

ORDINANCE NO. 091219A

AN ORDINANCE REGULATING RECREATIONAL VEHICLES PARKS ESTABLISHED AFTER JANUARY 1, 2019, AND PROVIDING FOR A FINE FOR ANY VIOLATION HEREOF IN AN AMOUNT NOT TO EXCEED \$200.00 AND A SEVERABILITY CLAUSE.

DIVISION 1. - GENERALLY

Sec. 1. - Purpose.

The city council finds that properly planned and operated recreational vehicle communities (i.e., recreational vehicle (RV) parks):

- (1) promote the safety and health of the residents of such communities and of other nearby communities;
- (2) encourage economical and orderly development of such communities and of other nearby communities.

It is, therefore, declared to be the policy of the city to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planned and supervised recreational vehicle communities by providing the standards and regulations necessary to accomplish these purposes. This article is enacted in order to achieve orderly development of recreational vehicle parks (RV parks), to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the public. All required permits will be obtained from the City of Rose City before any construction will be started.

Sec. 2. - Applicability and Definitions.

This article shall apply to any recreational vehicle park constructed or opened for business within the city limits after January 1, 2019.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this chapter 42, except where the context clearly indicates a different meaning:

Accessory building or structure, attached or detached, means a building or structure designed and used for functions incidental and accessory to the main use, such as a carport, porch, patio, skirting, awning, cabana, garage, storage cabinet, storage structure and similar appurtenant structures. Additionally, an accessory building is a building where the original intent behind the manufacturing of the building was for something other than residential living.

City council means the city council of the City of Rose City, Texas.

Controlling interest means a person or developer who controls at least 51 percent of ownership.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters which includes facilities for food preparation and sleeping.

Dry Hydrant means an un-pressurized, permanently installed pipe that has one end below the water level of a lake, pond or container.

Fence means the fence must be of metal or galvanized, wood, stone, concrete block or other permanent material being of solid area and no openings.

Full-time employee means a person who is responsible for maintenance of the RV park seven days per week. This person may or may not be the owner of the RV park.

Hard surfaced means a weather-proofed surface of asphalt, concrete or double penetration seal coating that shall not soften when exposed to water and shall be of sufficient thickness to withstand normal wheel loads.

Licensee or permittee means a person who may or may not own a RV park, but is [the] person responsible for the day to day operations including records and license of the park.

Permit means written permit or certification issued by the city permitting the construction, alternation, placement or extension of a RV park.

Person means an individual or a partnership, company, corporation, association, or other group, however organized.

Plat or site plan means a graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

Public use phone means a phone used by registrants of the RV park for emergency purposes

Recorded means that document or instrument properly filed of record in the public records of the Office of the County Clerk of Orange County, Texas.

Recreational vehicle or RV means a vehicular type unit, not exceeding eight feet in width and 46 feet in length, primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, motor home, or other individual camping unit.

Recreational vehicle park or RV park means any lot, tract, or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made. A recreational vehicle park is a unified development of recreational vehicle spaces provided for recreational vehicle use with or without community facilities and permitted permanent buildings.

Recreational vehicle site or RV site means that part of a lot or area in a recreational vehicle park or RV park that has been reserved for the placement of one recreational vehicle or RV.

Replace, replaces, replaced, replacement means something taking the place of and putting back in

a previous place or position of something that was in place and existing at the time that a permit is submitted for approval. With respect to the location on a piece of property, the replacement does not need to be in the same exact location but simply on the same parcel of property unless required to do so by ordinance or other city requirement.

DIVISION 2. - LICENSE AND VIOLATIONS

Sec. 3. - License.

(a) Required. It shall be unlawful for any person to operate any RV park within the city limits unless he/she holds a valid license issued annually by the City of Rose City in the name of such person for the specific park. The license shall be displayed by the licensee in a conspicuous place at all times. The applicant shall make all applications for the licenses on forms furnished by the City of Rose City for review, and possible presentation to the city council, and shall include, in addition to any other pertinent information, the following:

- (1) The name and mailing address of the person or entity making such application;
- (2) Whether the applicant is an individual, partnership, corporation, etc.;
- (3) The names and addresses of the individuals, partners, or directors of any corporation or other business organization of the applicant;
- (4) A legal description and street address of the property in question;
- (5) The name of the owner of the premises with a copy of the vesting deed into the owner and copies of tax receipts showing payment by the applicant or owner of all ad valorem taxes on the property to date, and if the applicant is not the owner of the premises, a copy of the lease or other document signed by the owner and the applicant giving the applicant the right to operate and manage the RV park; and
- (6) Such other information as may be required by the city, which may be required by the city after the city officials review the application.

