

ORDINANCE NO. 09-004

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING ORDINANCE NO. 08-068 TO INCREASE THE NUMBER OF FEMA MANUFACTURED HOUSING UNITS LOCATED ON A CLUSTER SITE FROM TWO TO FIVE UNITS TO A MAXIMUM OF EIGHT HOUSING UNITS AND TO AMEND COMMUNITY SITES FROM A MINIMUM OF SIX TO NINE OR MORE HOUSING UNITS TO EXPEDITE TEMPORARY HOUSING DUE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE IKE; REQUIRING MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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WHEREAS, on October 23, 2008 City Council adopted Ordinance No. 08-068 granting a variance until April 30, 2010 from flood elevation requirements for manufactured homes in floodplains for the limited purpose to allow the Federal Emergency Management Agency ("FEMA") to provide temporary direct housing assistance in the form of manufactured homes and readily fabricated dwellings, primarily mobile homes and park model mobile homes, and to temporarily suspend City Code provisions governing manufactured housing as recommended by Public Works and the Department of Planning and Community Development in response to widespread damage caused by Hurricane Ike; and,

WHEREAS, the Council authorized the placement of manufactured housing, placed by the Federal Emergency Management Agency, to be used as temporary housing for disaster applicants, within the City of Galveston, only to individual sites located on private residential property, cluster sites with two to five housing units, and community sites with six or more housing units; and,

WHEREAS, FEMA is requesting the City increase cluster site locations to a maximum of eight housing units to expedite placing residents in temporary housing, to meet residents preference to reside at smaller temporary sites, and to reduce expenses associated with the development of community sites; and,

WHEREAS, FEMA agrees to meet all previous terms and provisions of Ordinance No. 08-068 relating to the authorization and placement of manufactured housing and further agrees to all assurances as provided in the November 20, 2008 Memorandum responding to Council's concerns regarding private, cluster and community temporary housing sites; and,

WHEREAS, the City Council hereby deems it in the public interest to authorize the placement by FEMA of two to eight manufactured housing units at temporary cluster sites and nine or more housing units at temporary community sites;

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council hereby finds that it is in the public interest to amend Ordinance No. 08-068 for the limited purpose of providing that the placement of manufactured housing, placed by the Federal Emergency Management Agency, to be used as temporary housing for disaster applicants, within the City of Galveston, is amended to increase the number of housing units located on a cluster site from two to five units to a maximum of eight housing units and to amend community sites from six to nine or more housing units. FEMA recognizes that its ability to place such housing in the floodplain is regulated by Federal law and specifically, but without excluding other limitations from law, FEMA assures that the housing units will be elevated to the highest level practicable, notwithstanding usual elevation standards of the City. FEMA further assures that it will not place such temporary housing within a floodway or coastal high hazard area and assumes the responsibility for providing utility connections, adequate access and egress to and from the proposed site of the temporary housing, adequate anchoring of the mobile home or fabricated dwelling, consideration of social and neighborhood patterns, and all related regulations governing placement of the temporary housing. FEMA will remove the temporary mobile homes or fabricated dwellings in accordance with the provisions of this Ordinance and will not otherwise sell or dispose of the temporary housing prior to their removal from the sites. All other provisions of Ordinance No. 08-062 shall remain in full force and effect. FEMA further assures the City that all November 10, 2008 responses to City Council's concerns regarding private, cluster and community temporary housing sites will remain in effect.

SECTION 3. This variance is limited in time in that this authority will end on April 30, 2010. All manufactured homes placed by the Federal Emergency Management Agency, using this authority, must be removed by April 30, 2010 or upon issuance of a Certificate of Occupancy for the repair or reconstruction of the individual's residence, whichever date comes first.

SECTION 4. The City Council hereby determines that this temporary waiver and suspension of regulations governing manufactured housing and mobile homes is considered reasonable for regulatory purposes to meet an urgent need for temporary housing. This Ordinance does not imply that land or the temporary dwellings located within the Special Flood Hazard Area will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City or any official or employee thereof for any flood damages, property damage, or personal injury that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and,

if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clause, sentences, paragraphs and sections of this Ordinance.

SECTION 6. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

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Susie Green  
City Attorney

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 12<sup>th</sup> day of February, 2009, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Secretary for the City Council  
of the City of Galveston