

ORDINANCE NO. #336

ORDINANCE BY THE CITY COUNCIL FOR THE CITY OF SHEPHERD, TEXAS, APPROVING RECREATIONAL VEHICLE PARK REGULATIONS FOR THE CITY OF SHEPHERD, TEXAS; PROVIDING A PENALTY OF UP TO \$500 PER VIOLATION WITH RIGHT OF INJUNCTIVE RELIEF; PROVIDING A SAVINGS CLAUSE; A TEXAS OPEN MEETINGS ACT CLAUSE AND AN EFFECTIVE DATE UPON PUBLICATION

WHEREAS, the city council of the City of Shepherd, Texas 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 with the City; and (2) encourage economical and orderly development of such communities and of other nearby communities adjacent to and within the City; and

WHEREAS, it is 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 with the standards and regulations necessary to accomplish these purposes; and

WHEREAS, the City Council of Shepherd, Texas finds that there should be uniform regulations for the planning, installation and operation of recreational vehicle parks in the City of Shepherd; and

WHEREAS, the City Council finds that the proposed Recreational Vehicle Park Regulations attached as Exhibit "A" to this Ordinance should be approved to address the regulation of recreational vehicle parks;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SHEPHERD, TEXAS THAT:

Section 1: Finding the Recitals as True and Correct

The City Council adopts the findings and recitals above as true and correct.

Section 2: Approval of Recreational Vehicle Park Regulations

The City Council hereby approves the Recreational Vehicle Park Regulations as found in the attached and incorporated Exhibit "A."

Section 3: Penalty Clause with Right to File Injunctive Relief

Any person who violates a provision of this Ordinance by violating any of the Recreational Vehicle Park Regulations shall, upon conviction, be punished by a fine not exceeding \$500.00, as provided by the Code of Ordinances. Each day a violation continues shall constitute a separate offense. The City Attorney is also authorized to initiate a lawsuit to enjoin the violation of this Ordinance and the Recreational Vehicle Park Regulations

Section 4. Savings Clause.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

Section 5. Compliance with City Code of Ordinances

Wherever any provision of this ordinance provides for the amendment of the Code of Ordinances, City of Shepherd, Texas such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified ordinance shall be deemed invalid on the basis of a variance in the number or section of this ordinance and its codified provisions. The failure to codify the specified provisions of this ordinance shall not affect their validity or enforcement.

Section 6: Compliance with Texas Open Meetings Act.

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

Section 7. Effective Date upon Publication.

The City Secretary shall cause the caption of this Ordinance, including any penalty to be published in the newspaper of general circulation within the City, such notice to be published at least once within ten (10) days of the date of passage. This Ordinance shall be effective upon publication as provided herein.

PASSED AND APPROVED this 9th day of May 2022.



Charles Minton, Mayor

ATTEST:



Debra Hagler, City Secretary

RECREATIONAL VEHICLE PARK REGULATIONS

CITY OF SHEPHERD, TEXAS

Section I Purpose

The city council of the City of Shepherd, Texas 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 with the City; and (2) encourage economical and orderly development of such communities and of other nearby communities adjacent to and within the City. 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 with the standards and regulations necessary to accomplish these purposes. These Regulations are enacted in order to achieve orderly development of a recreational vehicle park (RV park) within the corporate limits of the City of Shepherd and within the Extra-Territorial Jurisdiction of the City of Shepherd, to promote and develop the use of land to minimize possible impacts on nearby land within the City, and to promote the health, safety and general welfare of the public.

Section 1.1 Applicability

These Regulations shall apply to Recreational Vehicle Parks located in The City of Shepherd, San Jacinto County, Texas.

Section 2 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.

Approved Backflow Prevention Assembly. A testable backflow prevention assembly approved by AWWA or USC Foundation for Cross-connection Control and Hydraulic Research.

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

Building official. The official of the City of Shepherd, Texas responsible for the inspection of structural, electrical, mechanical and plumbing associated with a property and who is charged with the enforcement of the provisions of these Regulations. The term "building official" shall include the city mayor, the code enforcement officer, city engineer, or their designees.

City. The City of Shepherd, San Jacinto County, Texas.

City council. The city council of the City of Shepherd, Texas.

Controlling interest. A person or developer who controls at least fifty-one percent (51%) of ownership of a recreational vehicle park.

Dry hydrant. An un-pressurized, permanently installed pipe that has one end below the water level of a lake, pond or container.

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 a person responsible for the day-to-day operations including records and license of the park.

Opaque fence. A fence made of solid materials designed to shield from public view the RV park, i.e., is difficult to see through or perceive.

Public use phone. A phone used by registrants of the RV park for emergency purposes.

Recreational vehicle or RV. Any motorized vehicle or nonmotorized vehicle designed to be towable by a motor vehicle that (1) is designed for temporary human habitation for uses including recreational camping or seasonal use; (2) is permanently built on a single chassis; (3) may contain one or more life-support systems; and (4) is constructed with integral wheels to make it mobile and/ or towable by a motor vehicle. Such recreational vehicles shall include licensed camp trailers, travel trailers, motor homes and fifth-wheel trailers.

