

ORDINANCE NO. 20180507C

AN ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS, PROVIDING FOR THE REQUIREMENT OF APPROVAL OF THE PLACEMENT AND LOCATION OF RECREATIONAL VEHICLE PARKS TO BE LOCATED WITHIN THE CITY OF NIEDERWALD

Section 1.0 Purpose

The City Council finds that properly planned and operated recreational vehicle communities (i.e., recreational vehicle (RV) parks): (1) promote the safety and health of the residents of such communities and of other nearby communities; (2) 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. This article is enacted in order to achieve orderly development of recreational vehicle parks (RV Parks), to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the public.

Section 1.1 Applicability

This article shall apply to any recreational vehicle park to be located within the city limits.

Section 2.0 Definitions

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

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

Code Official. The official of the City or his/her designee charged with the enforcement of the provisions of this article.

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

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

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

Public Use Phone. A phone used by registrants of the RV Park for emergency purposes.

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

Recreational Vehicle Park or RV Park. Any lot, tract, or parcel of land upon which accommodation is provided for two or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made. A recreational vehicle park is a unified development of recreational vehicle spaces provided for recreational vehicle use with or without community facilities and permitted permanent buildings.

Recreational Vehicle Site or RV Site. That part of a lot or area in a recreational vehicle park or RV Park that has been reserved for the placement of one recreational vehicle or RV.

Section 3.0 License

(a) 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 Niederwald in the name of such person for the specific park. The applicant shall make all applications for the licenses on forms furnished by the City of Niederwald, which shall issue a license upon compliance with the provisions of this article.

(b) Application Fee. The license fee shall be set by resolution of the City Council and is on file with the office of the City Secretary.

(c) 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 Planning and Zoning Commission, if instituted, with recommendation forwarded to City Council, or before the City Council, if no Planning and Zoning Commission is instituted, for approval or disapproval.

(d) Application for Renewal. Application for renewal of an RV Park license shall be made in writing by the licensee on forms furnished by the City of Niederwald on or before December 31st of each year. Such application shall contain any changes in the information occurring after the original license was issued or the latest renewal granted. The renewal license fee shall be set by resolution of the City Council and is on file with the office of the City Secretary.

(e) Approval of Transfer. Every person holding a license shall give notice in writing to the City of Niederwald 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 of Niederwald 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 section.

(f) Transfer Fee. The license transfer fee shall be set by resolution of the City Council and is on file with the office of the City secretary.

(g) Suspension.

1) Whenever, upon inspection of any RV Park, the City finds that conditions or practices exist which are in violation of any provisions of this article applicable to such park, the City shall give notice in writing to the owner and/or manager of the park, and if such conditions or practices have not been corrected in the time frame set forth in the notice, the City will suspend the license and give notice of such suspension. Upon suspension of the license, the licensee shall cease operation of such park.

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2) The suspension of the license may be appealed to the City Council as set forth in subsection (b) of section 3.2.

Section 3.1 Inspections

- (a) Authorized. The building official and code official are hereby authorized to make such inspections as are necessary to determine compliance with this article.
- (b) Entry on Premises. The building official and code official shall have the power to enter at reasonable times upon any private or public property within the purpose of inspecting and investigating conditions relating to the enforcement of this article.

Section 3.2 Notices, Hearings and Orders

(a) Notice of Violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the City of Niederwald shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

- 1) Be in writing.
- 2) Include a statement of the reasons for its issuance.
- 3) Allow ten (10) days for compliance.
- 4) Be served upon the licensee or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.
- 5) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this article.
- 6) After all procedures outlined above are exhausted citations may be issued. If a municipality mails a notice to a property owner in accordance with Section 3.2 (a) and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered as delivered.

(b) Appeal from Notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this article applicable to such park may request a hearing before the City Council provided that such person shall file within ten (10) days after

the day the notice was served, in the City Secretary's office, with a copy to the office of the code official, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The filing request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (d) of this section.

