

ORDINANCE 381

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAUDE, TEXAS, ADOPTED A RECREATIONAL VEHICLE (RV) ORDINANCE; PRESCRIBING REGULATIONS FOR RECREATIONAL VEHICLE (RV) PARKS WITHIN THE CITY LIMITS OF CLAUDE, TEXAS.

Section 1. Purpose

The recreational vehicle parks (RV parks) ordinance is created to promote the safety and health of the residents of such communities and of other nearby communities. Additionally, the ordinance is created to encourage economical and orderly development of such communities and of other nearby communities. It is, therefore, declared to be the policy of the City of Claude 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 for the standards and regulations necessary to accomplish these purposes.

Section 2. Applicability

This ordinance shall apply to any recreational vehicle park(s) and to any recreational vehicle located on a lot, tract, or parcel within the city limits or within the city's extraterritorial jurisdiction (ETJ) when the lot, tract, or parcel in the ETJ is regulated by the city's ordinances and building codes.

Section 3. License – RV park

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 in the name of the person for the specific RV park. The applicant shall make all applications for the license on forms furnished by the city which shall issue a license upon compliance with the provisions of this ordinance. It shall further be unlawful for any person to place, or have placed, an individual RV, for the purposes of inhabiting said RV, on any lot, parcel, or tract of land, within city limits or within the city extraterritorial jurisdiction (ETJ) when the lot, tract, or parcel is regulated by the city's ordinances and building codes through a signed water and/or sewer contract, that is connected to utilities (i.e., electrical, water, sewer)

1. Hearing and denial. Any person whose application for a license, under this ordinance, has been denied may request, and shall be granted, a hearing on this matter before the city council.
2. Application for renewal. All RV Park licenses expire on December 31st of every year. Applications for a license shall be made in writing by the licensee on forms furnished by the city on or before October 1st of every year. If application for renewal is not submitted within the specified timeline, then a late fee of twenty-five dollars (\$25.00) shall be

accrued for each week following the deadline. Such application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted.

3. Fee. All applications shall be accompanied by a fee as provided for in the fee schedule in section 24.
4. Approval of transfer. Every person holding a license shall give notice in writing to the city within ten (10) days after having sold, transferred, given away or otherwise disposed of interest in, or control of, any RV park. Applications for transfer of a license shall be made within ten (10) calendar days after notification of change covered in this subsection. Within thirty (30) calendar days thereafter, the 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 ordinance.
5. Suspension.
 - a. 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 or adopted building codes applicable to such park, the city shall provide 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 license shall cease operation of such park.
 - b. The suspension of the license may be appealed to the city council as set forth in section 5.
 - c. It is required that every person holding a RV park license shall give notice in writing to the city within ten (10) days of voluntary cessation of operation of the RV park.

Section 4. Inspections.

1. Authorized. The city Public Works Supervisor or Water/Wastewater Supervisor shall make one (1) annual inspection per RV park and additional inspections as are necessary, without prior notice, to determine compliance with this ordinance.
2. Entry on premises. The city Public Works Supervisor or Water/Wastewater Supervisor shall have the power to enter, during normal operation hours, upon any private or public property with the purpose of inspection and investigating conditions relating to the enforcement of this ordinance.

Section 5. Notices, hearings and orders.

1. Notice of violation
 - a. Whenever it is determined there are grounds to believe there has been a violation of any provisions of this ordinance, or any city ordinance, the city shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

- i. Be in writing.
 - ii. Include a statement of the reason for the issuance.
 - iii. Allow ten (10) business days for compliance. The city Public Works Supervisor or Water/Wastewater Supervisor is authorized to grant extensions for work that may require more than ten (10) business days. The extension shall be in writing and justifiable cause demonstrated.
 - iv. Be served upon the licensee or his agent; provided that such notice is order shall be deemed to have been properly served upon such licensee or agent when a copy of thereof has been in person or sent by certified mail to his/her last known address.
 - v. Citations may be issued after all procedures outlined above have been exhausted.
 - b. If the city mails a notice to the property owner in accordance with this ordinance and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected, the notice is considered as delivered.
2. Appeals to the city council can be made by any person aggrieved by an officer, department head or employee of the aggrieved party affected by any decision of the city representative. Such appeal shall be filed with the municipal clerk within fifteen (15) days after the decision has been rendered by the building official.
 3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the city representative certifies to the city council, after the notice of appeal had been filed with the city representative, that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the city council or the court of record on application or notice to the building official from whom the appeal is taken and on whom due cause is shown.
 4. No appeal to the city council for the same or related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from the previous ruling of the city council on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months period, been changed or acted on by the city council or city council so as to alter the facts and conditions on which the previous city council action was based. Such change of circumstances shall permit the re-hearing of an appeal by the city council prior to the expiration of six (6) months, but such conditions shall in no way have any force in law to compel the city council, after a hearing, to grant subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the particular and specific conditions related to the property in which the appeal is brought.
 5. At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the city council on any appeal. Any special

