

ORDINANCE NO. 17.02

**REGULATION OF RECREATIONAL VEHICLE PARKS
AND RECREATIONAL VEHICLE PARKING**

AN ORDINANCE OF THE CITY OF MERTZON, TEXAS, PROMOTING PUBLIC HEALTH AND SAFETY THROUGH THE REGULATION OF RV PARKS, REPEALING THE EXISTING ORDINANCE NUMBER 13-07-07 OF THE CITY OF MERTZON AND REPLACING IT WITH CHAPTER 17, ARTICLE 2 CONSISTING OF 15 SECTIONS ENTITLED "RV PARK ORDINANCE", PROVIDING FOR: A FINDING OF FACT; A POPULAR NAME AND NUMBER SYSTEM; PURPOSE; DEFINITIONS; REQUIREMENTS; INVESTIGATION AND NOTICE OF VIOLATIONS; ABATEMENT; ENFORCEMENT INCLUDING MAXIMUM FINE OF \$500.00 FOR ORDINANCE VIOLATIONS UNLESS THE VIOLATION IS RELATED TO FIRE SAFETY, HEALTH AND PUBLIC SANITATION IN WHICH THE MAXIMUM FINE IS \$2000.00 PER DAY PER VIOLATION; INJUNCTIVE RELIEF AND OTHER AVAILABLE REMEDIES; MANAGEMENT OF CONFLICTING PROVISIONS; SEVERABILITY; PENALTY; SEVERABILITY CLAUSE; SAVINGS CLAUSE; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Mertzon ("City Council") finds that an emergency is present that necessitates a revision of the regulation of Recreational Vehicle communities ("RV Parks") in the City of Mertzon ("City"); and

WHEREAS, the City Council finds that properly planned and operated RV Parks promote the safety, health, and welfare of the residents of such communities and the citizens of the City by preventing death, injury, property damage and urban blight within the City limits; and

WHEREAS, the City Council finds that it is necessary to amend this Ordinance with improvements that promote the health, safety and general welfare of the City; and

WHEREAS, pursuant to section 51.001, Texas Local Government Code, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, pursuant to section 51.012, Texas Local Government Code, The City Council may adopt an ordinance, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the City as a body politic; and

WHEREAS, pursuant to Local Government Code Chapter 217, the City has authority to define and abate nuisances and impose fines against those responsible for creating or maintaining a nuisance; and

WHEREAS, there presently exists RV Parks that are lawful before this Ordinance is passed, but which would be prohibited, regulated or restricted under the terms of this amended Ordinance. It is the intent of the City Council of Mertzon that the owners of existing RV Parks shall be required to comply with this Ordinance in its entirety just as those intending to construct an RV Park in future will comply; and

WHEREAS, the existing numbering system of the Ordinances of the City is not easily understood by the general public, in addition to the ordinance number generated by reference to the year the City shall herein and in the future number each ordinance by Chapter, Article and Section and place such adopted ordinances in an ordinance book for easy reference.

NOW THEREFORE, be it ordained by the City Council of the City of Mertzton, County of Irion, State of Texas that:

SECTION 1.0 FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Mertzton and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.0 POPULAR NAME AND NUMBER

This Ordinance shall be commonly referred to as Ordinance #17.02 "Regulation of Recreational Vehicle Parks".

SECTION 3.0 PURPOSE

The purpose and intent of this section is to protect the City's water resources, waste water and to provide certain minimum standards, provisions and requirements for safe, sanitary and suitable methods for construction and operation of RV parks within the City.

SECTION 4.0 DEFINITIONS

- 4.1 **ACCESSORY STRUCTURE**: A structural addition to the recreational vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar structures.
- 4.2 **CITY**: The City of Mertzton, a municipal corporation, a political subdivision of the State of Texas.
- 4.3 **CITY COUNCIL**: The governing body of the City of Mertzton, Texas.
- 4.5 **DEVELOPMENT PLAN**: Graphic representation, drawn to scale, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also shall indicate the relation of each use to that adjoining and to the boundary of the property. The Plan must include an accurate scale representation of all existing structures, major landscaping features, proposed construction, drainage, lighting, parking and any easements or rights of way.
- 4.6 **EXISTING RV PARK**: Any RV Park with water, sewer and electrical hook-ups; active utility accounts for water, sewer and electrical service; and paying occupants.
- 4.7 **ORDINANCE**: This Ordinance establishing rules regarding the regulation of Recreational Vehicles (RV) and Recreational Vehicle Parks (RV Parks)
- 4.8 **OWNER OR MANAGER**: Any person who has the control, direction, maintenance or supervision of an RV Park or RV parked on private property, whether as owner or otherwise.
- 4.9 **PERSON**: An individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity.
- 4.10 **RECREATIONAL VEHICLE (RV)**: Any of the following while in use as a residence:
 - (a) **Travel Trailer**: a portable structure built on a chassis, designed to provide temporary living quarters for recreational camping or travel use, and constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

