

**ORDER ADOPTING MONTAGUE COUNTY
INFRASTRUCTURE REGULATIONS
FOR
MANUFACTURED HOME RENTAL COMMUNITIES**

PREAMBLE

- A. The Legislature has enacted legislation amending Section 232.007, Local Government Code, Subsection (a) and adding Subsections (c) through (h) enabling Commissioners Courts to adopt requirements for infrastructure regulations for manufactured home rental communities.
- B. Due notice was given of a meeting and public hearing to determine whether the Commissioners Court of Montague County, Texas should enact an order establishing infrastructure regulations for manufactured home rental communities.
- C. The Commissioners Court of Montague County, Texas finds that these requirements help to insure safe access of fire and emergency vehicles, protect against flood damage to properties and possible loss of life, and insure adequate water and wastewater facilities.
- D. The Commissioners Court of Montague County, Texas has considered the matter and deems it appropriate to enact an Order adopting minimum infrastructure regulations for manufactured home rental communities.
- E. According to Local Government Code Chapter 232.001, the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to lay out a Subdivision of the tract, including an addition; lots; or streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a Plat of the Subdivision prepared.
- F. A division of a tract under this subsection includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

ORDER

- A. Construction of a proposed manufactured home rental community may not begin before the infrastructure plan has been approved by the commissioners court
- B. A utility may not provide utility services, including water, sewer, gas, and electric services to a manufactured home rental community subject to infrastructure development plan requirements until the plan is approved by the commissioners' court.

- C. Minimum Standards and submission requirements:
- (1) All internal roads and associated drainage facilities shall be designed and constructed to minimum standards that are reasonably necessary to permit ingress and egress access by fire and emergency vehicles as designed by a registered professional engineer. The drainage facilities shall not be required to exceed the standards and specifications as adopted within the county's subdivision regulations (see Roads in Section F, page 21 of the Montague County Subdivision Rules and Regulations).
 - (2) A drainage plan in accordance with standard engineering practices which meets the standards and specifications as adopted within the Montague County Subdivision Rules and Regulations (see Section F, page 22).
 - (3) Certification by the water and/or wastewater service provider that they agree to provide service. Certification that adequate groundwater is available for the Subdivision. If groundwater is the source of water supply for the subdivision, the Commissioners' Court requires a statement attached to the Plat application, prepared and sealed by a licensed professional engineer registered to practice in Texas, that certifies that adequate groundwater is available for the subdivision, according to the certification form and content as promulgated by the Texas Natural Resource Conservation Commission;
 - (4) All developments to be served by On-Site Sewage Facilities shall comply with 30 TAC Chapter 285 Section 285.4, "Facility Planning" and Section 285.5 "Submittal Requirements for Planning Materials" and the Montague County Rules for On-Site Sewage Facilities"; and
 - (5) A boundary survey of the proposed development site which identifies the proposed location of all rental spaces, utility easements, drainage easements, water and wastewater lines, and floodplain boundaries.
- D. The Montague County Commissioner of that Precinct shall inspect all roads and associated drainage structures for compliance with these minimum standards.
- E. Tenants may not occupy rental spaces until all construction requirements of the infrastructure plan have been approved and completed.
- F. Fees for Infrastructure Plans for Manufactured Home Rental Communities shall be based on the number of lots or rental spaces (see Montague County Subdivision Rules and Regulations for fees).
- G. This change in law made by the 76th Texas Legislature applies only to a manufactured home rental community for which construction is commenced on or after the effective date of the order.
- H. Enforcement; Penalties.
- (1) Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated in these Regulations, the


Rules of Montague County for On-Site Sewage Facilities and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

(2) Enforcement Action. At the request of the Commissioners Court, the county attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:

- (a) Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or
- (b) Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.

AND IT IS ORDERED:

PASSED AND APPROVED THIS 10th DAY OF JULY, 2000 WITH AN EFFECTIVE DATE OF July 10th, 2000



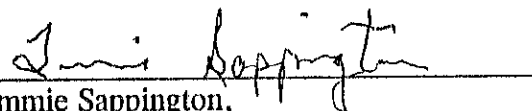
Jon Kernek,
Montague County Commissioner



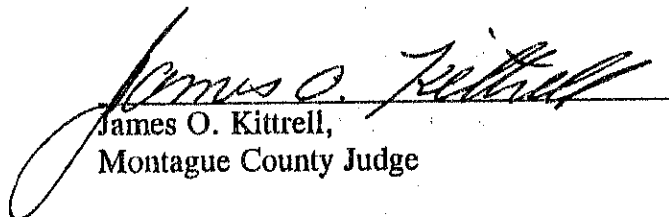
Jerry Clement
Montague County Commissioner



Tommy Sparks,
Montague County Commissioner



Tommie Sappington,
Montague County Commissioner



James O. Kittrell,
Montague County Judge

ATTEST:



Gayle Edwards, Montague County Clerk