(c) Issuance of Order. After such hearing, the City Council shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation, which order shall be served by certified mail upon

the petitioner. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the license of the park affected by the order.

(d) Order without Notice. Whenever the City finds that an emergency exists which requires immediate action to protect the public health or safety, the designated official may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the City shall be afforded a hearing as soon as possible. The provisions of subsection (c) of this section shall be applicable to such hearing and the order issued thereafter.

Section 3.3 Violations Declared Nuisance; Abatement; Penalty

After proper notice of violation, any noncompliance with this article is hereby deemed a nuisance. The City may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Any person(s) violating this article shall be subject to a fine as set forth in the City Code. The city administrator shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this ordinance.

Section 4.0 Site Development Plan

- (a) A site development plan must be prepared and submitted to City staff and the Planning and Zoning Commission, if instituted, for approval. The site development plan must include the requirements for site plans contained herein.
- (b) The Planning and Zoning Commission, if instituted, shall have the power and it shall be its duty to recommend for adoption the RV Park site development plan to the City Council as a whole or in parts, for the future development and redevelopment of the municipality in accordance with Chapter 283, Acts of the Regular Session of the Legislature, 1927, (Arts. 101 1a to 1011j, V. T. C. S.). The commission shall perform such other duties as may be prescribed by ordinance or state law. (1987 Code of Ordinances, Chapter 1 1, Section 2)
- (c) A nonrefundable fee will be required with submittal of the site development plan. The fee shall be set by resolution of the City Council and is on file with the office of the City Secretary. The fee covers the administrative cost for design review, notification of residents within 200 feet of the proposed RV Park, and for providing advertising / legal notice to the

public. The fee will also cover any zone change requests required as part of site development. Note: The Planning and Zoning Commission, if instituted, serves in an advisory capacity to the City Council. Approval or denial of the RV Park site development plan rests solely with the City Council.

Section 4.1 Location and Fencing

- (a) RV Parks shall be located in an area complying with section 4.2 of this article.
- (b) In addition, RV Parks shall be located at least twenty (20) feet from any single-family residential (SFI), two-family residential (SF2), or multifamily (MF) zoning district as measured from property line. This requirement does not apply to SFI, SF2, or MF areas within the 100-year floodplain. Recreational vehicles cannot be placed closer than twenty (20) feet to the property line separating the RV Park from adjoining property, measured from the nearest point of the recreational vehicle.
- (c) An opaque fence at least eight (8) feet in height must be placed on the property line to buffer the RV Park from view. The fence shall be installed on both sides and at the rear of the property. The fence must be made of treated lumber, ornamental metal, brick, stone, and/or combination thereof. Fences shall be maintained in good condition or deemed a public nuisance.

Section 4.2 Size and Density

Each RV Park must have a minimum size of three (3) acres, with a maximum of fifty (50) acres. The maximum site density for RV Parks shall be fifteen (15) sites per acre. Only one (1) recreational vehicle is permitted per recreational vehicle site.

Section 4.3 Size of Individual Sites; Pad Requirements; Landscaping

- (a) Each recreational vehicle site within the RV Park shall have a minimum area of one thousand nine hundred fifty (1,950) square feet and shall be at least thirty (30) feet wide and sixty-five (65) feet in depth. The interior pad sites shall be designed as pull-through for ease of entering and leaving the site. The exterior pad sites can be designed as back-in spaces. A roadway is therefore required to the front and rear for the pull-through spaces. In addition, the space shall be clearly marked identifying the space number.
- (b) The left 1/3 (10 x 65) of the site or driver's side must be planted with grass and other landscaping; the middle (10 x 65) must be paved with cement or asphalt and the remaining 1/3, or passenger side, can be paved with either cement, asphalt, crushed rock or similar material. The middle portion is to be used for the parking of the recreational vehicle with the paved area on the right used as a parking or patio area.

