

## **ORDINANCE NO. G-10-22**

AN ORDINANCE OF THE CITY OF PORT LAVACA, TEXAS, REGULATING MANUFACTURED HOUSING AND RECREATIONAL VEHICLES (RV), MANUFACTURED HOUSING SUBDIVISIONS, MANUFACTURED HOUSING PARKS, RECREATIONAL VEHICLE PARKS; PROVIDING FOR PERMITS; SETTING FEES; ESTABLISHING AN APPEALS PROCESS; SETTING PENALTIES FOR VIOLATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE

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

### **SECTION 1: Purpose.**

THAT the attached Appendix A serve for the creation of a new ordinance, to be codified in the City of Port Lavaca Code of Ordinances, as Article II, Chapter 26 under the heading of Manufactured Housing and Recreational Vehicles.

### **SECTION 2. Severability.**

THAT this is included in the attached Appendix A.

### **SECTION 3. Penalties**

THAT this is included in the attached Appendix A and all fees are to be listed in Appendix A of this Code.

### **SECTION 4. Ordinances in Conflict**

THAT this is included in the attached Appendix A and all other ordinances are hereby repealed.

### **SECTION 5. Effective Date**

THAT this article shall take effect immediately after the date of publication of the caption or title of same, including the penalty, as required by the City Charter.

Existing manufactured home parks and recreational vehicle parks have one year after the effective date of this ordinance to register their park.

First Reading this the 14<sup>th</sup> day of November, 2022.

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Jack Whitlow, Mayor

Second Reading this the 12<sup>th</sup> day of December, 2022.

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Jack Whitlow, Mayor

**PASSED AND APPROVED** this the 12<sup>th</sup> day of December, 2022.

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Jack Whitlow, Mayor

ATTEST:

\_\_\_\_\_  
Mandy Grant, City Secretary

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Anne Marie Odefey, City Attorney

**RECORD OF VOTE**

	First Reading	Second Reading	Approved/ Adopted
Councilman Smith			
Councilman Dent			
Councilman Tippet			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

Record of approval by City Council: City Council Minute Records, Volume 3H, Page \_\_\_\_.

APPENDIX A

**Chapter 26 MANUFACTURED HOUSING<sup>1</sup> AND RECREATIONAL VEHICLES**

**State Law reference**— Texas Manufactured Housing Standards Act, V.T.C.A., Occupations Code § 1201.001 et seq.

**Sec. 26-1. Definitions.**

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

*Abandonment* means to cease or discontinue a use or activity but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

*Accessory structure*: Any structural improvement and/or accessory building to a recreational vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds and similar appurtenant structures.

*Agent* means any person authorized by the licensee of a manufactured home park and/or recreational vehicle park to operate or maintain such park under the provisions of this chapter.

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

*Block* means all housing on one side of a street from cross street to cross street or from cross street to dead-end.

*Building official* means the legally designated inspection authority of the city, or his authorized representative.

*Certificate of occupancy* means a certificate issued by the building official for the use of buildings, structures, and land improvements which certifies that the buildings, structures, and land improvements complies with the provisions of all applicable city codes, ordinances and regulations.

*City official* means the legally designated head of a city department or his authorized representative when acting in an official capacity.

*Common access route* means a private way that affords the principal means of access to individual manufactured housing lots or auxiliary buildings in a manufactured housing park.

*Habitable*. As defined by the Texas Manufactured Housing Standards Act, a mobile and/or manufactured home is habitable only if:

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<sup>1</sup>State law reference(s)—Texas Manufactured Housing Standards Act, V.T.C.A., Occupations Code ch. 1201.



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- (1) There is no defect or deterioration in or damage to the home that creates a dangerous situation;
- (2) The plumbing, heating, and electrical systems are in safe working order;
- (3) The walls, floor, and roof are:
  - a. Free from a substantial opening that was not designed; and
  - b. Structurally sound; and
- (4) All exterior doors and windows are in place and operate properly.

*Habitability inspection* means an inspection by the building official or his designee to determine if a manufactured home or mobile home is habitable, or an inspection by a licensed professional engineer, a licensed architect, or other approved authority, in order to certify in writing that a manufactured home or mobile home is habitable as defined in this section.

*HUD-Code manufactured home.*

- (1) The term "HUD-Code manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
- (2) The term "HUD-Code manufactured home" does not include a recreational vehicle as the term is defined by 24 CFR 3282.8(g) (V.T.C.A., Occupations Code Ch. 1201).