(b) Approval of application.

All applications for a new RV park must be approved by the city council. The city secretary or designee of the city secretary shall review the application to determine completeness, and to determine if any other information is required. Once the city secretary or designee of the city secretary is satisfied with the application, the council shall have 30 days to approve or deny the application. The applicant shall have the opportunity to present their reasons why the application should be approved at a public hearing. The city secretary or designee of the city secretary shall notify the applicant in writing of the council's approval or denial of the application within ten days of the decision. The council's decision is final.

(c) Application for renewal.

Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City of Rose City on or before December 31st of each year. Such application

shall contain any changes in the information occurring after the original license was issued or the latest renewal granted. The city secretary or designee of the city secretary has the authority to issue application renewals.

(d) Fee.

All applications shall be accompanied by a fee of \$100.00.

(e) Approval of transfer.

Every person holding a license shall give notice in writing to the City of Rose City within ten days after having sold, transferred, given away, or otherwise disposed of interest in or control of any RV park. Application for transfer of a license shall be made within ten calendar days after notification of change covered in this subsection. Within 30 calendar days thereafter, the City of Rose City shall act on the application for license transfer and it shall be approved if the RV park is in compliance with the provisions of this section. See section 26, Change of ownership of grandfathered RV park. Upon change of controlling interest of a grandfathered RV park the new owner shall immediately bring the existing RV park to meet the requirements of this ordinance.

(f) Transfer fee.

All applications for license transfer shall be accompanied by a fee of \$50.00.

(g) Suspension.

(1) Whenever, upon inspection of any RV park, the city finds that conditions or practices exist which are in violation of any provisions of this article applicable to such park, the city shall give notice in writing to the owner and/or manager of the park, and if such conditions or practices have not been corrected in the time frame set forth in the notice, the city will suspend the license and give notice of such suspension. Upon suspension of the license, the licensee shall cease operation of such park.

(2) The suspension of the license may be appealed to the city council as set forth in section 6(b).

Sec. 4. - Approval of transfer.

(a) Every person holding a license shall give notice in writing to the city council at least 30 days before the closing or completion of any sale, transfer, gift or other disposition of an interest in or control of recreational vehicle park. Application for transfer of license shall be made at least 30 days before the closing, or completion of any sale, transfer, gift or other disposition of an interest in or control of the recreational vehicle park, and the city council shall act thereon at the next regularly scheduled meeting.

(b) The city council shall, in its sole discretion, have the authority and right to approve or disapprove the application for transfer of license.

(c) Any applicant denied the transfer of license may request and shall be granted a hearing on the matter before the city council, provided that such person shall file, within 30 days after the day the application for transfer of license was denied or refused, in the office of the city secretary, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. Upon receipt of such petition, the city secretary shall request the city council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the applicant shall be given an opportunity to be heard and to show why such refusal should be

modified or withdrawn. After such hearing, the city council shall issue an order determining whether the transfer of license should be approved or denied. (d) If the city council determines that the application for transfer of a license should not be approved, the applicant shall not use or operate the property as a recreational vehicle park.

Sec. 5. - Inspections.

(a) Authorized. The city secretary or designee of the city secretary are hereby authorized to make such inspections as are necessary to determine compliance with this article.

(b) Entry on premises. The designee of the city secretary or designee of the city secretary shall have the power to enter at reasonable times upon any private or public property with the purpose of inspecting and investigating conditions relating to the enforcement of this article.

Sec. 6. - Notices, hearings and orders.

(a) Notice of violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the City of Rose City shall give notice of such alleged violation to the licensee or agent, as hereinafter provided.

Such notice shall:

- (1) Be in writing.
- (2) Include a statement of the reasons for its issuance.
- (3) Allow ten days for compliance.
- (4) Be served upon the licensee or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.
- (5) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this article.
- (6) After all procedures outlined above are exhausted citations may be issued.

If a municipality mails a notice to a property owner in accordance with section 6(a) and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered as delivered.

(b) Appeal from notice.

Any person affected by any notice that has been issued in connection with the enforcement of any provision of this article applicable to such park may [request] a hearing before the city council; provided that such person shall file within ten days after the day the notice was served, in the city secretary's office, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The filing request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (d) of this section.

(c) Issuance of order.

After such hearing, the city council shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation, which order shall be served by certified mail upon the petitioner. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the license of the park affected by the order.

(d) Order without notice. Whenever the city finds that an emergency exists which requires

immediate action to protect the public health or safety, the designated official may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the city shall be afforded a hearing as soon as possible. The provisions of subsection (c) of this section shall be applicable to such hearing and the order issued thereafter.

