

ORDINANCE NO. 150

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS ADOPTING A MORATORIUM ON THE ISSUANCE OF MOBILE HOME/HUD-CODE MANUFACTURED HOME PLACEMENT PERMITS FOR A PERIOD OF ONE HUNDRED AND TWENTY (120) DAYS, MAKING FINDINGS OF FACT AS TO AN OVERRIDING COMMUNITY OBJECTIVE FOR IMPOSING THE MORATORIUM AND OTHER PROVISIONS RELATING THERETO, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Wallis did heretofore previously, on the 15th day of May, 2003 by Ordinance number 2003-150, call two public hearings in accordance with the requirements of law for the imposition of a moratorium on the issuance of mobile home/HUD-code manufactured home placement permits in the City of Wallis; and

WHEREAS, said Ordinance provided and required that publication of the notices for the public hearings occur in accordance with law and, as such, notices of the two public hearings were duly published in the official newspaper of the City of Wallis, the first publication having occurred on the 14th day of May, 2003 for the first public hearing which was held on the 19th day of May, 2003 and notice for the second public hearing having been duly published on the 21st day of May, 2003 for the second public hearing which was held on the 27th day of May, 2003; and

WHEREAS, notices of said hearings were published in accordance with V.T.C.A., Texas Local Government Code §212.134; and

WHEREAS, at said public hearings all persons desiring to be heard on or in connection with the proposal to adopt a moratorium on the issuance of mobile

home/HUD-code manufactured home placement permits in the City of Wallis were heard;

WHEREAS, at the public hearing held on the 19th day of May, 2003, the City Council gave a first reading of the Ordinance adopting a moratorium on the issuance of mobile home/HUD-code manufactured home placement permits, and such reading is separated by at least four (4) days from the final reading of same Ordinance given on the 28th day of May 2003, in accordance with Section 212.134(f) of the Texas Local Government Code;

WHEREAS, pursuant to Section 212.134(f) of the Texas Local Government Code not more than twelve (12) days have passed from the date of the first public hearing held on the 19th day of May, 2003 and the date of City Council's final determination on the imposition of a moratorium made on the 28th day of May 2003;

WHEREAS, the City Council finds and determines that all proceedings relating to the proposed moratorium are fully in compliance with the provisions of Chapter 212 of the Texas Local Government Code for adopting a moratorium on property development; and

WHEREAS, the City Council of the City of Wallis in accordance with the requirement of Section 212.135 of the Texas Local Government Code, finds and determines that the imposition of a moratorium for all the reasons hereinafter set out is necessary, justified and required for the protection of the health, safety and well-being of the residents, citizens and inhabitants of the City of Wallis, Texas, and does further specifically adopt and incorporate herein by reference, as if repeated

verbatim, the findings of fact as previously prepared, attached hereto and marked Exhibit "A".

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

Section 1. That the City Council of the City of Wallis does hereby adopt as a part of this Ordinance the several findings of fact as set out in the preamble to this Ordinance and finds that the several conclusions reached therein are true, correct and accurate.

Section 2. That the City Council does hereby impose a moratorium on the issuance of any additional mobile home/HUD-code manufactured home placement permits for a period of one hundred and twenty (120) days thereafter, said days to be computed from March 27, 2003. During said period of moratorium, no mobile home/HUD-code manufactured home placement permits shall be issued by the City of Wallis for any mobile homes and/or HUD-code manufactured homes otherwise requiring a permit and covered under the provisions of Ordinance No. 70 of the City of Wallis, adopted on July 26, 1988, including all amendments thereof; furthermore, during the period of moratorium, no mobile home or HUD-code manufactured home shall be placed on any lot of the type, design and configuration that would otherwise require a permit under the provisions of Ordinance No. 70 of the City of Wallis, adopted on July 26, 1988, including all amendments thereof.