*Installation*, when used in reference to manufactured housing, means the construction of the foundation systems and the placement and erection of a manufactured home or manufactured home components on the foundation system and includes supporting blocking, leveling, securing, anchoring, and the proper connection of multiple or expandable sections or components, and minor adjustments.

*License* means a written document issued by the city authorizing a person to operate and maintain a manufactured housing park under the provisions of this chapter and regulations.

*Licensed installer* means any person or business that holds a license issued by the state department of housing and community affairs authorizing them to perform installation functions on manufactured housing. The term "licensed installer" also applies to a homeowner who has made an application to the state department of housing and community affairs (TDHCA), complete with the application fee and liability insurance as required by the Texas Manufactured Housing Standards Act and has received a homeowner's temporary license to install the manufactured home he made application for to the TDHCA.

*Licensee* means a person licensed to operate and maintain a manufactured housing park and/or a recreational vehicle park under the provisions of this chapter.



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*Majority ownership:* A firm or entity, person or developer who controls at least fifty-one (51) percent of ownership.

*Manufactured housing or manufactured home* means a HUD-Code manufactured home or a mobile home and collectively means and refers to both (V.T.C.A., Occupations Code Ch. 1201).

*Manufactured housing park* means a unified development of manufactured housing spaces arranged on a tract of land under single person ownership, meeting all requirements of this chapter, containing five or more spaces.

*Manufactured housing park permit* means a written document issued by the building official authorizing the construction, alteration, or extension of a manufactured housing park, under the provisions of this chapter.

*Manufactured housing subdivision* means the division of a tract of land into any number of lots, tracts, sites, parcels, or areas of any size, including any improvements as defined in chapter 42, subdivisions and plats, that has been designated by the city council as a manufactured housing subdivision.

*Mobile home* means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems (V.T.C.A., Occupations Code Ch. 1201).

*Opaque fence:* A fence made of solid masonry, wood or vinyl materials designed to shield the park from public view.

*Parking space* means a minimum space of 10 feet in width by 20 feet in length, located within the boundary of a manufactured home space, or a common parking and storage area having unobstructed access to common access route.

*Placement permit* means a document issued by the building official authorizing the installation of a HUD-Code manufactured home on a platted property or in a manufactured housing park.

*Placement permit application* means a document completed by the applicant for a placement permit providing the required information about the owner, the HUD-Code manufactured home, the installer, the proposed location of placement and a plot plan.

*Plot plan* means a graphic representation, 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 use and to the boundary of the property.

*Property owner* means the person listed on the tax roll as the owner or agent of property.

*Recreational vehicle:* A vehicular, portable structure designed to be transported over the highways and containing living or sleeping accommodations. Such structure being designed and

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actually used as a temporary dwelling during travel for recreation and pleasure purposes and not exceeding eight (8) feet in width less side pull outs.

*Recreational vehicle park or RV park:* Any lot, tract or parcel of land upon which accommodation is provided for two (2) 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 community facilities and permitted permanent buildings. A recreational vehicle park must be built in compliance with this ordinance and the NFPA 1194 whichever is more stringent.

*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 (1) recreational vehicle or RV.

*Replacement* means the act of moving a mobile home from its existing location and replacing it with a habitable HUD-Code manufactured home.

*Sample well site:* The connection at the property line where the customer's wastewater line and city wastewater line connect, shall be installed a vertical riser of four (4) inches in circumference, shall extend four (4) to six (6) inches above grade for the detection of non-biodegradable materials.

*Service building* means a structure which houses park service equipment, a laundromat, etc.

*Space* means a plot of ground within a manufactured housing park designated for the accommodation of one manufactured home, together with such open space as required by this chapter. The term "space" also includes the terms "lot," "stand," and "site."

*Texas Manufactured Housing Standards Act or (V.T.C.A., Occupations Code § 1201.003)* means:

- (1) The Administrative Rules of the Texas Department of Housing and Community Affairs (10 Tex. Admin. Code Ch. 80; or
- (2) V.T.C.A., Occupations Code Ch. 1201, known as the Texas Manufactured Housing Standards Act, including all amendments.

*Utility* means water, sewer, electrical, and gas service.

(Ord. No. G-1-02, § 1.0, 6-10-2002; Ord. No. G-2-12, 6-11-2012)

**State Law reference**— Definitions, V.T.C.A., Occupations Code § 1201.003

## **Sec. 26-2. Mobile home requirements.**

- (a) *Connection to water/sewer system prohibited.* From and after the effective date of the ordinance from which this chapter is derived, placement permits shall not be issued for the installation of a mobile home, as defined in section 26-1, within or outside of the city limits where it is to be connected to the city's water and sewer systems.
- (b) *Habitability required.* All existing mobile homes installed within or outside the city limits and connected to the city's water and sewer system shall be habitable.