Section 4.4 Street Access; Street Lighting

- (a) Each recreational vehicle site within the RV Park shall have access to an internal private roadway, which shall have access to a public street. The entrance of the internal roadway shall

have a pavement width of at least thirty (30) feet with an adequate curb radius. The major thoroughfare shall have a pavement width (concrete or asphalt) of twenty-four (24) feet in accordance with City standards. The roadway may be fifteen (15) feet if the RV Park is designed for one-way roads. Each emergency access lane shall have a clear unobstructed width of twenty-four (24) feet; fifteen (15) feet if one-way and shall have a turning area and radii with a minimum of sixty (60) feet to permit free movement of emergency vehicles. Dead-end streets are not allowed.

(b) Metal signs shall be placed along the emergency access lane, by the owner or agent of the RV Park stating that parking is prohibited. The sign type, size, height and location shall be approved by the City.

(c) (1) Entrances and exits to mobile home parks and vacation travel trailer parks shall be lighted with one or more luminaries (or fixtures) totaling 7,700 lumens.

(2) The interior area of the mobile home park or vacation travel trailer park shall be lighted to five-tenths candle average maintained. All luminaries shall be mounted 15 feet to 25 feet above ground level.

Section 4.5 Required Facilities

(a) Each RV Park must have an office for the manager of the RV Park, and a bathroom and shower facilities, as well as laundry facilities. All facilities used by residents must be well lit inside and out during the night hours. All facilities must meet applicable codes adopted by the City to include compliance with the Americans with Disability Act (ADA).

(b) All RV Parks shall have at least one (1) recreation area, located as to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than eight (8) percent of the gross park area shall be devoted to recreational facilities. Recreation areas include space for community buildings and community use facilities such as restroom and shower facilities, adult recreation (basketball court or tennis court) and playgrounds for children, and swimming pools, but not including vehicle parking, maintenance and utility areas.

Section 4.6 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. All pavement shall be kept in good repair.

Section 4.7 Area Designated for RV Parks

The area designated for the placement of recreational vehicle parks within the City limits shall be established per zoning requirements.

Section 5.0 Drainage

The ground surface in all parts of the RV Park shall be graded and designed to drain all stormwater, surface water in a safe, efficient manner. Drainage analysis shall be performed by a licensed professional engineer and easements for the conveyance of surface water off-site shall be obtained, if necessary.

Section 6.0 Water Supply

Each site within an RV Park shall be provided with a connection to Goforth Special Utility District (SUD) water supply if available. If Goforth SUD water supply is not available then a permit from the Texas Commission on Environmental Quality (TCEQ) shall be obtained to install a well. Goforth SUD must approve all proposed water facility plans prior to construction. The water distribution system shall be installed as follows:

- 1) The water supply system, fixtures and other equipment must be installed in accordance with applicable codes adopted Goforth SUD.
- 2) A master water meter shall be installed to serve the RV Park. Sub-metering or re-metering of RV sites is not permitted.
- 3) A reduced pressure principal backflow preventer will be required to be placed at the property line on the discharge side of the master meter. In addition, one reduced pressure principal backflow preventer must be placed at each of the connections for each RV site and located on the left side of the site.
- 4) Water riser service branch lines shall extend at least four (4) inches above ground elevation. The branch line shall be at least $\frac{3}{4}$ inch
- 5) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes. Surface drainage shall be diverted from the location of utility connections at each site.
- 6) A shut off valve below the frost line shall be provided near each water riser pipe.
- 7) The owner/operator shall have complete maintenance responsibility for the water system within the RV Park.
- 8) Goforth SUD has no maintenance responsibility for service lines within the RV Park. The responsibility of Goforth SUD stops at the property line.

Section 7.0 Wastewater Facilities

Each site within the RV Park shall be provided with a connection for wastewater if available. If City wastewater service is not available then a permit from the City of Niederwald shall be obtained prior to placement of an on-site sewage facility. All proposed wastewater service lines shall be connected to the City wastewater system if available.

On-site sewage facilities are permitted if City wastewater service is not available. The City must approve all proposed wastewater facility plans prior to construction. The wastewater distribution system shall be installed as follows:

- 1) The wastewater system and materials must be installed in accordance with applicable codes adopted by the City.

