

ORDINANCE NO. 11-18-2021-1

AN ORDINANCE OF THE CITY OF ELMENDORF, TEXAS, AMENDING THE ELMENDORF CODE OF ORDINANCES BY ADDING ARTICLE XIII – RECREATIONAL VEHICLE PARKS TO CHAPTER 6 – BUILDINGS AND BUILDING REGULATION; REGULATING RECREATIONAL VEHICLE PARKS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF ELMENDORF, TEXAS; PROVIDING FOR THE LICENSING OF RECREATIONAL VEHICLE PARKS; PROVIDING FOR INSPECTIONS, FIRE PROTECTION, AND REVOCATION OF LICENSES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that a condition is present that necessitates the regulation of recreational vehicle communities in the City of Elmendorf; and

WHEREAS, the City Council finds that properly planned and operated recreational vehicle communities (RV Parks) promote the safety, health, and welfare of the residents of such communities.

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

Part 1. Enacted

THAT, Chapter 6 BUILDINGS AND BUILDING REGULATION of the Code of Ordinances is hereby amended by adding ARTICLE XIII. – RECREATIONAL VEHICLE PARKS which shall read as follows:

ARTICLE XIII. – RECREATIONAL VEHICLE PARKS

Sec. 6-301. Purpose

The purpose of this ordinance is to establish clear and unambiguous regulations requirements for safe, sanitary, and suitable methods for construction and operation of RV parks within the City of Elmendorf and to promote an attractive community.

Sec. 6-301. – Definitions

- (1) **Accessory Structure** – Any structural addition to the recreational vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar structures.
- (2) **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 indicating the relation of each use to that adjoining and to the boundary of the property: Includes existing structures, proposed construction, drainage, and any easements or rights of way.

- (3) **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) **Owner or Manager** – Any person who has the control, direction, maintenance, or supervision of an RV Park, whether as owner or otherwise.
- (5) **Permit** – A written permit issued by the City of Elmendorf authorizing and permitting a person to construct, alter or operate an RV Park under the provisions of this section.
- (6) **Recreational Vehicle (RV)** – A portable home designed as a temporary dwelling for travel and recreational and vacation uses. Such homes shall not exceed eight (8) feet in width and forty-six (46) feet in length and shall be classified as a recreational vehicle whether its wheels, rollers, skids or other rolling equipment have been removed, and whether any addition thereto has been built on the ground; and shall also include pick-up campers, converted buses, self-powered motor homes, tiny houses, tent trailers, tents and analogous temporary portable housing and accessory buildings. 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 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 truck and may or may not be separated from the truck for use as living quarters.
 - f. **Tiny House** – Any trailer, other than a travel trailer as defined in this Ordinance, modified to be used as a residence.
- (7) **Recreational Vehicle Park (RV Park)** – Any tract or parcel of land used in whole or in part, for the accommodation of RVs by the day, week, or a longer period of time.

- (8) **Recreational Vehicle Site (RV Site)** – Any designated site or pad within an RV Park for the parking of an RV.

Sec. 6-303. – Permit Process

- (1) **Permit Required** – It shall be unlawful for any person to establish, maintain, conduct, or operate any existing or new 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 requirement.
- (2) **Permit Fee** – The annual permit fee for up to 10 RV sites shall be \$250.00. The annual permit fee for more than 10 RV sites shall be \$500.00. In the event, an application for a permit is rejected or withdrawn, half of the fee shall be returned to the applicant and the other half retained by the City to cover the cost of inspection, plan review and study.
- (3) **Permit Procedure for New RV Parks or for Changes/Additions to Existing RV Parks**
- a. **Application** – An application for a permit to open and operate a new 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 a new RV Park, or to change or add to an existing RV Park, shall be made prior to any actual construction and shall include a Development Plan and 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 City will reject the application if the City Council has placed drought restrictions in effect at the time that application is submitted.
 - 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 Mayor to determine conformance with the applicable standards listed in Section 4 below. Upon approval of the application by the City Administrator, a permit shall be issued to the applicant, which shall be valid until December 31st of the year following the date of the application. The owner or operator of an RV Park must submit the annual application for renewal for the next calendar year prior to December 15 of the year preceding the year for which the permit will be applicable.
- (4) **Permit Procedure for Continued Operation of Existing RV Parks**
- a. **Application** – An application to continue operation of an existing RV Park (no changes or additions) shall be made to the City on forms available at City Hall for that purpose. Such application shall include receipts evidencing active utility accounts for water, sewer and electrical service, and a copy of the RV Park's register of occupants.

- b. **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 to determine conformance with the applicable standards listed in Section 4 below. Upon approval of the application by the City Administrator, a permit shall be issued to the applicant, which shall be valid until December 31st of the year following the date of the application. The owner or operator of an RV Park must submit the annual application for renewal for the next calendar year prior to December 15 of the year preceding the year for which the permit will be applicable.