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- (c) *Replacement option.* A mobile homeowner may replace an existing mobile home with a habitable HUD-Code manufactured home.
  - (d) *Use.* No mobile home shall be used for any purpose other than residential occupancy without the planning commission's recommendation and the city council's approval.

(Ord. No. G-1-02, § 2.0, 6-10-2002; Ord. No. G-2-12, 6-11-2012)

**Sec. 26-3. Existing manufactured housing.**

- (a) *Texas Manufactured Housing Standards Act.* Owners of existing manufactured housing as well as the owners of the property on which the manufactured housing is located should be cognizant of the requirements of the Texas Manufactured Housing Standards Act.
- (b) *Existing conditions.* The existing conditions of any manufactured home existing as of the effective date of the ordinance from which this chapter is derived, located within or outside city limits and connected to the city water and sewer system, which are not in strict compliance with this chapter, may be permitted to continue, provided that the manufactured home is habitable. All lots served by utility connections intended for use by manufactured housing that have been abandoned for 180 consecutive calendar days shall not resume further use before conforming with the provisions of this ordinance.
- (c) *Replacement option.* Each manufactured home shall only be replaced one time with a newer model of equal or greater construction no older than ten years from the date of replacement. Any additional replacements shall be in conformance with the currently adopted codes set out in the City of Port Lavaca Code of Ordinances.
- (d) *Habitability required.* All existing manufactured housing shall be habitable as defined by the Texas Manufactured Housing Standards Act. If, at any time following 90 days after the effective date of the ordinance from which this chapter is derived, any manufactured home is found to be in a non-habitable condition, in the opinion of the building official, it shall be the dual duty and responsibility of the owner of such manufactured home and the owner of the property on which the said manufactured home is located, to make such repairs as necessary to bring the manufactured home into a habitable and safe condition, or have the manufactured home removed from the city limits, within 90 days of the notification by the building official.
  - (1) Upon completion of any needed repairs, habitability will be established by either a habitability inspection by the building official, or a habitability inspection by an authorized individual other than the building official, as defined in section 26-1.
  - (2) All electrical, plumbing, or mechanical work that requires a permit shall be performed by persons licensed to perform such work by the state or city (State Board of Plumbing Examiners; Texas Department of Licensing and Regulation and City of Port Lavaca's Code of Ordinances).



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- (3) All plumbing connections shall be in accordance with the city's adopted plumbing code and the rules and regulations of the state agency regulating water and sewer service.
  - (4) The exterior electrical system shall be in accordance with the adopted National Electrical Code. All wiring from the meter to the service entrance of the mobile home shall be in conduit. Conduit between the meter pole or pedestal and the mobile home shall be underground. Unprotected conduit shall be buried to a depth of 18 inches. There shall be no exposed wiring outside the mobile home. The frame of the mobile home shall be bonded to the electrical grounding system.
  - (5) Property owners may make an application for a 30-day extension of time to comply with subsection (1) of this section. Such application must be submitted to the building official and shall contain a detailed description and schedule of work to be done to bring the manufactured home into compliance. Such an extension may be granted when the building official determines such extension will not directly or indirectly result in an immediate health or safety hazard to the occupants or others.

(Ord. No. G-1-02, § 3.0, 6-10-2002)

#### **Sec. 26-4. HUD-Code manufactured housing.**

From the effective date of the ordinance from which this chapter is derived, the following regulations apply:

- (1) *Placement permit.*
  - a. *Required.* A placement permit shall be required to install a HUD-Code manufactured home within or outside the city limits when the manufactured home will be connected to the city's water and sewer system. An application for a placement permit must be accompanied by a plot plan approved by the building official. A HUD-Code manufactured home, not purchased directly from a licensed dealer, shall have a habitability inspection, as defined in section 26-1, prior to the issuance of a placement permit.
  - b. *Wind zone II standards.* A HUD-Code manufactured home constructed on or after September 1, 1997, must meet the wind zone II standards adopted by the United States Department of Housing and Urban Development in order to be installed in a wind zone II county (V.T.C.A., Occupations Code § 1201.251). The city is situated in the county, which is a wind zone II county.
- (2) *Installation, habitability and use.*
  - a. The installation of manufactured housing shall be performed by a licensed installer, as stipulated by and in accordance with the Texas Manufactured Housing Standards Act. Installation shall include full skirting, as approved by the building official.
  - b. HUD-Code manufactured housing installed within or outside the city limits and connected to the city's water and sewer system shall be habitable.