- 2) Each site shall be provided with a four-inch diameter wastewater riser and shall extend above grade four (4) to six (6) inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gastight seal when connected to a recreational vehicle or have a gastight seal plug when not in service. The plug shall be that of a spring loaded device.
- 3) The wastewater connection to each site shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be water tight.
- 4) Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) to six (6) inches above the ground elevation.
- 5) Each collection wastewater line shall provide a vent extending a minimum of ten (10) feet in height.
- 6) The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV Park.
- 7) Each RV Park shall be required to install at the property line, where connection to the City sewer is made, a sample well site as defined herein. The sample well site shall be installed according to City code.
- 8) All chemicals entering the City sewer line, if present, shall be biodegradable.

Section 8.0 Electrical Service

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

- 1) A master electric meter shall be installed to serve the RV Park. Sub-metering or re-metering of RV sites is not permitted.
- 2) The City has no maintenance responsibility for service lines within the RV Park. The responsibility of the City stops at the property line.
- 3) The location of all underground lines shall be clearly marked by surface signs at approved intervals.
- 4) Power supply to each site shall be a minimum of one 20-amp, one 30-amp and one 50-amp power supply.
- 5) Outlets (receptacles or pressure connectors) shall be housed in an Underwriters' Laboratories, Inc., approved weather proof outlet box.
- 6) A water tight seal shall be provided for underground conduit in floodplain installations and a riser extending a minimum of two (2) feet above the floodplain elevation shall be provided.

Section 9.0 Sanitary Facilities

(a) Each RV Park shall provide the following sanitary facilities as listed below:

1) One (1) toilet or stool for the female sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.

2) One (1) toilet or stool and one (1) urinal stall for the male sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.

3) One (1) washbasin shall be provided within the toilet room for every two (2) toilets or fraction thereof (a minimum of one (1) is required).

4) One (1) shower shall be provided for each sex for each twenty (20) sites or fraction thereof (minimum of one (1) is required for each sex) for the first one hundred and twenty (120) sites, and one (1) per forty (40) sites thereafter.

5) All toilets and shower facilities shall be placed in properly constructed buildings and located not more than two hundred (200) feet from any recreational vehicle site.

6) Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof material to permit rapid and satisfactory cleaning, scouring and washing.

7) The floors shall be of concrete or other impervious material, elevated not less than four (4) inches above grade, and each room shall be provided with floor drains.

8) A slop sink or basin with water supply shall be in each restroom (male and female) and at least one (1) in the laundry facility, and shall be constructed in accordance with design, size and materials approved by the building official.

(b) Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.

(c) Toilet floors and walls shall be of impervious material, painted white or a light color, and kept clean at all times. Shower stalls shall be of tile, plaster, cement or some other impervious material and shall be kept clean at all times. If a shower stall is of some impervious material other than tile, cement or plaster, it shall be white or some light color and kept clean at all times. The floor of any bathroom, other than the shower stall, shall be of some impervious material, and the walls of the bathroom, other than the shower stall, shall be papered with canvas and wallpaper, or an equivalent washable surface kept clean at all times.

Section 10.0 Storage, Collection and Disposal of Refuse and Garbage

Each RV Park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Every site shall be located within two hundred (200) feet of a refuse facility measured along the RV Park internal roadway. Trash dumpsters shall be screened on three (3) sides.

Section 10.1 Telephone

A minimum of one (1) emergency telephone shall be provided in an easily accessible location twenty-four (24) hours a day, seven (7) days a week for emergency use.

Section 10.2 Accessory Structures

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

Section 10.3 Registration of Guests

Each person renting a site within a RV Park shall provide the following information to the owner, manager, operator or person in charge of the RV Park:

- 1) Name;
- 2) Full address of permanent residence; 3) Automobile and recreational vehicle license plate number and the state in which each is registered;
- 4) Driver's license number of the owner;
- 5) The number or letter of the site being rented;
- 6) Date of arrival and departure.

