
CITY OF PORT LAVACA

MEETING: MAY 13, 2024 **AGENDA ITEM** _____

DATE: 05.06.2024

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider an Ordinance of the City of Port Lavaca amending the Code of Ordinances, Chapter 26 Manufactured Housing and Recreational Vehicles

During the City Council Special Workshop on March 25, 2024, there was a lengthy discussion and concerns regarding the licensing of RV Parks. Staff scheduled a meeting with the surrounding owners and discussed requiring a Certificate of Occupancy in leu of a license. This change would reflect the same requirements as other businesses within the city. Therefore, the attached amendments are recommended to Chapter 26-MANUFACTURES HOUSING AND RECREATIONAL PARKS.

Staff Recommendation: APPROVAL of the revisions to Chapter 26-MANUFACTURED HOUSING AND RECREATIONAL PARKS.

Attachments:

- Proposed Chapter 26-MANUFACTURED HOUSING AND RECREATIONAL PARKS

ORDINANCE NO. G-4-24

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE ORDINANCE CODIFIED AND DESCRIBED IN THE CITY OF PORT LAVACA'S CODE OF ORDINANCES AS CHAPTER 26 MANUFACTURED HOUSING AND RECREATIONAL VEHICLES (RV), MANUFACTURED HOUSING PARKS, RECREATIONAL VEHICLE PARKS; PROVIDING FOR PURPOSE OF ORDINANCE; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

SECTION 1: Purpose.

The attached Exhibit A document identifies amendments that are to be made to various Sections of Chapter 26 of the City of Port Lavaca's Code of Ordinances. Text that remains unchanged will be in black-colored letters, text that is new will be identified by red-colored underlined letters and all text to be deleted will be identified as blue-colored letters with strikethroughs.

SECTION 2. Severability.

It is specifically declared to be the intention of the City Council that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

SECTION 3. Penalties

Penalties are provided for in the attached Exhibit A and all fees are to be listed in Appendix A of the City of Port Lavaca Code of Ordinances.

SECTION 4. Ordinances in Conflict

All ordinances or parts of ordinances conflicting with or not consistent with the provisions of this article are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency or conflict, and in all respects, this article shall be cumulative of all other ordinances of the City of Port Lavaca regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this article shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 5. Effective Date

This ordinance shall become effective upon adoption by City Council.

FIRST READING this 13th day of May, 2024.

Jack Whitlow, Mayor

SECOND AND FINAL READING this 10th day of June, 2024.

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 10th day of June, 2024.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Aguirre			
Councilman Dent			
Councilman Tippit			
Councilwoman Padron			
Councilman Ward			
Councilman Burke			

Amends Ordinance G-10-22

Record of approval by City Council: City Council Minute Records, Volume 3-I, Page ____.

EXHIBIT A

Chapter 26 MANUFACTURED HOUSING¹ AND RECREATIONAL VEHICLES

Sec. 26-6. - Manufactured housing parks.

~~Licensed/permitted manufactured home parks as of the effective date of the ordinance from which this chapter is derived shall meet the following regulations:~~

~~(1) — *License, knowledge of state law and inspection required.* It shall be the duty and responsibility of each person operating an existing manufactured housing park to apply to the building official for a nontransferable license to operate such park within 90 days of the effective date of the ordinance from which this chapter is derived.~~

~~(2) — *Application for renewal.* All manufactured housing park licenses expire on December 30th of every year. Application for renewal of a license shall be made in writing by the licensee on forms furnished by the city on or before December 1st of each year. If application for renewal is not submitted within the specified timeline then a ten percent late fee shall be accrued for each month following the deadline. License fees are as scheduled in Appendix A— Fees, Rates and Charges. Such application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted. Before issuing such license, the building official shall cause inspections of the property to be made to determine that:~~

~~a. — The property is clean and sanitary.~~

~~b. — All utility installations and connections comply with applicable codes and ordinances.~~

~~c. — The common access routes are properly maintained to allow for smooth and safe travel by park occupants and emergency response vehicles.~~

~~d. — The storage, collection, and disposal of refuse in the manufactured housing park is conducted in such a way as to create no unsightly conditions, health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution; and~~

~~e. — The manufactured housing park is kept free of litter, rubbish, uninhabitable homes, junked vehicles, and other flammable materials. In order to correct any deficiencies in the requirements listed in subsection (2) a. through e. of this section, the person operating the existing manufactured home park may apply to the building official for a temporary license. The application shall include a detailed schedule and method of~~

¹State law reference(s)—Texas Manufactured Housing Standards Act, V.T.C.A., Occupations Code Ch. 1201.