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- c. HUD-Code manufactured housing shall be installed only in a manufactured housing park, manufactured housing subdivisions or other property approved by the building official as described in the remainder of this subsection. A HUD-Code manufactured home will be permitted to be installed on any lot on which a manufactured home was situated in the past one hundred and eighty (180) days.
  - d. The installation and connection of all utility wiring, piping and mechanical equipment shall require permits in accordance with any city ordinance governing such work. Licensed craftsmen shall perform all work as required by city ordinance or state law.
  - e. No manufactured housing shall be used for other than residential occupancy without the planning commission's recommendation and the city council's approval.
- (3) *Maintenance required.* It shall be the responsibility of the owner of a HUD-Code manufactured home to maintain said unit in a habitable condition and good state of repair. It shall be the duty of the property owner upon which said unit is situated to ensure the owner of such unit is in compliance with all of the terms and conditions of all applicable rules, ordinances and laws. In the event of noncompliance, dual notice shall be issued to the homeowner and the property owner.

(Ord. No. G-1-02, § 4.0, 6-10-2002; Ord. No. G-2-12, 6-11-2012)

#### **Sec. 26-5. Manufactured housing subdivisions.**

From and after the effective date of the ordinance from which this chapter is derived the following regulations apply: Manufactured housing subdivisions shall meet requirements as set out in chapter 42, subdivisions, and plats.

(Ord. No. G-1-02, § 5.0, 6-10-2002)

#### **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 30<sup>th</sup> 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 10% late fee shall be accrued for each month following the deadline. License fees are as scheduled in Appendix A- Fees, Rates and Charges. Such



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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 subsections (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 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.

(3) *Maintenance.*

- 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.
- c. 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.

(4) *Inspections.*

- a. *Authorized.* The city building official or designee shall make one (1) 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.



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(5) *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.
  1. Minimum space size shall be 50 feet by 120 feet.
  2. 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.
  3. Each manufactured home park shall provide a minimum of one (1) common guest parking space for every four (4) manufactured home sites.
  4. Spaces shall be designed to maintain a minimum setback of:
    - (i) 20 feet between the manufactured housing units;
    - (ii) 25 feet between the front of the manufactured housing and the accessway; and
    - (iii) Ten feet between the rear of the manufactured housing to the rear line of the space.
  5. *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.
  6. *Utilities.* Each lot shall be supplied with water, sewer, electrical, (natural gas if applicable,) telephone and other services with such services to be underground.
    - (i) 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.
    - (ii) 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

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utility and shall be installed in approved easements according to city and state utility specifications.

7. *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.

(i) 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.

8. *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.

9. *Building Height.* No dwelling shall exceed one story.

10. *Home Size.* Minimum size for manufactured housing shall be no less than four hundred eighty (480) square feet.

11. *Driveways.* A manufactured housing subdivision 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.

12. All spaces shall be within 300 feet of an approved fire hydrant as measured along streets, roadways, and accessways.

13. 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.

14. 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

15. Manufactured housing units shall be 25 feet from any public roadway. There shall be no carports, covered porches, or structures within the setback areas.

(Ord. No. G-1-02, § 6.0, 6-10-2002; Ord. No. G-2-12, 6-11-2012; Ord. No. G-7-14, § 1(A—C), 8-11-2014; Ord. No. G-5-19, 5-13-2019)

Editor's note(s)—Section 1(A) of Ord. No. G-7-14, adopted Aug. 11, 2014, changed the title of § 26-6 from "Existing manufactured housing parks" to read as herein set out.



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**Sec. 26-7. Recreational vehicles.**

- (a) Occupied recreational vehicles shall be installed in licensed recreational vehicles 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, 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 service 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-1-02, § 7.0, 6-10-2002; Ord. No. G-7-14 , § 1(D), 8-11-2014; Ord. No. G-14-19 , 11-12-2019)

**Sec. 26-8. Recreational vehicle parks.****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.

**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.

**Sec. 26-11 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 of Port Lavaca 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 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.



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(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) *Application for renewal.* All RV park licenses expire on September 30<sup>th</sup> 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 (10%) 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.

(3) *Fee.* All applications shall be accompanied by a fee as provided for in the fee schedule in Appendix A of this code.

(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. Application 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 article.

(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 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.

c. It is required that every person holding a RV park license shall give notice in writing to the city within ten (10) days after voluntary cessation of operations of the RV park.

#### **Sec. 26-12. Inspections.**

(1) *Authorized.* The city building official or designee shall make one (1) annual inspection per RV park and additional inspections as are necessary, without prior notice, to determine compliance with this article.