Section 3. That the City of Wallis further finds and determines that there may be circumstances and conditions where, because of unusual hardship or unanticipated problems involving circumstances and conditions which are unrelated to economic hardship or potential economic loss, an exception to this moratorium

would be just, proper and appropriate. In this regard, the City Council does hereby establish a process for a variance to the moratorium as herein imposed by providing that any person seeking to be excepted from the terms and provisions of the moratorium as herein provided may seek a variance to the moratorium as herein imposed by filing an application with the City Council of the City of Wallis which shall be placed on the next agenda of the City Council of the City of Wallis. In an application for variance, the applicant shall state in a concise manner the specific needs and circumstances that exist which require the placement of a mobile home or HUD-code manufactured home during the term of this moratorium. Such application shall specifically identify the unusual circumstances, conditions, needs and hardship requiring a variance.

Section 4. That it shall be unlawful for any persons to violate the terms and provisions of the moratorium as herein provided, and any person so violating the same shall, upon conviction, be fined not more than the maximum amount as allowed under the laws of the State of Texas, and each day's violation shall constitute a separate violation.

PASSED AND APPROVED by the City Council of the City of Wallis, Austin County, Texas on this, the 19th day of May, 2003.

TONY SALAZAR, MAYOR

ATTEST:

D.J. Sommers, CITY SECRETARY

Exhibit "A"

Findings of Fact in re: City of Wallis Moratorium on the issuance of mobile home/HUD-code manufactured home placement permits

Prepared By: Bill Knesek, Municipal Consultant
City of Wallis

Technical Data Provided By: James McCain, Public Works Director
City of Wallis

There exist within the City of Wallis, Texas, (the "City") properties that could accommodate residential development. However, such development would require the expansion of the City's water and sewer system, e.g., extension of municipal water and sewer lines, in order to accommodate the development and the increase in populations being served by said public facility. Under current conditions the City does not possess the funding necessary for such utility extensions.

At present the City of Wallis has an estimated 80,000 gallon/day capacity for additional sewer service. Utilizing factors of 100 gallon/day per person, and 4 persons/household, this would indicate a capacity of 200 additional households. While the addition of 200 stick-built homes is not a current likelihood, the addition of a 200 unit mobile home/HUD code manufactured home park or subdivision could be quite possible. Any such scale mobile home/HUD code manufactured home park or subdivision would thus cause the City of Wallis to reach the limits of its sewer capacity and trigger unaffordable consequences. The City's current sewage and water facilities are inadequate and insufficient to support and/or sustain such growth. The result would be a shortage of said essential public services.

**NOTICE OF INTENT TO ADOPT MORATORIUM ON THE ISSUANCE OF
MOBILE HOME/HUD-CODE MANUFACTURED HOME PLACEMENT PERMITS**

NOTICE IS HEREBY GIVEN to all interested persons that the City of Wallis, Texas proposes to institute proceedings to impose a moratorium on the issuance of any additional mobile home/HUD-code manufactured home placement permits for a period of one hundred and twenty (120) days, said days to be computed from March 27, 2003.

A first public hearing will be held by and before the City Council of the City of Wallis on Monday, the **19th day of May 2003**, and a second public hearing will be held by and before the Planning Commission of the City of Wallis on Tuesday, the **27th day of May 2003**. The hearing to be held on the 19th day of May will be held at 7:00 p.m. and at this hearing the Council will give a first reading of the Moratorium Ordinance. The second public hearing to be held on the 27th day of May will be held at 7:00 p.m. Both public hearings will be held in the City Council Chamber of the City Hall of the City of Wallis, located at 114 South 3rd Street, Wallis, Texas for all persons interested in the above proposed moratorium. At such time and place, all such persons shall have the right to appear and be heard. All persons interested in this moratorium and matters in relation thereto shall take notice of the date and time of said hearings. A special meeting of the City Council will be held on Wednesday, the **28th day of May** and at this meeting the Council will give a second reading of the Moratorium Ordinance and make its final determination on whether to adopt said Ordinance.