~~corrections. If approved by the building official, such temporary permit shall not exceed 180 days. Failure to meet the schedule will void the temporary license.~~

Required. It shall be unlawful for any person to operate any manufactured home park within the city limits unless he/she holds a valid license issued by the City of Port Lavaca in the name of the person for the specific manufactured park. The applicant shall make all applications for the license on forms furnished by the city and pay licensing fees which shall issue a license upon compliance with the provisions of this chapter. License fees are as scheduled in Appendix A - Fees, Rates and Charges. It shall be the duty and responsibility of each person operating an existing manufactured housing park to register for a nontransferable license to operate such park within 90 days of the effective date of the ordinance from which this chapter is derived. All manufactured home parks existing as of the effective date of the ordinance from which this section is derived, shall be exempt from licensing fees.

(1) Hearing on denial. Any person whose application for a license, under this article, has been denied may request, and shall be granted, a hearing on this matter before the city council.

(2) Notice of transfer. Every person holding a license shall give notice in writing to the city within ten days after having sold, transferred, given away or otherwise disposed of interest in, or control of, any manufactured home 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 shall act on the application for license transfer, and it shall be approved if the manufactured home park is in compliance with the provisions of this article.

(3) Cessation. It is required that every person holding a Manufactured Home Park license shall give notice in writing to the city within ten days after voluntary cessation of operations of the Manufactured Home Park.

(4) Expiration of license. Any manufactured home park abandoned for more than 180 days shall not resume further use prior to conforming with the requirements of a new license in accordance with this chapter.

(5) Maintenance. It shall be the park licensee's responsibility to maintain the following conditions:

- a. ~~It shall be the park licensee's responsibility to maintain the conditions listed in subsection (2) a through e of this section.~~
- b. ~~It shall be the park licensee's responsibility to maintain proper setback and separation distances between units and between units and property lines for any manufactured home installed in the park after the effective date of the ordinance from which this chapter is derived, unless otherwise approved by the building official.~~

e. ~~In addition to other penalties, the building official shall have the authority to void the license to operate a manufactured housing park if the requirements of this section are not maintained.~~

(a) The property is clean and sanitary.

(b) All utility installations and connections comply with applicable codes and ordinances.

(c) The common access routes are properly maintained to allow for smooth and safe travel by park occupants and emergency response vehicles.

(d) The storage, collection, and disposal of refuse in the manufactured housing park is conducted in such a way as to create no unsightly conditions, health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution; and

(e) The manufactured housing park is kept free of litter, rubbish, uninhabitable homes, junked vehicles, and other flammable materials

(f) It shall be the park licensee's responsibility to maintain proper setback and separation distances between units and between units and property lines for any manufactured home installed in the park after the effective date of the ordinance from which this chapter is derived, unless otherwise approved by the building official.

(6) *Suspension.*

(a) Whenever, upon inspection of any manufactured home park, the city finds that conditions or practices exist which are in violation of any provisions of this article 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 within 90 days or 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.

(b) The suspension of the license may be appealed to the city council as set forth in section 26-13.

(7) *Temporary license.* In order to correct any deficiencies resulting in suspension of license, the person operating the existing manufactured home park may apply to the building official for a temporary license. The application shall include a detailed schedule and method of corrections. If approved by the building official, such temporary license shall not exceed 180 days. Failure to meet the schedule will void the temporary license.

(8) *Inspections.*

- (a) *Authorized.* The city building official, or designee shall make one annual inspection per manufactured housing park and additional inspections as are necessary, without prior notice, to determine compliance with this article.
- (b) *Entry on premises.* The city building official and code enforcement officer 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 article.

(9) *New or expanding manufactured housing parks construction.*

- (a) Manufactured housing parks shall be constructed in areas recommended by the planning commission and approved by city council, in accordance with the currently adopted City of Port Lavaca Future Land Use Plan.
- (b) A subdivision plat shall be presented to the building official for review for conformity to chapter 42, subdivisions, and plats. The plat will be presented to the planning commission for consideration and approval. Upon approval, the planning commission's recommendation will be placed on the city council agenda for final determination.
- (c) The subdivision plat shall be accompanied by a plot plan and construction specifications. The documents shall include the location and specifications of all spaces, accessways, parking areas, service buildings, utility lines, fire hydrants and other construction within the subdivision.
- (d) Site design standards.
 - (i). Minimum space size shall be 50 feet by 120 feet.
 - (i). A minimum of two parking spaces shall be provided within the space. Parking spaces shall not have direct access to a public street or road.
 - (ii) Each manufactured home park shall provide a minimum of one common guest parking space for every four manufactured home sites.
 - (iii) Spaces shall be designed to maintain a minimum setback of:
 - (A) Twenty feet between the manufactured housing units;
 - (B) Twenty-five feet between the front of the manufactured housing and the accessway; and