- (b) Motor Home: a motor vehicle equipped like a travel trailer and which is a portable, temporary dwelling to be used for travel, recreation and vacation.
- (c) Dependent Trailer: a travel trailer which is dependent upon a service building for toilet and lavatory facilities.
- (d) Self-Contained Trailer: a travel trailer which can operate independent of connections to sewer, water and electric systems. It contains a water-flush toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage-holding tanks located within the trailer.
- (e) Truck Camper: a camper unit equipped like a travel trailer that fits in the bed of a pick-up or other truck and may or may not be separated from the truck for use as living quarters.

4.11 RECREATIONAL VECHICLE PARK (RV PARK): Any tract or parcel of land used in whole or in part, for the accommodation of RV's by the day, week or a longer period of time or upon which more than one (1) RV remains parked for more than twenty-four (24) hours.

4.12 RECREATIONAL VEHICLE PARK PERMIT (RV PARK PERMIT): A written permit issued by the City authorizing and permitting a person to construct, alter or operate an RV Park under the provisions of this section

4.13 RECREATIONAL VEHICLE TEMPORARY PARKING PERMIT (RV TEMPORARY PARKING PERMIT): A temporary permit for a person owning or controlling a lot, tract or parcel of land authorizing the parking or maintenance of an additional RV upon that lot, tract or parcel of land greater than the single RV otherwise authorized by this Ordinance

4.14 RECREATIONAL VECHICLE SITE (RV SITE): Any designated site or pad within an RV Park for the parking of an RV.

4.15 TEMPORARY PARKING: RVs may be parked upon a lot, tract or parcel of land for a period of time up to seven (7) days.

SECTION 5.0 RV PARK STANDARDS

5.1 Accessory Structures: Accessory structures are not allowed at the individual sites within the RV Park.

5.2 Distance between RV's: All RV's shall be located no closer than the following:

- (a) The sides of the RV or any protrusion therefrom shall be no closer than fifteen (15) feet from any other RV.
- (b) The rear of the RV or any protrusion therefrom shall be no closer than fifteen (15) feet from any other RV.
- (c) No part of the front of any RV shall be closer than fifteen (15) feet from the internal roadway.

5.3 Drainage: The park shall be located on a well-drained site, properly graded and equipped to ensure rapid drainage and to be free from stagnant pools of water. Topography shall be such that it shall not create a hazard to the property or the health and safety of the occupants.

- 5.4 **Fire Safety and Protection:** The owner or manager of an RV Park shall see that the City's Burn Ban contained in Ordinance No. 02-04-01 and all other City ordinances relating to prevention of fires, shall be fully complied with at all times.
- 5.5 **Internal Roadway:** Each recreational vehicle site shall be accessible by an internal roadway, which shall provide access to a public street. The internal roadway shall have a width at least equal to the public streets in Mertzon. Approaches to all sites shall be kept clear for access by Emergency, fire and Police vehicles, personnel and equipment. Each site shall be clearly marked, visible from the internal roadway, identifying the site number.
- 5.6 **Parking:** Each RV Park shall provide off-road parking spaces for two (2) passenger vehicles at each site.
- 5.7 **Pest Control:** Grounds, buildings and structures in the RV Park shall be maintained free of the accumulation of high grass, weeds and debris to prevent rodent and snake harborage, or the breeding of flies, mosquitoes or other pests. The RV Park owner or manager shall be responsible for maintaining the entire area of the park free of dry brush, leaves, limbs and weeds.
- 5.8 **Recreational Vehicles per Site:** Only one (1) recreational vehicle is permitted per site.
- 5.9 **Refuse and Garbage Removal:** Each RV Park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage.
- 5.10 **Registration of Occupants of a Permitted RV Park:** The owner, manager, operation, or person in charge of the RV Park shall maintain a register of park occupancy which shall contain at least the following information:
- (a) Name of occupant(s);
 - (b) Full address of permanent residence of occupant(s);
 - (c) Automobile and recreational vehicle license plate number and state in which it is registered;
 - (d) Driver's license number of the occupant(s);
 - (e) The number or letter of the site rented;
 - (f) Date of arrival and departure.

The City Administrator or any other duly authorized employee of the City shall have the right and authority to inspect the register, which shall be available for inspection at all reasonable times.