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.

Park Model Recreational Vehicle (RV). A towable vehicle designed to be used for temporary human habitation, constructed in compliance with ANSI 119.5, is permanently built on a single chassis, is constructed with integral wheels to make it mobile or towable by a motor vehicle. Such recreational vehicles shall not have self-contained waste water or water storage tanks.

Sample well site. An access point in the customer's wastewater line where the City can inspect the effluent for the detection of hazardous or non-biodegradable materials. Where required, a sample well shall be a minimum of fifteen inches (15") in diameter, installed downstream of the furthest fixture or connection.

Section 3 Compliance with the Regulations

Section 3.1 Inspections

(a) Authorized The building official is hereby authorized to make such annual inspections as are necessary to determine compliance with these Regulations.

(b) Entry on premises Upon providing reasonable notice, the building official shall have the power to enter at reasonable times during business hours upon any private or public property with the purpose of inspecting and investigating conditions relating to the enforcement of these Regulations.

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 these Regulations, the city secretary or building official shall give notice of such alleged violation to the RV park owner, 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 RV park owner, the licensee or his/her agent; provided that such notice or order shall be deemed to have been properly served upon such owner, 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 these Regulations.
- 6) After all procedures outlined above are exhausted, disconnection of water and wastewater service by the City may be initiated.

If the City mails a notice to a RV park owner or licensee 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 these Regulations applicable to such RV park may request a hearing before the city council; provided that such person shall file in the city secretary's office within ten (10) days after the day the notice was served, 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 disconnection of City water and wastewater service to the RV park.

(d) Order without notice. Whenever the City finds that an emergency exists which requires immediate action to protect the public health or safety, including all customers using the City water and wastewater facilities, the designated City 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, the RV park owner, licensee or agent 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; civil action

(a) Any noncompliance with these Regulations 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.

(b) After the procedures set out in Section 3.2 above have been followed and any violation of these Regulations has not been corrected, the City may disconnect water and wastewater service to the RV park.

(c) The City Attorney is authorized to file civil action in a court of proper jurisdiction to enforce these Regulations and to seek injunctive relief from any violation thereof.

Section 4 Site development plan and permit

(a) A site development plan must be prepared and submitted to the city council and must include the requirements for site plans contained herein.

(b) The RV park site development shall be reviewed and approved by the city engineer before it can be approved by the city council.

(c) Prior to the construction of any park improvements, a site development permit shall be obtained from the city. Such permit shall be subject to all city permit procedures and fees that are in effect at the time the application for permit is filed.

Section 4.1 Location and fencing

(a) Where any property line of the RV park property is adjacent to residential property, the park shall be screened from the residential property along each common property line by an opaque fence or Landscape screening.

(b) Landscape screening may consist of any combination of trees, shrubs, bushes, berms, walls, or decorative fences which provide a year-round obstruction of view which is effectively equivalent to the use of opaque fencing of six feet in height.

Section 4.2 Size and density

Each RV park must have a minimum size of two (2) acres. The maximum site density for RV parks shall be sixteen (16) RV 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 five hundred (1,500) square feet and shall be at least twenty-five (25) feet wide and fifty (50) feet in depth. The space shall be clearly marked identifying the space number.

(b) Each space to be approved for Park Model RV's must have a reinforced concrete foundation of substantial size adequate to contain the footprint of the Park Model RV wholly. If tie downs are to be used, the concrete foundation must be of adequate thickness to allow seven (7) inches of embedment in the concrete and have continuous footers that extend 12 inches into undisturbed soil.

(c) All recreational vehicles must be separated from each other and from all other structures by at least fifteen (15) feet.

Section 4.4 Street access; parking; street lighting

(a) Each recreational vehicle site within the RV park shall have access to an internal paved 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 internal street system shall be either concrete or asphalt installed in accordance with good engineering practices. The thoroughfare 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) Parking shall be prohibited on the internal streets.

(c) The internal street system shall be illuminated by either street lights or other means.

Section 4.5 Required facilities

(a) Each RV park must have an office for the manager of the RV park, a toilet room 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 be maintained to meet the building codes that were in effect at the time of original construction of that facility.

(b) All RV parks shall have at least one (1) recreation area, located as to be free of traffic hazards, and easily accessible to all park residents. Not less than five (5) 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), playgrounds for children, and swimming pools, but does not include 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.

Note. All pavements shall be kept in good repair.

Section 4.7 Area designated for RV parks

The area designated for the placement of each recreational vehicle park shall be established on a map with a copy of such map in the office of the building official and office of the city secretary.

Section 5 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 detention ponds and easements for the conveyance of surface water off-site shall be obtained, if necessary, as governed by the City of Shepherd ordinances and codes.