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- (iv) Ten feet between the rear of the manufactured housing to the rear line of the space.
- (10) *Additions.* Structures of a permanent nature added or attached to manufactured house such as enclosed porches, screened enclosures, storage closets and carports, shall conform to all applicable provisions of the building code. The total combined area of all such additions, except carports, shall not exceed the gross area of the mobile home or manufactured housing itself.
- (11) *Utilities.* Each lot shall be supplied with water, sewer, electrical, (natural gas if applicable,) telephone and other services with such services to be underground.
- (a) City water customers shall occupy all spaces. Water mains and meters shall be placed in approved easements through the park property in accordance with city specifications and policies.
- (b) Sewer collection systems can be either private or public. Private sewer collection systems shall be considered plumbing and installed in accordance with the city's adopted plumbing code. Public sewer systems shall be considered a utility and shall be installed in approved easements according to city and state utility specifications.
- (12) *Safety.* No persons shall occupy a mobile home, manufactured home, or recreational vehicle, regardless of the age of the manufactured home, mobile home or recreational vehicle, unless there is installed therein smoke detectors approved by the city, or as required by law for that particular mobile home, manufactured home or recreational vehicle.
- (a) All smoke detectors in a mobile home, manufactured home or recreational vehicle shall be maintained so that they are in good working order at all times.
- (13) *Buffer areas.* A vegetative barrier or opaque fence must be placed on all sides and rear property lines. Along the front property line and any property line abutting a street, an approved landscaping plan and lighting plan will be required and installed.
- (14) *Building height.* No dwelling shall exceed one story.
- (15) *Home size.* Minimum size for manufactured housing shall be no less than 480 square feet.
- (16) *Driveways.* ~~A manufactured housing subdivision~~ Each manufactured home park site must have at least a two-car driveway surfaced with a hard, dustless material as approved by the public works director and such surfacing shall be maintained in good condition at all times.
- (17) All spaces shall be within 300 feet of an approved fire hydrant as measured along streets, roadways, and accessways.

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- (18) Accessways shall connect directly to a public roadway. They shall have a minimum paved surface width of 24 feet and no turning radius less than 30 feet. Pavements shall be constructed to support the anticipated vehicular loads and prevent the accumulation of water on the pavement surface. The drainage system shall comply with the City of Port Lavaca Drainage Criteria Manual.
 - (19) Any dead-end accessways in excess of 50 feet in length shall terminate in a cul-de-sac with a paved radius of 40 feet. Cul-de-sacs shall not exceed 500 feet in length. Any accessway in excess of 500 feet shall connect with a public roadway on both ends or connect to cross accessways to form blocks of spaces.
 - (20) Manufactured housing units shall be 25 feet from any public roadway. There shall be no carports, covered porches, or structures within the setback areas.

Sec. 26-7. Recreational vehicles.

- (a) Occupied recreational vehicles shall be installed in ~~licensed~~ permitted recreational vehicle parks or manufactured housing parks. Recreational vehicles installed in manufactured housing parks shall be subject to the same installation requirements as manufactured housing. An exception to this requirement is a recreational vehicle which is used to house temporary guests. Such recreational vehicle may be occupied on individual residential lots for a period not to exceed 30 days in a calendar year, provided that the property owner obtains a permit for the ~~RV connection and disconnection~~ temporary RV placement, at no cost, from the permits department in city hall in order to keep up with the timeline for the 30-day rule. ~~The water and wastewater connect and disconnect will only be done by a city employee.~~
- (b) Recreational vehicles shall not be parked or stored in any street or public right-of-way. Recreational vehicles parked or stored on individual lots shall not be provided with permanent city water and wastewater utilities. Electric hook-up is permissible to act as a mold deterrent and in order to keep running a generator or a refrigerator.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

Sec. 26-8. Recreational vehicle parks.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

Sec. 26-9. Purpose.

The recreational vehicle parks (RV parks) article is created to promote the safety and health of the residents of such communities and of other nearby communities. Additionally, the article 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 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.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

Sec. 26-10. Applicability.