Section 10.4 Control of insects, rodents and other pests

Grounds, buildings and structures in the RV Park shall be maintained free of the accumulation of high grass and weeds and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitoes or other pests.

(a) The RV Park owner or manager shall be responsible for maintaining the entire area of the park free of dry brush, leaves, limbs and weeds.

Section 10.5 Fire safety standards; fire hydrants

(a) Open fires shall be allowed only in a metal, masonry or stone fire ring

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

Section 11.0 Permanent Occupancy Prohibited

No RV Park or recreational vehicle therein shall be used as a permanent residence for any period of time, notwithstanding section 4.7, except for permanent full-time employees of the RV Park. No more than one (1) space shall be allowed for use as a permanent residence for full time employees. Occupancy or parking of a recreational vehicle within the RV Park extending beyond twenty-four (24) consecutive months in any thirty (30) month period shall be presumed permanent occupancy and is hereby prohibited.

A recreational vehicle may not return for a period of sixty (60) days following twenty-four (24) months consecutively occupied.

Note. The City reserves the right to modify or change Section 11 of this ordinance for the purpose of a natural disaster or related incidents including the requirement of removal of all recreational vehicles that may be subject to dangerous or inclement weather. However, the final decision for the removal of all recreational vehicles, as defined herein, shall be at the sole discretion of the owner/operator of the RV Park. The City of NIEDERWALD assumes no liability.

Section 12.0 Change of Ownership of Grandfathered RV Park

Upon change of controlling interest of a grandfathered RV Park the new owner shall immediately bring the existing RV Park to meet the requirements of this ordinance.

Section 12.0 Manufactured Home Parks

Manufactured mobile home parks that have spaces for recreational vehicles prior to the adoption of this ordinance shall be permitted to occupy the space with a recreational vehicle. However, in no instance shall a new manufactured mobile home park (located within the City limits of Niederwald) be allowed recreational vehicles or spaces for recreational vehicles. Similarly, no manufactured home shall be permitted in a recreational vehicle park.

Section 13.0 Variance

1. Applicants desiring a variance from any requirements of this ordinance must file a written request for a variance, clearly supporting the justification for the request, directed to the City Council of the City of Niederwald either accompanying any permit application filed pursuant to this ordinance with the City Administrator, or if in the best interest of the applicant at any time prior to filing application for permit under this ordinance.

2. The City Administrator shall review the request and make written response to the requested variance to the City Council, with a copy to the applicant, either with the application for permit or if the variance request is submitted prior to the permit application at the earliest board meeting convenient to the administrator provided that the response shall be submitted no later than 90 days after the request is submitted to the administrator. The City Administrator

may determine that a variance request submitted prior to the application for a permit required under this ordinance requires a review of the permit application to be filed in order to respond to the variance request and shall notify the applicant within 30 days of his finding that review of the variance request is not appropriate without access to the application information required for the permit application. Such a finding by the City Administrator then requires that the variance request be reviewed and set for approval or denial at the same setting as the application for a permit.

3. A public hearing shall be held by the City Council re the request for variance either as part of the hearing for the application for permit or separately from the application, if determination of the variance prior to the permit application is deemed appropriate by the City Administrator, no later than the second regular meeting of the board following the submission of the variance request.

4. Approval of a variance requires a favorable vote of a majority of the quorum of the board attending the meeting.

Section 13.1 Effective Date

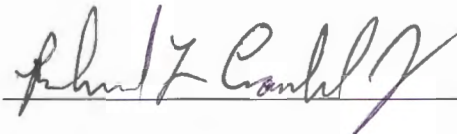
This Ordinance shall be in full force and effect from and after the date of its passage.

THIS ORDINANCE WAS APPROVED BY A UNANIMOUS VOTE OF A QUORUM OF THE BOARD OF ALDERMAN OF THE CITY COUNCIL OF THE CITY OF NIEDERWALD, THIS 7TH DAY OF MAY, 2018.



MAYOR, CITY OF NIEDERWALD, TEXAS

ATTESTED:



CITY SECRETARY/CITY ADMINISTRATOR