Section 6 Water supply

Until such time as City water service is available, providing that all other State, Federal, and Local regulations are adhered to, nothing in these Regulations shall prohibit the use of an existing or new private water well. The water distribution system shall be installed as follows:

- 1) The water supply system, fixtures and other equipment must be installed in accordance with the applicable plumbing code as adopted by the City at the time a construction permit is issued; and installed so as to prevent cross contamination at each space and
- 2) Upon connecting to city utilities, a master water meter shall be installed to serve the RV park.

- 3) If the water distribution system is on a well, the owner must connect to the public water system within 120 days of notification that the public system is ready for connection.
- 4) An approved reduced pressure principal backflow preventer will be required to be placed at the property line on the discharge side of the master meter and at each RV connection.
- 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) All backflow prevention assemblies must be tested annually by a state licensed backflow tester and submit the results to the City in an approved manner.
- 7) The owner/operator shall have complete maintenance responsibility for the water system within the RV park.

Section 7 Wastewater facilities

Until such time that City sewer service is available, providing that all other State, Federal, and Local regulations are adhered to, nothing in these Regulations shall prohibit the use of an existing or new private sewage disposal system. The wastewater distribution system shall be installed as follows:

- 1) The wastewater system and materials must be installed in accordance with the applicable plumbing code as adopted by the City at the time a construction permit is issued.
- 2) Each RV site shall be provided with a minimum three-inch diameter wastewater riser installed in a manner that prevents the intake of storm water runoff, and minimizes the potential for wastewater overflows. 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.
- 3) The wastewater system shall be adequately vented to maintain atmospheric pressure within the wastewater lines.
- 4) The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park.
- 5) Any wastewater connections made to the City's collection system shall be made at a sewer manhole or a sample well installed.
- 6) All chemicals entering the City wastewater system shall be biodegradable.
- 7) If the RV park is operating on an On Site Sewage Facility (OSSF), the owner must connect to the public system within 120 days of notification that the public system is ready for connection.

Section 8 Electrical service

Each RV site within the RV park shall be provided with electrical service. All electrical service shall be installed in accordance with the adopted National Electrical Code.

Section 9 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 forty (40) RV sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) RV sites, and one (1) per forty (40) RV sites thereafter.
- 2) One (1) toilet or stool for the male sex for every forty (40) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) RV sites, and one (1) per forty (40) RV sites thereafter. Urinals may be substituted for up to 50% of the required toilets.
- 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 forty (40) RV sites or fraction thereof (minimum of one (1) is required for each sex) for the first one hundred and twenty (120) RV sites, and one (1) per forty (40) RV sites thereafter.
- 5) 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.
- 6) No space shall be more than five hundred (500) feet from a sanitary facility building.
- 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.

(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 building 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. Shower stalls shall be kept clean at all times. The floor of any bathroom shall be of some impervious material and kept clean at all times. The walls of the bathroom shall be covered with a material that provides a washable surface and shall be kept clean at all times.

Section 10 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. Trash dumpsters shall be screened on three (3) sides.

Section 10.1 Accessory structures

The individual sites within the RV park are not allowed to have accessory structures unless the construction or placement of the accessory structure is permitted by the City.

Section 10.2 Registration of guests

(a) Each person renting a RV site within a recreational vehicle 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 if applicable;
- 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) Cell phone number if applicable;
- 6) The number or letter of the site being rented;
- 7) Date of arrival and departure.

Note: All recreational vehicles must have current vehicle inspections, registrations and license plates.

(b) The guest registration information shall be available for inspection at all reasonable times by City officials and law enforcement authorities.

Section 10.3 Control of insects, rodents and other pests

Grounds, buildings and structures in the RV park shall be maintained in a manner such that the grounds, buildings, or structures do not constitute a public nuisance as defined in the City of Shepherd ordinances and codes.

Section 11 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 180 consecutive days in any twelve (12) month period shall be presumed permanent occupancy and is hereby prohibited, unless the City building official gives written permission for an extension of a designated number of days.

A recreational vehicle may not return for a period of thirty (30) days following 180 days consecutively.

Exception: Park Model recreational vehicles (RV's) may be stored in place while not occupied. Stored Park Model RV's must:

- 1) Be placed on a space approved by the building official for park model RV's
- 2) Be secured in place to resist the wind load specified in the adopted building code
- 3) Be skirted compliant with ordinance 151.19 (D)
- 4) Have the axels fastened in place onto the chassis

Note. The City of Shepherd reserves the right to modify or change Section 11 of these Regulations 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 Shepherd assumes no liability.

Section 12 Change of ownership of RV Park

These Regulations run with the Property. Upon change of controlling interest of a RV park, the new owner shall immediately contact the City and update the existing RV park to comply with the requirements of these Regulations.


Section 13 Savings Clause

If any section, paragraph, clause, sentence, phrase or word of these Regulations or the application thereof to any circumstance is held invalid, such holding shall not affect the validity of the remaining portions of these Regulations, and the city council hereby declares that it would have passed such remaining portions despite such invalidity.

APPROVED AND PASSED at a regular meeting of the City Council of the City of Shepherd, this 9 day of May, 2022.


Charles Minton, Mayor

ATTEST:


Debra Hagler, City Secretary