exception or variance granted or authorized be the city council, under the provisions of this ordinance, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action of the city council, unless said council shall have, in its action approved a longer period of time and has so shown such specific longer period in the minutes of action. If the building permit and/or certificate of occupancy have been applied for within said ninety (90) period, or such extended period as the city council may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights hereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

Section 6. Violation declared nuisance – abatement – penalty.

Any non-compliance with this ordinance is hereby deemed a nuisance. The city may abate and remove the nuisance and hold the RV park owner 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 provisions 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 city representative 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 7. Site development plan.

A comprehensive site development plan, including all proposed on-site utilities, right-of-way and drainage, RV site(s) layout, building improvements, landscaping, driveway locations and specifications, interior access road locations using all weather materials, fencing, lighting, and signage must be prepared and submitted to the city and must address all include all requirements contained herein.

Section 8. Size and density.

Each RV Park must have a minimum of five (5) acres, with a maximum of fifteen (15) acres. Only one (1) recreational vehicle is permitted per recreational vehicle site.

Section 9. Location and fencing.

1. RV parks shall be located in an area regulated by section 8 of this ordinance.
2. A chain link fence or better at least four (4) feet in height must be placed on all sides and rear property lines.

Section 10. Size of individual sites; pad requirements.

1. Each recreational vehicle site within the RV park shall have a minimum area of one thousand seven hundred fifty (1,750) square feet and shall be at least twenty-five (25) feet in width.
2. Each RV Park site shall have a permanent site marker or sign clearly identifying the site number. Each site marker or sign shall be easily visible from the adjacent RV park roadway during both daytime and nighttime.
3. Each RV Park site shall include an RV parking pad consisting of all-weather material of a minimum size of ten (10) feet wide and forty-two (42) feet in depth. Each recreational vehicle shall be parked on the provided parking pad of each RV site. The remaining ground area of the RV site must comply with section 12.
4. RV site parking shall be situated on the RV park sites such that all recreational vehicles shall be separated by a minimum of ten (10) feet.

Section 11. Street access: paved internal streets required.

1. Each recreational site within the RV park shall have access to an internal private roadway which shall have access to a public street. The entrance on the internal roadway shall be constructed of all-weather material and shall have all weather material of at least thirty (30) feet wide with an adequate curve radius or flare.
2. Each emergency access lane shall have a clear unobstructed width of at least twenty-eight (28) feet; fifteen (15) feet if one-way and shall have a turning area and radius with a maximum of sixty (60) feet to permit free movement of emergency vehicles.
3. Dead-end streets are not allowed. The internal street off the major thoroughfare may be constructed with all-weather material.
4. All RV parks must have a minimum of two (2) access points to the public street system.
5. Street parking of RV's shall not be allowed. All RV's must be parked in their respective spaces.

Section 12. Soil and ground cover

Exposed ground surfaces in all parts of the RV parks shall be all weather material or protected with vegetative cover that is capable of preventing soil erosion and eliminating dust.

Section 13. Area(s) designated for vehicle parking.

1. Each recreational vehicle site within the RV park shall have a minimum of one (1) 10' x 20' off-street parking space provided.
2. Each RV Park shall have a minimum of one (1) common guest parking space for every four (4) recreational vehicle sites.

Section 14. Drainage.

The ground surface on all parts of the RV park shall be graded and designed to drain all storm water and surface water in a safe, efficient manner. Drainage analysis shall be performed by a

license professional engineer and easements for the conveyance of surface water off-site shall be obtained if necessary.

Section 15. Water supply.

Each site within an RV park shall be provided with a connection to the city water supply if such connection is available. 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 ordinances adopted by the city.
2. A master water meter shall be installed to the RV park with a minimum of a 2" meter with check valve. Sub-metering or re-metering of individual RV sites for public purpose, as determined by the city is not permitted.
3. A reduced pressure principal backflow preventer will be required to be placed at the property line on the discharge side of the master meter or any other city-issued water meters.
4. A shut-off valve shall be provided on each branch water service line. All shut-off valves shall be enclosed in an appropriate valve box. All valves shall be labeled.
5. The owner/operator shall have complete maintenance responsible for the water system within the RV park.
6. The city has no maintenance responsibility for service water lines within the RV park. The responsibility of the city stops at the meter.

