

ORDINANCE NO. 11-01-18

AN ORDINANCE OF THE CITY OF DILLEY, TEXAS REGULATING THE PLACEMENT AND LOCATION OF RECREATIONAL VEHICLE PARKS TO BE LOCATED WITHIN THE CITY OF DILLEY AND ITS EXTRA TERRITORIAL JURISDICTION (ETJ); REPEALING ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the city council finds it necessary to regulate the placement of recreational vehicle parks in the City of Dilley and its extra territorial jurisdiction (ETJ); and

WHEREAS, the city council finds that properly planned and operated recreational vehicle communities (i.e. recreational vehicle (RV) parks) promote the safety; and health of the residents of such communities and of other nearby communities and encourage economical and orderly development of such communities and of other nearby communities.

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

RECREATIONAL VEHICLE PARKS

Section 1: Applicability

This ordinance shall apply to any recreational vehicle park to be located within the city limits and its extra territorial jurisdiction (ETJ).

Section 2: Definitions

Accessory structure – Any structural addition to the recreational vehicle park or site, including cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar appurtenant structures.

Biodegradable - Means capable of being decomposed by biological agents, especially bacteria.

Building official - The official of the city responsible for the inspection of electrical, mechanical and plumbing associated with a property.

Controlling interest - A person or developer who controls at least fifty-one percent (51%) of ownership.

Full-time employee - A person who is responsible for maintenance of the RV park seven (7) days per week. This person may or may not be the owner of the RV park.

Licensee or agent - A person who may or may not own the RV park but is person responsible for the day to day operations including records and license of the park.

Recreational vehicle or RV- Any licensed camp trailer, travel trailer, motor home or fifth wheel designed to provide temporary living quarters for recreational camping or travel use, constructed with integral wheels to make it mobile and/ or towable by motor vehicle.

Recreational vehicle park or RV park - 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 - 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.

Section 3: Permit

(a) Required . It shall be unlawful for any person to operate any RV park within the city limits or its extra territorial jurisdiction (ETJ), unless he/she holds a valid permit issued annually by the City of Dilley in the name of such person for the specific park. The applicant shall make all applications for the licenses on forms furnished by the City of Dilley, which shall issue a permit upon compliance with the provisions of this ordinance.

(b) Hearing on denial . Any person whose application for a permit under this ordinance has been denied may request in writing, and shall be granted, a hearing on this matter before the City Administrator with recommendation forwarded to city council for approval or disapproval.

(c) Application for renewal . Application for renewal of a permit shall be made in writing by the licensee on forms furnished by the City of Dilley on or before December 31st of each year. Such application shall contain any changes in the information occurring after the original permit was issued or the latest renewal granted.

(d) Fee. All applications shall be accompanied by a fee as provided for in the fee schedule found in Appendix A.

(e) Approval of transfer. Every person holding a permit shall give notice in writing to the City of Dilley within ten (10) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any RV park. Application for transfer of a permit shall be made within ten (10) calendar days after notification of change covered in this subsection. Within thirty (30) calendar days thereafter, the City of Dilley shall act on the application for permit transfer and it shall be approved if the RV park is in compliance with the provisions of this section.

(f) Transfer fee . All applications for permit transfer shall be accompanied by a fee as provided for in the fee schedule found in Appendix A.

(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 ordinance 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 subsection (b) of section 3.2.

Section 3.1: Inspections

(a) Authorized . The building official or designee is hereby authorized to make such inspections as are necessary to determine compliance with this ordinance.

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

Section 3.2: 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 ordinance, the City of Dilley 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 (10) 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 ordinance.
- 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 3.2 (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 ordinance applicable to such park may [request] a hearing before the City Administrator; provided that such person shall file within ten (10) 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 decision of the City Administrator may be appealed to the city council. 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 Administrator 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.

Section 3.3: Violations declared nuisance; abatement; penalty

Any noncompliance with this ordinance 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 ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this ordinance is declared to be a separate offense. For violations of the provisions of this ordinance that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, the fine may not exceed two thousand dollars (\$2000.00) per day, per violation. The Dilley Police Department shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this ordinance.

Section 4: Site development plan

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

Section 4.1: Location

RV parks shall be located in commercially zoned or light industry area as per the current zoning map (Appendix "B").

Section 4.2: Size and density

Each RV park must have a minimum size of one (1) acre, with a maximum of five (5) acres.

The maximum site density for RV parks shall be twenty (24) sites per acre. Only one (1) recreational vehicle is permitted per recreational vehicle site.