- 5.11 **Storage and Collection:** Storage, collection, and handling shall be conducted so as to create no health or fire hazards.
- 5.12 **Texas Landlord-Tenant Law:** The owner or manager of an RV Park shall ensure compliance with Texas Property Code, Title 8, Chapter 94, as it applies to the landlord-tenant relationship of RV Park owners/managers and their occupants.
- 5.13 **Utility Hook-Ups:** Each site shall be equipped with water, sewer and electrical hook-ups which shall conform to all applicable codes and regulations, including all applicable regulations of the Texas Commission on Environmental Quality (TCEQ), but in no event shall any opening or connector or operative part of the hook-up be fewer than six (6) inches above grade and shall either be connected or
- Ordinance # 17.02 Regulation of Recreational Vehicle Parks and Recreational Vehicle Parking

capped at all times.

SECTION 6.0 RV PARKING OUTSIDE OF RV PARKS

Any person owning or controlling a lot, tract or parcel of land may park one (1) RV upon that land as long as it is parked in compliance with the provisions of this Ordinance and the laws of this State.

- 6.1 **Location:** An RV parked on a lot, tract or parcel of land may be no closer than ten (10) feet from a building or structure on the property unless that structure is a carport or freestanding garage. An RV may not be parked closer than five (5) feet from a property line. No portion or part of a parked RV may extend into the alley or right of way of the City.
- 6.2 **Connections:** An RV parked in compliance with this Ordinance may not be connected to the water, sewer or electricity of any structure or building upon the property except:
- (a) **Cleaning and Maintenance:** a person parking an RV may connect the RV to temporary connections located on the same lot, tract or parcel of land for the purpose of maintaining and cleaning the RV but in no event shall the connections be left in place overnight.
 - (b) **Permanent Connections:** a person may park one (1) RV upon a lot, tract or parcel of land and connect that RV to water, sewer and electricity if the connections used are those standard in the industry and in compliance with the requirements contained within this ordinance for the operation of an RV Park. The site and the connections installed are subject to inspection by the City Administrator or their designee. Connection to water, sewer or electrical service may not be made until such time as all deficiencies or dangerous conditions have been corrected, repaired or replaced. It is a violation of this Ordinance to connect an RV to a dangerous, substandard or unapproved connection to water, sewer or electrical service.
- 6.3 **Safety:** An RV parked must be in good repair and safe condition for use. An RV in an unsafe condition must be repaired or removed from the property immediately and no person allowed to occupy or enter the vehicle until such time as repair is completed. In no event shall an RV in need of repair be allowed to remain on the property for more than seven (7) days. Failure to remove an unsanitary or unsafe RV from a lot, tract or parcel of land is a violation of this ordinance. A violation may result in the issuance of a citation or abatement or other remedies as may be authorized by law.

SECTION 7.0 RV PARK PERMIT PROCESS

It shall be unlawful for any person to establish, maintain, conduct or operate an RV Park within the city limits without obtaining the appropriate permit from the City. Existing RV Parks that have not filed an application for a permit at City Hall within thirty (30) days of the effective date of this Ordinance will be deemed in violation of this section.

7.1 Permits for New RV Parks or Changes/Additions to Existing RV Parks

- (a) **Application:** an application for a permit to open and operate an RV Park, or to change or add to an existing RV Park, shall be made to the City on forms available at City Hall for that purpose. An application to open an RV Park, or to change or add to an existing RV Park, shall be made prior to construction and shall include a Development Plan as herein defined and payment of the applicable permit fee.
- (b) **New or Additional Hook-Ups to City Water System:** if the Development Plan contemplates connecting additional water and sewer hook-ups to the City water system, the application will be rejected if the City of Mertzson has placed in effect drought restrictions pursuant to Ordinance No. 00-05-04.
- (c) **Review and Approval:** upon receipt of a properly completed application that does not

contemplate new or additional hook-ups to the City water system, the City Administrator shall review the application with the City Council to determine conformance with the applicable standards listed in this Ordinance. Upon approval of the application by the City Council, a permit shall be issued to the applicant, which shall be valid until December 31st of that year at which time application for renewal shall be made for the next calendar year.