Sec. 7. - Violations declared nuisance; abatement; penalty.

Any noncompliance with this article is hereby deemed a nuisance. The city may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Any person(s) violating this article shall be subject to a fine not to exceed \$500.00 for each provision violated, and each day that there is a failure to comply with the terms of any provision of this article is declared to be a separate offense. For violations of the provisions of this article that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, the fine may not exceed \$2,000.00 per day, per violation. The designee of the city secretary shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this article.

DIVISION 3. - SITE PLAN

Sec. 8. - Site development plan.

A site development plan must be prepared and submitted to staff and must include the requirements for site plans contained herein.

Sec. 9. - Location and fencing.

A fence at least eight feet in height must be placed on the property line to buffer the RV park from view. The fence shall be installed on both sides and at the rear of the property.

Sec. 10. - Size and density.

Each RV park must have a minimum size of two acres, with a maximum of five acres. The maximum site density for RV parks shall be 20 sites per acre. Only one recreational vehicle is permitted per recreational vehicle site.

Sec. 11. - Size of individual sites; pad requirements; landscaping.

(a) Each recreational vehicle site within the RV park shall have a minimum area of 1,500 square feet and shall be at least 30 feet wide and 50 feet in depth. In addition, the space shall be clearly marked identifying the space number.

(b) The left one-third (10 × 50) of the site or driver's side must be planted with grass and other landscaping; the middle (10 × 50) and the remaining one-third or passenger side must be hard surfaced. The middle portion is to be used for the parking of the recreational vehicle with the paved area on the right used as a parking or patio area.

Sec. 12. - Street access; street lighting.

(a) Each recreational vehicle site within the RV park shall have access to an internal

private roadway, which shall have access to a public street. The entrance of the internal roadway shall have a pavement width of at least 30 feet with an adequate curb radius. The major thoroughfare shall have a pavement width (hard surfaced) of 24 feet in accordance with city standards. The roadway may be 15 feet if the RV park is designed for one-way roads. Each emergency access lane shall have a clear unobstructed width of 24 feet; 15 feet if one-way and shall have a turning area and radii with a minimum of 60 feet to permit free movement of emergency vehicles. Dead-end streets are not allowed. The internal streets off the major thoroughfare may be constructed with crushed rock materials or similar material with the objective to prohibit dust.

(b) Metal signs shall be placed along the emergency access lane, by the owner or agent of the RV park stating that parking is prohibited. The sign type, size, height and location shall be approved by the city.

(c) Adequate street lighting for the RV park shall be approved by the city.

Sec. 13. - Required facilities.

(a) Each RV park must have an office for the manager of the RV park, and a bathroom and shower facilities, as well as laundry facilities. All facilities used by residents must be well lit inside and out during the night hours. All facilities must meet applicable codes adopted by the city.

(b) All RV parks shall have extra parking for visitors and shall be at the rate of two spaces for every ten RV spots.

Sec. 14. - Soil and ground cover.

Exposed ground surfaces in all parts of the RV parks shall be paved, covered with stone, rock, or other similar solid material, or protected with vegetative cover that is capable of preventing soil erosion and eliminating dust.

Note. All pavement shall be kept in good repair.

DIVISION 4. - STANDARDS

Sec. 15. - Drainage.

The ground surface in all parts of the RV park shall be graded and designed to drain all storm water, surface water in a safe, efficient manner. Drainage analysis shall be performed by a licensed professional engineer and easements for the conveyance of surface water off-site shall be obtained, if necessary.

Sec. 16. - Water supply.

Each site within an RV park shall be provided with a connection to the city water supply if available. If city water supply is not available then a permit from the Texas Commission on Environmental Quality (TCEQ) shall be obtained to install a well. The city must approve all proposed water facility plans prior to construction. Building permits shall not be issued in any case where potable water meeting city standards cannot be provided by operator/developer pursuant to code requirements.

Sec. 17. - Wastewater facilities.

Wastewater facilities shall be provided pursuant to city and state regulations. If city

wastewater is not available then a permit from the Texas Commission on Environmental Quality (TCEQ) shall be obtained prior to placement of an on-site sewage facility. All proposed wastewater service lines shall be connected to the city wastewater system if available. On-site sewage facilities are permitted if city utilities are not available. Building permits shall not be issued in any case where wastewater collection facilities meeting city standards cannot be provided by operator/developer pursuant to code requirements.

Sec. 18. - Electrical service.