Section 4.3: Size of individual sites; pad requirements; landscaping

(a) Each recreational vehicle site within the RV park shall have a minimum area of one thousand Two-hundred and fifty (1,250) square feet and shall be at least thirty (25) feet wide and fifty (50) feet in depth. The sites shall be designed as pull-through for ease of entering and leaving the site. A roadway is therefore required to the front of the sites. In addition, the space shall be clearly marked identifying the space number.

(b) The area where the recreational vehicle will be placed must be paved with cement, asphalt, crushed rock or similar material.

Section 4.4: 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 thirty (30) feet. The roadway may be fifteen (15) feet if the RV park is designed for one-way roads. The internal streets off the major thoroughfare may be constructed with crushed rock materials or similar material with the objective to prohibit dust.

(b) Adequate lighting for the RV Park shall be required.

Section 4.5: Prohibited placement of recreational vehicle

The placement of a recreational vehicle for occupancy longer than thirty (30) days shall not be permitted except in an approved recreational vehicle park. A recreational vehicle may be placed at an owner's residence as long as the RV is placed in the side or rear yard area and not used for occupancy longer than thirty (30) days in a twelve (12) month period.

Section 5: Drainage

The ground surface in all parts of the RV park shall be graded and designed to drain all stormwater, 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.

Section 6: 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. The water distribution system shall be

installed as follows:

- 1) The water supply system, fixtures and other equipment must be installed in accordance with applicable codes adopted by the city.
- 2) A master water meter shall be installed to serve the RV park. Sub-metering or re-metering of RV sites is not permitted.
- 3) Water riser and service branch lines shall extend at least four (4) inches above ground elevation. The branch line shall be at least $\frac{3}{4}$ inch.
- 4) A shut off valve below the frost line shall be provided near each water riser pipe.
- 5) The owner/operator shall have complete maintenance responsibility for the water System within the RV Park.
- 6) The city has no maintenance responsibility for service lines within the RV Park. The responsibility of the city stops at the property line.

Section 7: Wastewater facilities

Each site within the RV Park shall be provided with a connection for wastewater if available. 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. The city must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be installed as follows:

- 1) The wastewater system and materials must be installed in accordance with applicable codes adopted by the city.
- 2) Each site shall be provided with a four-inch diameter wastewater riser and shall extend above ground (4) to six (6) inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gastight seal when connected to a recreational vehicle or have a gastight seal plug when not in service. The plug shall be that of a spring loaded device.
- 3) The wastewater connection to each site shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be water tight.
- 4) The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park. The responsibility of the city stops at the property line.
- 5) All chemicals entering the city sewer shall be biodegradable.

Section 8: 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 two hundred (200) feet of a refuse facility measured along the RV park internal roadway. Trash dumpsters shall be completely enclosed.

Section 9: Accessory Structures

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

Section 10: 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.

(a) 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.

Section 11: Fire safety standards; fire hydrants

(a) Open fires shall not be allowed, only in approved containers such as a barbeque pit.

(b) A fire hydrant(s) must be placed such that each recreational vehicle site is at least six hundred (600) feet from one.

Section 12: Grandfathered RV Parks and Change of ownership

RV Parks in existence prior the adoption of this ordinance are grandfathered. 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.

Section 12.1: Existing Manufactured Mobile Home Parks

Existing manufactured mobile home parks that have spaces for recreational vehicles existing prior to the adoption of this ordinance shall be permitted to occupy the space with a recreational vehicle. However, in no instance shall a new manufactured mobile home park to be located within the city limits or extra territorial jurisdiction (ETJ) of Dilley be allowed recreational vehicles or spaces for recreational vehicles. Same shall apply to a recreational vehicle to be located within the city limits of Dilley or extra territorial jurisdiction (ETJ). Only recreational vehicles shall be allowed in a recreational vehicle park. No manufactured mobile home shall be permitted in a recreational vehicle park.

Section 13: Repealing

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

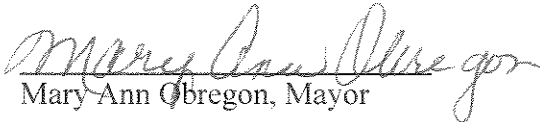
Section 14: Severability Clause

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the validity of any part.

Section 15 Effective Date

This Ordinance shall be in full force and effect from and after its passage and publication required by law, and it is so ordained.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Dilley, on this 18th day of January, 2011.