7.2 Permit for Special RV Parking

- (a) Application: a resident, property owner or person having actual care and control of a lot, tract or parcel of land may complete an application for a Special Permit as defined by this Ordinance.
- (b) Permit Fee: A Special Permit may be issued upon payment of the twenty-five dollars (\$25.00) permit fee if the lot, tract or parcel of land has sufficient area to safely allow the parking of an additional Recreational Vehicle.
- (c) RV Registration: A permit may not be issued until and unless proof of current registration for the vehicle is provided.
- (d) Duration: A Special Permit provides for the lawful parking of additional RVs upon a lot, tract or parcel of land for a period of time no greater than seven (7) days from the date of issuance. An additional fee of twenty-five dollars (\$25.00) per one (1) week or any part of a week will be assessed should an RV be allowed to remain upon the lot, tract or parcel for more than the authorized seven (7) days. In the event a fire or safety hazard is created by the parking or maintaining of an RV upon a lot, tract or parcel the City of Mertz on may seek by application to the Municipal Court Judge an Order to abate the nuisance so created in such manner as is necessary including removal of the RV from the property.
- (e) Safety: The City Administrator or their designee shall evaluate the application to determine if an additional RV may be parked safely upon the property. Among the issues to be evaluated is the proximity of the contemplated RV site to buildings, structures or other RVs on the property, the existence of trash, junk, weeds or other debris upon the property, the ability of the occupants to easily and safely enter and exit the RV and access to the property for emergency, fire and police vehicles.
- (f) Sewer Connection Prohibited: An RV subject to a Special Permit may not be connected either temporarily or permanently in any manner whatsoever to the sewer system of the City of Mertz on.

SECTION 8.0 INSPECTION, REVOCATION AND SUSPENSION

The City Administrator or any other duly authorized employee of the City shall have the right and authority to enter upon the property of an RV Park at all reasonable times for the purpose of inspection and to see that no violations exist. The City Administrator shall have the authority to suspend or revoke the holder's permit if the health, safety or welfare of the occupants or the general public is endangered or harmed by the conditions or operation of the RV Park, or to order utility disconnection for any of the following reasons:

- 8.1 **Violations**: The owner, operator or any of his agents, representatives or employees are violating or have violated any provisions of this Ordinance or any other ordinance of the City or laws of the State of Texas and have failed or refused to repair, rehabilitate, renovate or correct the conditions or violations existing.
- 8.2 **Refusal to Allow Inspections**: The owner, operator or any of his agents, representatives or employees having refused to allow the City Administrator or any other duly authorized employee of the City to enter upon and inspect the RV Park or where RV's requiring special permit.
- 8.3 **Failure to Pay Permit Fee**: The permit fee is not paid as required.

SECTION 9.0 RV PARK VIOLATIONS, NUISANCE ABATEMENT AND PENALTY

Any noncompliance with this Ordinance is hereby declared a nuisance. The City may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Such person(s) shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this Ordinance is declared to be a separate offense. For violations of the provisions that govern fire safety, or public health and sanitation, including dumping of refuse, the fine may not exceed two thousand dollars (\$2,000.00) per day, per violation.

SECTION 10.0 EXCEPTIONS

The provisions of this Ordinance shall not apply to:

- 10.0 **Recreational Vehicles in Storage Facilities**: Recreational vehicles stored in off-site storage facilities with no hook-ups and personally used by the owner for vacation travel.
- 10.1 **Recreational Vehicles for Sale**: Locations where recreational vehicles are displayed and/or sold, whether by an individual seller or dealer.

SECTION 11.0 PENALTY

Any person who shall violate any of the provisions of this article or fail to comply therewith shall be deemed guilty of a class C misdemeanor and, upon conviction, shall be fined not to exceed the maximum amount allowable by law. This offense is hereby declared to be a strict liability offense and the culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated and clearly dispensed with. Each day that the violation occurs shall constitute a distinct and separate offense.

SECTION 12.0 SEVERABILITY CLAUSE

If any paragraph, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 13.0 SAVINGS CLAUSE

The repeal of any ordinance or parts of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing,

abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinance at the time of passage of this Ordinance.

SECTION 14.0 EFFECTIVE DATE

This Ordinance shall become effective upon passage and approval of the City Council of the City of Mertzon, Texas and after publication as may be required by governing law.

SECTION 15.0 PROPER NOTICE & OPEN MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, as required by law, and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

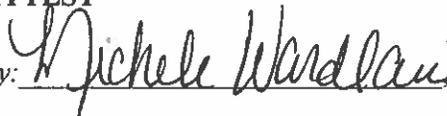
INTRODUCED AND APPROVED ON February 1, 2021 AND

PASSED AND APPROVED THIS DAY OF 2-1-21, by a vote of 5 (ayes) to 0 (nays) and 0 (abstentions) of the City Council of the City of Mertzon, Texas.

CITY OF MERTZON

by: , Mayor

ATTEST

by:  City Administrator