Section 16. Wastewater facilities.

Each site within the RV park shall be provided with a connection for wastewater services. All proposed wastewater services shall be connected to onsite wastewater collection lines, which shall then connect to the city wastewater collection system or acceptable septic system. The city must approve all proposed wastewater facility plans prior to construction. The wastewater collection system shall be installed as follows:

1. The wastewater system and materials must be installed in accordance with applicable codes adopted by the city and county.
2. Each site shall be provided with four (4) inch diameter wastewater riser and shall extend above grade four (4) to six (6) inches. The wastewater riser pipe shall be so located on each site so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a tight seal when connected to a recreational vehicle or have gas tight seal plug when not in service.
3. The wastewater connection to each site shall consist of single, four (4) inch service line without any branch line, fittings or connections. All joints shall be watertight.
4. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) to six (6) inches above the ground elevation.
5. The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park and the city's responsibility stops at the main/manhole.

6. Each RV Park shall be required to install at the property line, where connection to the city sewer is made a lift station.

Section 17. Electrical service.

Each site within the RV park shall be provided with electrical service. All electrical service shall be underground and installed in accordance with the most currently adopted National Electrical Code. The electrical service shall be installed as follows:

1. The city has no maintenance responsibility for service lined within the RV park.
2. The location of all underground lines shall be clearly marked by service signs at approved intervals.
3. Power supply to each RV site shall be a minimum of one (1) 20-amp and one (1) 30-amp power supply.
4. Outlets (receptacles or pressure connectors) shall be housed in an Underwriter's Laboratories, Inc. approved weatherproof outlet box.
5. A watertight seal shall be provided for underground conduit in floodplain installations and a riser extending a minimum of two (2) feet above the floodplain elevation shall be provided.
6. A map of the electrical will be provided to the city.

Section 18. Storage, collection and disposal of refuse and garbage.

The city shall provide with adequate facilities for the collection and removal of waste and garbage. Storage, collection and handling shall be conducted so as to not create any health hazards, rodent harborage, insect breeding areas, or fire hazards. The city staff shall determine the amount of pickups. The city will place one (1) refuse container for every six (6) RV sites within the RV park. All refuse containers shall be screened by a minimum six (6) foot opaque fence on three (3) sides.

Section 19. Registration of guests.

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

1. Name
2. Automobile and recreational vehicle license plate number
3. Number of persons occupying the RV site
4. The number or letter of the designated site being rented.
5. Date of arrival and departure

Section 20. 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, weeds, and debris so as to prevent rodent, snake harborage or the breeding of flies, mosquitoes or other pests.

Section 21. Fare safety standards.

No open fires will be permitted in any RV park.

Section 22. Existing non-conforming RV Parks.

1. Unless as otherwise provided herein, this ordinance shall not be applicable to any existing non-conforming RV parks in existence on the effective date of adoption of this ordinance until such time as provided in section 23.
2. Further, if an RV park is under actual construction and same has been lawfully permitted and diligently begun to the effective date of the adoption of this ordinance, then this ordinance shall not apply until such time as provided in section 23. Actual construction shall be defined as including the approval of the RV park site development plan by the city and the commencement of construction of permanent utility services. Final determination of actual construction shall be determined by the city representative.

Section 23. Change of ownership of existing non-conforming RV park.

Upon a change of ownership of an existing non-conforming RV park, as referenced above, the new owner shall be issued a temporary license and given ninety (90) days to bring the existing RV park into compliance with this ordinance. The city representative is authorized to grant extensions for work that may require more than ninety (90) days. The extension shall be in writing and justifiable cause demonstrated. Change of ownership shall include a change from ownership of any person, firm, or entity. Change of ownership shall not include an assignment to an entity formed and majority owned by the original existing non-conforming owner.

Section 24. Fees.

Recreational vehicle park fee schedule is as follows:

1. For parks from one (1) to fifty (50) spaces:
 - a. License fee: \$250.00
 - b. Annual fee: \$100.00
2. For parks in excess of fifty (50) spaces
 - a. License fee: \$500.00
 - b. Annual fee: \$200.00
3. Upon transfer of ownership a new license will be required

Twila Baldwin

Mayor Twila Baldwin

ATTEST:

Alexandra Sharon

Alexandra Sharon, City Secretary