Mary Ann Obregon, Mayor

ATTEST:


Juanita Gonzalez, City Secretary

APPENDIX "A" FEES

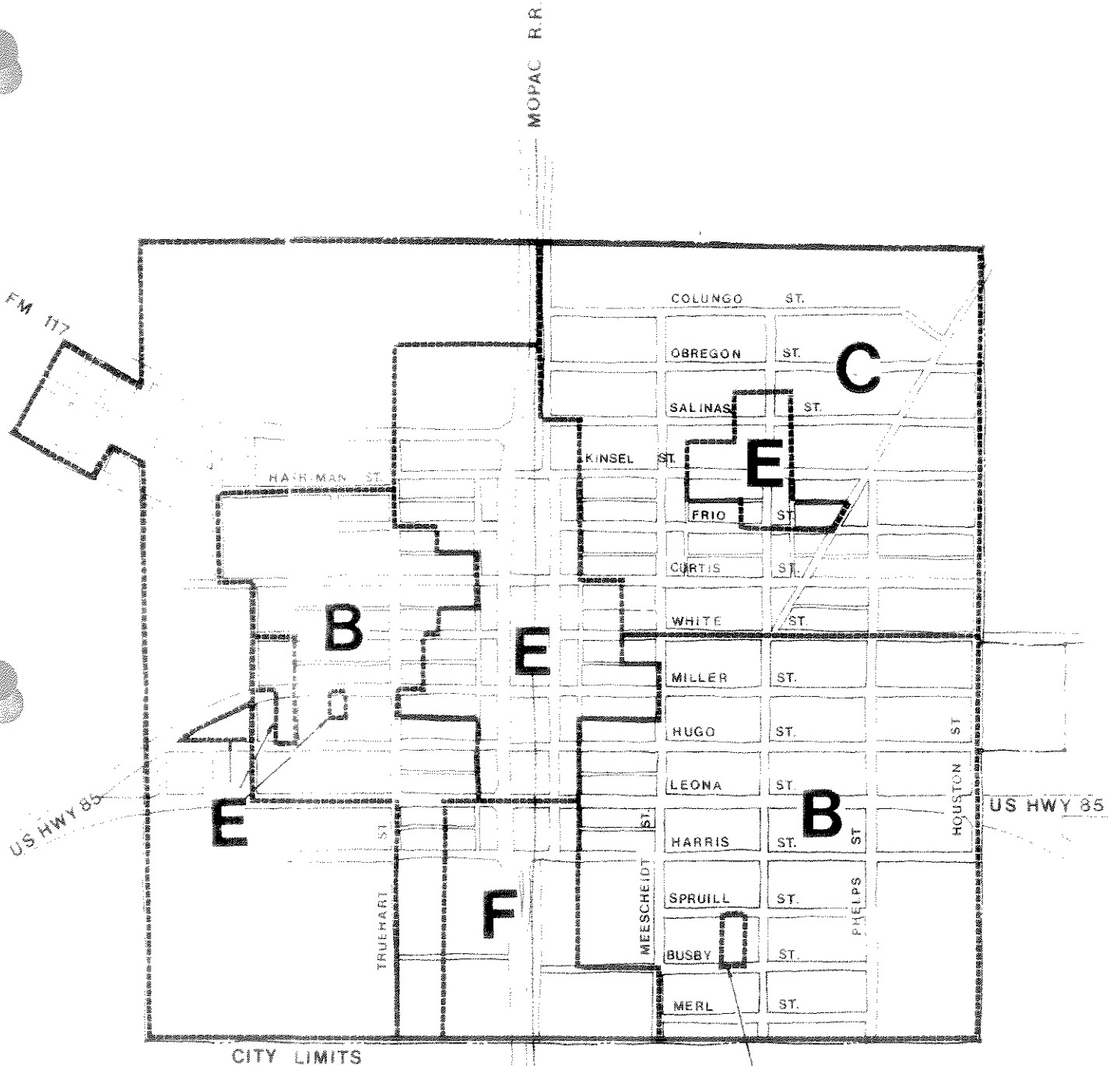
Recreational Vehicle Parks

Annual Permit Fee:
(a) \$ 300.00

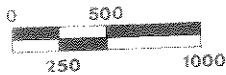
Transfer Fee:
(a) \$150.00

APPENDIX "B" ZONING MAP

Exhibit "A"



CITY LIMITS



PRESENT ZONING

LEGEND

- A ONE FAMILY RESIDENCE - 1500 SQ. FT.
- B ONE FAMILY RESIDENCE - 900 SQ. FT.
- C ONE FAMILY RESIDENCE - 600 SQ. FT.
- D MULTI-FAMILY RESIDENCE
- E RETAIL BUSINESS DISTRICT
- F INDUSTRIAL