Sec. 6-304. – Standards

- (1) **Size and Density** - Each RV park shall have a minimum size of two (2) acres, with a maximum size of five (5) acres. The maximum site density for RV parks shall be twenty (20) sites per acre.
- (2) **Development Plan** - Plans and specifications of all buildings and improvements constructed or to be constructed within the recreational vehicle park
- a. The recreational vehicle park shall conform to the following requirements:
- i. 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. The condition of the soil, ground water, drainage and topography shall be such that it shall not create a hazard to the property or the health and safety of the occupants.
 - ii. Each park shall provide recreational vehicle parking spaces and each such space shall be clearly defined. Twenty percent (20%) of the parking spaces shall be not less than eighteen (18) feet by fifty (50) feet. There must be at least a ten-foot clearance of space between adjacent rows of parking spaces.
 - iii. The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
 - iv. Hard surface private streets adequate to provide access to each recreational vehicle space shall be constructed and maintained in good condition by the licensee and the width of which shall be not less than twenty-four (24) feet.
 - v. The park shall comply with state and federal standards for accessible for the mobility impaired. The applicant shall show proof of compliance.
- b. **Only one RV per Site** - Only one (1) recreational vehicle is permitted per

recreational vehicle site.

- i. **Recreational vehicle stands or pads shall:**
 - Be improved with compacted crushed road base material and asphalt or concrete adequate to support the weight of the recreational vehicle.
 - Not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action inadequate drainage, vibration or other forces acting on the structure.
 - Include a freestanding sign with reflective material that clearly shows the site designation. Signs must be maintained and be readable at all times while the RV park is in operation.
 - All RVs shall be located no closer than the following:
 - The sides of the RV shall be no closer than 18 feet from any other RV.
 - The rear of the RV shall be no closer than 10 feet from any other RV.
 - No part of the front of any RV shall be closer than 10 feet from the internal roadway.
- c. **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 Elmendorf. Approaches to all sites shall be kept clear for access by law enforcement, EMT and fire-fighting personnel and equipment. Each site shall be clearly marked identifying the site number.
- d. **Water, Sewer and Electrical 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).
- e. **Parking** – Each RV park shall provide off-road parking spaces for at least one (1) passenger vehicle at each recreational vehicle site. Hard surface walkways not less than thirty-six (36) inches wide shall be provided from the recreational vehicle spaces or from the streets, as the case may be to the service buildings. All street and walkways shall be lighted at night. Light standards shall have a height and spacing to insure an average illumination level of not less than 0.2 foot-candles.
- f. **Toilet and Shower Facilities** – Each RV park shall provide toilet and shower facilities in properly constructed buildings. Such buildings shall be well lighted and ventilated at all times. Floors shall be of concrete or similar material, and each room shall be provided with floor drainage. All toilet and shower facilities shall comply with the Americans with Disabilities Act (ADA). Unisex toilet and shower facilities required as follows:

- i. Two (2) toilets, wash basins and showers or bathtubs for each gender for every one hundred sites with an additional one (1) toilet, wash basin and shower or bathtub for each gender for each one hundred (100) sites or fraction thereof.
- ii. Each toilet room provided for men shall have, in addition to the requirements above, one (1) urinal stall.
- iii. Each toilet room shall have a sewer dump-station outside.
- iv. All toilets, wash basins, showers and bathtubs shall be placed in properly constructed buildings located not more than three hundred (300) feet from each recreational vehicle site. Such buildings shall be well lighted and ventilated at all times. Openings shall be screened with wire of not less than fourteen (14) meshes to the square inch and shall be constructed of such moisture proof material as to permit rapid and satisfactory cleaning, scouring, and washing. Floors shall be of concrete or similar material and elevated not less than four inches (4") above grade. Each room shall be provided with floor drainage.
- v. When unisex bathrooms are used where toilet, shower and wash basin are in one separate enclosed unit, at least one bathroom per ten (10) spaces must be provided.
- vi. All bathrooms shall comply with the Americans with Disabilities Act. (ADA).
- g. **Fencing** – A solid fence at least six (6) feet in height shall be placed on or just inside 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.
- h. **Accessory Structures** – Accessory structures are not allowed at the individual sites within the RV Park.
- i. **Storage, Collection and Disposal of Refuse and Garbage** - Each RV park shall provide a 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 or fire hazards. Each recreational vehicle park shall provide a minimum of two (2) fly tight, watertight, rodent proof dumpsters for the first one hundred (100) sites with one (1) additional dumpster for each one hundred (100) sites or fraction thereof. The dumpster shall be screened from public view.
- j. **Service/Office Buildings**
 - i. Service buildings shall be permanent structures complying with all applicable ordinances and statutes regulating electrical, plumbing, gas and mechanical installations and building set back requirements.
 - ii. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the

health of any occupant or the public.