This article shall apply to any recreational vehicle park(s) and to any recreational vehicle located on a lot, tract or parcel within the city limits and is regulated by the city's ordinances and building codes through a signed water and/or sewer utility contract.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

Sec. 26-11. License Certificate of Occupancy—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 certificate of occupancy issued ~~annually~~ by the City of Port Lavaca in the name of the person for the specific RV park. The applicant shall make all applications for the license certificate of occupancy on forms furnished by the city which shall issue a license certificate of occupancy upon compliance with the provisions of this chapter. It shall further be unlawful for any person to place, or have placed, an individual RV, for the purpose of inhabiting said RV, on any lot, parcel, or tract of land, within the city limits and is regulated by the city's ordinances and building codes through a signed water and/or sewer utility contract, that is connected to utilities.

- (1) *Hearing on denial.* Any person whose application for a License certificate of occupancy, under this article, 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 September 30th of every year. Application for renewal of a license shall be made in writing by the licensee on forms furnished by the city on or before September 1st of each year. If application for renewal is not submitted within the specified timeline then a late fee of ten percent shall be accrued for each month following the deadline. Such application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted.~~
- (2) *Fee.* All applications shall be accompanied by a fee as provided for in the fee schedule in Appendix A of this Code.
- (3) *Approval of transfer.* Every person holding a license certificate of occupancy shall give notice in writing to the 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~~ a new certificate of occupancy shall be made within ten calendar days after notification of change covered in this subsection. Within 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 article.
- (4) *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 article 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 within 90 days or in the time frame set forth in the notice, the city

will suspend the license certificate of occupancy and give notice of such suspension. Upon suspension of the license certificate of occupancy, the licensee certificate holder shall cease operation of such park.

- b. The suspension of the license certificate of occupancy may be appealed to the city council as set forth in section 26-13

(5) Temporary Certificate of Occupancy. In order to correct any deficiencies resulting in suspension of certificate of occupancy, the person operating the existing RV park may apply to the building official for a temporary certificate of occupancy. The application shall include a detailed schedule and method of corrections. If approved by the building official, such temporary certificate of occupancy shall not exceed 180 days. Failure to meet the schedule will void the temporary certificate of occupancy.

(6) Cessation. It is required that every person holding a RV park certificate of occupancy shall give notice in writing to the city within ten days after voluntary cessation of operations of the RV park.

(Ord. No. G-10-22 , § 1 (Exh. A), 12-12-2022)

Sec. 26-12. Inspections.

- (a) *Authorized.* The city building official, or designee shall make one annual inspection per RV park and additional inspections as are necessary, without prior notice, to determine compliance with this article.
- (b) *Entry on premises.* The city building official and code enforcement officer 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 article.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

Sec. 26-13. Notices, hearings, and orders.

- (a) *Notice of violation.* Whenever it is determined there are grounds to believe there has been a violation of any provision of this article, or any other city ordinance, the city shall give notice of such alleged violation to the licensee certificate holder 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 business days for compliance. The building official is authorized to grant extensions for work that may require more than ten business days. The extensions shall be in writing and justifiable cause demonstrated.
 - (4) Be served upon the licensee certificate holder or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee certificate holder or agent when a copy of thereof has been served in person or sent by certified mail to his/her last known address.

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- (5) Citations may be issued after all procedures outlined above have been exhausted. If the city mails a notice to the property owner in accordance with section 26-13 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.
- (b) Appeals to the city council ("board") can be made by any person aggrieved or by an officer, department or board of the aggrieved party affected by any decision of the building official. Such appeal shall be filed with the building official within 15 days after the decision has been rendered by the building official.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the board, after the notice of appeal has been filed with the building official, 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 board or a court of record on application or notice to the building official from whom the appeal is taken and on whom due cause shown.
- (d) No appeal to the board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six months from a previous ruling of the board on any appeal to such body unless other property in the immediate vicinity has, within the said six-months period, been changed or acted on by the board or city council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the re-hearing of an appeal by the board prior to the expiration of six-months period, but such conditions shall in no way have any force in law to compel the board, after a hearing, to grant subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- (e) 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 board on any appeal. Any special exception or variance granted or authorized by the board, under the provision of this section, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action of the board, unless said board shall have, in its action approved a longer period of time and has so shown such specific longer period in the minutes of the action. If the building permit and/or certificate of occupancy has been applied for within said 90 day period, or such extended period as the board 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.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

Sec. 26-14. Violations declared nuisance—Abatement—Penalty.

Any non-compliance with this article 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 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 building official shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this article.

(Ord. No. G-10-22 , § 1(Exh. A), 12-12-2022)

END OF EXHIBIT A