Each site within the RV park shall be provided with electrical service. All electrical service shall be underground and installed and maintained in accordance with the National Electrical Code.

Sec. 19. - Sanitary facilities.

(a) Each RV park shall provide the following sanitary facilities as listed below:

(1) One toilet or stool for the female sex for every 20 sites or fraction thereof (minimum of one is required) for the first 120 sites, and one per 40 sites thereafter.

(2) One toilet or stool and one urinal stall for the male sex for every 20 sites or fraction thereof (minimum of one is required) for the first 120 sites, and one per 40 sites thereafter.

(3) One washbasin shall be provided within the toilet room for every two toilets or fraction thereof (a minimum of one is required).

(4) One shower shall be provided for each sex for each 20 sites or fraction thereof (minimum of one is required for each sex) for the first 120 sites, and one per forty (40) sites thereafter.

(5) All toilets and shower facilities shall be placed in properly constructed buildings and located not more than 200 feet from any recreational vehicle site.

(6) Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing.

(7) The floors shall be of concrete or other impervious material, elevated not less than four inches above grade, and each room shall be provided with floor drains.

(8) A slop sink or basin with water supply shall be in the laundry facility, and shall be constructed in accordance with design, size and materials approved by the designee of the city secretary.

(b) Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.

(c) Toilet floors and walls shall be of impervious material, painted white or a light color, and kept clean at all times. Shower stalls shall be of tile, plaster, cement or some other impervious material and shall be kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper, or an equivalent washable surface kept clean at all times.

Sec. 20. - Storage, collection and disposal of refuse and garbage.

Each RV park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Every site shall be located within 200 feet of a refuse facility measured along the RV park internal roadway. Trash dumpsters shall be screened on three sides.

Sec. 21. - Telephone.

A minimum of one land line telephone shall be provided in an easily accessible location 24 hours a day, seven days a week for emergency use.

DIVISION 5. - MISCELLANEOUS

Sec. 22. - Accessory structures.

The individual sites within the RV park are not allowed to have accessory structures as defined herein.

Sec. 23. - Registration of guests.

Each person renting a site within a RV park shall provide the following information to the owner, manager, operator or person in charge of the RV park:

- (1) Name and phone number;
- (2) Full address of permanent residence;
- (3) Automobile and recreational vehicle license plate number and the state in which each is registered;
- (4) Driver's license number of the owner;
- (5) The number or letter of the site being rented;
- (6) Date of arrival and departure.

Sec. 24. - Control of insects, rodents and other pests.

Grounds, buildings and structures in the RV park shall be maintained free of the accumulation of high grass and weeds and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitoes or other pests.

The RV park owner or manager shall be responsible for maintaining the entire area of the park free of dry brush, leaves, limbs and weeds. Growth of plant materials beneath recreational vehicles shall be continuously controlled.

Sec. 25. - Fire safety standards; fire hydrants.

(a) Open fires shall be allowed only in a manner and within a container approved by the fire chief.

(b) Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the fire chief. In no case shall the park provide less than a system of standard hydrants located not more than 500 feet from each RV space and served by water lines not less than six inches in diameter installed in a looped system.

Sec. 26- Change of ownership of grandfathered RV park.

Upon change of controlling interest of a grandfathered RV park the new owner shall immediately bring the existing RV park to meet the requirements of this article.

Sec. 27. - Recreational Vehicles

All Recreational Vehicles in RV parks motorized or otherwise shall be road-worthy, fully licensed to be operated and driven on public roadways if motorized or to be towed on public roadways if otherwise, or towed, with all major systems operable at all times.

Only recreational vehicles shall be allowed in a recreational vehicle park. No HUD manufactured mobile home or FEMA manufactured home shall be permitted in a recreational vehicle park.

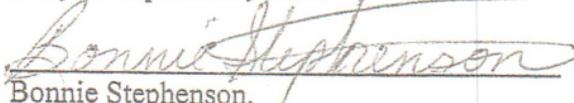
Sec. 28. Penalty.

Any person violating this ordinance shall be guilty of a misdemeanor and is subject to a fine in an amount not to exceed Two Hundred Dollars (\$200.00) for each violation thereof.

Sec. 29. Severability Clause.

If any section, subsection, sentence, clause or phrase of this ordinance, or the application of the same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portion of this ordinance and to such end the various portions and provisions of this ordinance are declared to be severable.

PASSED AND APPROVED this 12th day of September, 2019.


Bonnie Stephenson,
MAYOR, CITY OF ROSE CITY, TEXAS

ATTEST:


Dora Tarbox
INTERIM CITY SECRETARY OF ROSE CITY, TEXAS