Sec. 6-305. – Fire Protection

- (1) Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy the fire code and other applicable regulations of the City.
- (2) No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill.
- (3) All sites and any part of a recreational vehicle shall not exceed one hundred fifty (150) feet from the hard surface streets.
- (4) Storage and Handling of Flammable Liquids: In parks in which gasoline, fuel oil, or other flammable liquids are stored or dispensed their handling and storage shall comply with the City fire code.
- (5) Approaches to all sites shall be kept clear for firefighting personnel and equipment.
 - a. Firefighting Instruction.
 - i. The park owner or agent shall be responsible for the instruction of his staff in the use of the park fire protection equipment and in their specific duties in the event of fire.
 - ii. Water Supply Facilities for Fire Department Operations: Water supply facilities for Fire Department operations shall be connected to the city public water supply system.
 - iii. When Fire hydrants are required the water mains and fire hydrants shall be dedicated to the City after construction of improvements is preformed to the City Engineering Standards and approved by the Director of Public Works. The water mains and fire hydrants when located on private property shall be in a dedicated utility easements of the size set by the Director of Public Works adequate to service said lines and hydrants after all development has accrued.
- (6) Dry Vegetation: The park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.
- (7) Fuel
 - a. Bottled gas for cooking purposes shall not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable metallic tubing.
 - b. Bottled gas cylinders shall be securely fastened in place.

- c. No cylinders containing bottled gas shall be located in a recreational vehicle or within five (5) feet of a door thereof.
- d. State and local regulations applicable to the handling of bottled gas and fuel oil shall apply.
- e. All applicable provisions of the ordinances of this City regulating the use of liquefied gas must be complied with.

Sec. 6-306. – Supervision

- (1) The attendant or caretaker shall be answerable with the licensee for the violation of any provision of the Ordinance to which the licensee is subject.
- (2) Emergency Telephone – A minimum of one (1) land-line telephone shall be provided in an easily accessible location twenty-four (24) hours a day, seven (7) days a week for emergency use. The location of the emergency telephone must be disclosed to each resident and must be part of the Development Plan for new RV parks.
- (3) The licensee or agent shall operate the park in compliance with this Ordinance and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities, and its equipment in good repair and in a clean and sanitary condition.
- (4) Control of Rodents, Insects and Other Pests – Grounds, buildings and structures in the RV Park shall be maintained free of the accumulation of tall grass and weeds and debris so as 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) The licensee or agent shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- (6) The licensee or agent shall maintain a register of park occupancy which shall contain at least the following information:
 - a. name and address of park residents,
 - b. license number of recreational vehicle and/or tow vehicle,
 - c. location of each recreational vehicle within the park by space or lot number, and
 - d. dates of arrival and departure.
- (7) A new register shall be initiated on January 1 of each year and the old register is retired, but the old register shall be retained on the premises for at least three (3) years following the retirement.
- (8) Registers shall be available for inspection at all reasonable times by an official of the

City whose duties may necessitate access to the information contained therein.

Sec. 6-307. – Inspection

- (1) The Building Official, Building Inspector, and the Police Chief are hereby authorized and directed to make such inspections as necessary to determine compliance with this Ordinance.
- (2) The Building Official, Building Inspector, and the Police Chief shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- (3) The Building Official, Building Inspector, and the Police Chief shall have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the park.

Sec. 6-308. – Revocation of License

- (1) The City Administrator may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance.
- (2) After such conviction, a new license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

Sec. 6-309. – Exceptions

- (1) **Recreational Vehicles Stored by Owner** – Recreational vehicles stored at or near the owner's residence and used personally by the owner for vacation travel or guest quarters while stored on an approved surface. Storage of recreational vehicles is regulated by other sections of this Code.
- (2) **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 while storage on an approved surface.
- (3) **Recreational Vehicles for Sale** – Locations where recreational vehicles are displayed and/or sold, whether by an individual seller or dealer while stored on an approved surface.

Sec. 6-310. – Variance

Notwithstanding any of the requirements of this Article, if it be shown to the satisfaction of the Board of Adjustment that any of the requirements if complied with would cause undue hardship on any applicant for a license hereunder or licensee hereunder and that such requirement or requirements would not be for the best interest and general welfare of the City of Elmendorf and the citizens affected by this Ordinance, the Board of Adjustment may grant a variance in

accordance with Sec. 38.46 of this Code.

Sec. 6-311. - Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Elmendorf, Texas, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) dollars for each offense, except however, where a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law; and each and every day said violation is continued shall constitute a separate offense.

Part 2. Open Meetings Act

This meeting 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.

Part 3. Severability Clause

If any section, sub-section, clause, phrase, or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 4. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 5. Publication

The City Secretary is hereby authorized and directed to cause publication of this Ordinance in accordance with law.

Part 6. Effective Date

This Ordinance shall be in force and effect from and after its publication as required by law.

PASSED and ADOPTED this 18th day of November 2021.

CITY OF ELMENDORF, TEXAS


Michael J. Gonzales, Mayor

Attest:



Roxanne DeLeon, City Secretary