(2) *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.

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

(1) *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 or agent, as hereinafter provided. Such notice shall:

a. Be in writing.

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- b. Include a statement of the reasons for its issuance.
  - c. Allow ten (10) business days for compliance. The building official is authorized to grant extensions for work that may require more than ten (10) business days. The extensions shall be in writing and justifiable cause demonstrated.
  - d. 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 of thereof has been served in person or sent by certified mail to his/her last known address.
  - e. 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 XX 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 ("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 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 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.
- (4) 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 (6) 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 (6) 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 (6) 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.
- (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 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 ninety (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 ninety (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



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subsequent appeal, and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

**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 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 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 two thousand dollars (\$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.

**Sec. 26-15. 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 and materials, fencing, lighting and signage must be prepared and submitted to the city and must address and include all requirements contained herein and shall comply with the most current edition of NFPA 1194. Instances where this code, applicable standards, or the manufacturer's installation instructions conflict, the more stringent provisions shall prevail.

**Sec. 26-16. Location and fencing.**

- (1) RV parks shall be located in an area approved by City Council and in accordance with the adopted land use plan.
- (2) A vegetative barrier or opaque fence must be placed on all side 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.

**Sec. 26-17. 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 a RV parking pad consisting of concrete or asphalt 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 the most current edition of NFPA 1194
- (4) RV site parking pads shall be situated on the RV park sites such that all recreational vehicles shall be separated by a minimum of ten (10) feet.



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**Sec. 26-18. Street access.**

- (1) 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 twenty-four (24) feet with an adequate curve radius or flare.
- (2) The major thoroughfare shall have a pavement width (concrete, asphalt or crushed limestone) of twenty-four (24) feet and a minimum radius of thirty (30) feet in accordance with city standards. The roadway may be fifteen (15) feet if the RV park is designed for one-way roads.
- (3) Each emergency access lane shall comply with the currently adopted ICC Fire Code.
- (4) Dead-end streets are not allowed. The internal street off the major thoroughfare may be constructed with concrete or asphalt.
- (5) Final approval of the street and access plan will be issued by the building official or designee during the review of the proposed site development plan.
- (6) All RV parks must have a minimum of two (2) access points to the public street system. On street parking of RVs shall not be allowed. All RVs must be parked in their respective spaces. On street parking of motor vehicles is not allowed.

**Sec. 26-19. 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.

**Sec. 26-20. Area(s) designated for vehicle parking.**

- (1) Each recreational vehicle site within the RV park shall have a minimum of one (1) 10'-0" x 20'-0" off-street parking space provided.
- (2) Each RV park shall provide a minimum of one (1) common guest parking space for every four (4) recreational vehicle sites.

**Sec. 26-21. Drainage.**

The ground surface in 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 licensed professional engineer and easements for the conveyance of surface water off-site shall be obtained, if necessary. Drainage shall comply with the City of Port Lavaca's Drainage Manual.

**Sec. 26-22. Accessory structures.**

The individual RV sites within the RV park are not allowed to have accessory structures larger than one hundred twenty (120) sq. ft.

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**Sec. 26-23. Fire safety standards; fire hydrants.**

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

A fire hydrant(s) must be placed such that each recreational vehicle site is not more than three hundred (300) feet away.

**Sec. 26-24. Existing non-conforming RV parks.**

Unless as otherwise provided herein, this article shall not be applicable to any existing non-conforming RV parks in existence on the effective date of adoption of this article or until such time as the property is deemed substandard by the building official and will require improvements of fifty percent (50%) of the property value.

Further, if a RV park is under actual construction and same has been lawfully permitted and diligently begun prior to the effective date of the adoption of this ordinance, then this ordinance shall not apply until such time as the property is deemed substandard by the building official and will require improvements of fifty percent (50%) of the property value. Actual construction shall be defined as including the approval of the RV park site development plan by the city and commencement of construction of permanent utility services. Final determination of actual construction shall be determined by the building official or his designee.

**Sec. 26-25. Severability.**

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses and phrases of the ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article or section of this article shall be declared void, ineffective or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles or sections of this article since the same would have been enacted by the city council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph, subsection, article or section.

**Sec. 26-26. Fees.**

Fees under this chapter are as established in appendix A to this Code.:

**Sec. 26-27. Repeal.**

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.

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**Sec. 26-28. Effective date.**

That this article shall take effect immediately after the date of publication of the caption or title of same, including the penalty, as required by the City Charter.

Existing manufactured home parks and recreational vehicle parks have one year after the effective date of this ordinance to register their park.