of progress toward achieving repair or reconstruction of the storm damaged dwelling.

SECTION 7. Permit expiration or cancellation. All permits issued under this ordinance shall expire on the date provided in the permit; or, seven (7) days after the temporary housing is no longer occupied, whichever occurs first.

SECTION 8. Penalty for violation. Any person violating the provisions of this ordinance, upon conviction, shall be deemed guilty of a misdemeanor and subject to a fine of up to \$1,000.00 per day for each day of violation.

SECTION 9. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 10. This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED ON THE _____ DAY OF _____ 2010.

Jayo Washington, Mayor

ATTEST:

David Stall, City Secretary