

Ordinance No. 19-89

AN ORDINANCE OF THE VILLAGE OF PLEAK, TEXAS PROVIDING FOR REGULATIONS FOR THE PLACEMENT AND DEVELOPMENT OF RECREATIONAL VEHICLE PARKS WITHIN THE VILLAGE OF PLEAK AND THE VILLAGE OF PLEAK'S EXTRATERRITORIAL JURISDICTION WHERE APPLICABLE, PROVIDING FOR REGULATIONS FOR THE PLACEMENT OF RECREATIONAL VEHICLES OUTSIDE OF PARKS; ESTABLISHING DEFINITIONS; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, it is the intention of the Board of Alderman for the Village of Pleak to regulate the placement of recreational vehicles within in the Village limits;

WHEREAS, it is the intention of the Board of Alderman with this ordinance to provide for orderly, safe, and aesthetic values of the Village regarding the placement of recreational vehicles within recreational vehicle parks and on private property to promote the health, safety, and aesthetic values of the community;

BE IT ORDAINED BY THE BOARD OF ALDERMAN FOR THE VILLAGE OF PLEAK:

Section. 1 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.

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

Building official – The official of the Village responsible for the inspection and enforcement of electrical, mechanical and plumbing associated with a property, or the designee appointed by the Village responsible for inspections.

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

Manufactured home shall mean a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more Sectionions, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on sites three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Mobile home shall mean a structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) feet or more square feet, and which is built on a permanent chassis and designed to be used a s dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing heating, air conditioning and electrical systems contained therein.

Manufactured housing or manufactured home shall mean a HUD-code manufactured home or a mobile home and collectively means and refers to both.

Opaque fence – A fence made of solid materials designed to shield the RV park from public view.

Recreational vehicle or RV – Any camper trailer, travel trailer, motor home, truck camper, 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 providing 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.

Village Council or Board of Alderman – means the elected governmental body for the Village of Pleak and collectively means and refers to both.

Village of Pleak and Village limits – means the incorporated limits of the Village of Pleak and the extraterritorial jurisdiction of the Village of Pleak where applicable.

Section. 2 License; denial; hearing.

(a) **Required.** It shall be unlawful for any person to operate any RV park within the Village limits unless he/she holds a valid license issued annually by the Village in the name of such person for the specific park. The applicant shall make all applications for the license on forms furnished by the Village which shall issue a license upon compliance with the provisions of this article.

(b) **Hearing on denial.** Any person whose application for a license under this article has been denied may request in writing, within ten (10) days of notice that license has been denied, a hearing on this matter before the Village council for final approval or disapproval. The hearing shall be set on the next regular Village council meeting date so as to comply with the Texas open meeting notice provisions.

(c) **Application for renewal.** Application for renewal of a license shall be made in writing by the licensee on forms furnished by the Village 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.

(d) **Fee.** All applications shall be accompanied by a fee as provided for in the fee schedule adopted by Village Council.

(e) **Approval of transfer.** Every person holding a license shall give notice in writing to the Village 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 thereafter. The Village 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 ordinance.

(f) **Transfer fee.** All applications for license transfer shall be accompanied by a fee as provided for in the fee schedule adopted by Village Council.

Section. 3 Suspension.

(a) **Suspension.** Whenever, upon inspection of any RV park, the Village finds that conditions or practices exist which are in violation of any provisions of this article which are applicable to such park, the Village shall give notice in writing to the owner and/or manager of the notice, the Village will suspend the license and give notice of such suspension. Upon suspension of the license, the licensee shall cease operation of such park.

(b) **Hearing.** The suspension of the license may be appealed to the Village council as set forth in Section 2 above.

Section. 4 Inspections.

(a) **Authorized.** The building official is hereby authorized to make such inspections as are necessary to determine compliance with this article.

(b) **Entry on premises.** The building official shall have the power to enter at reasonable times upon any private or public property with the express purpose of inspecting and investigating conditions relating to the enforcement of this article.

Section. 5 Size of individual sites; pad requirements; fencing; landscaping.

(a) **Site Plan.** A site development plan must be prepared and submitted to the Village through the Village Secretary and must include the requirements for site plans contained herein.

(b) **Size and density.** Each RV park must contain a minimum of one (1) acres, with a maximum of three (3) acres. The maximum site density for RV parks shall be ten (10) sites per acre. Only one (1) recreational vehicle is permitted per recreational vehicle site.

(c) **Site area.** Each recreational vehicle site within the RV Park shall have a minimum area of one thousand two hundred fifty (1,250) square feet and shall be at least twenty (20) feet wide and fifty (50) feet in depth.

(d). **Roadway required.** The sites shall be designed for pull-through access for ease of entering and leaving the site. A roadway is therefore required to the front and rear. In addition, the space shall be clearly marked identifying the space number.

(e). **Clearance.** There shall be a minimum ten (10) feet clearance between each RV.

(f). **Landscaping and pavement.** The left 1/3 of the site or driver's side must be planted with grass and other landscaping; the middle of the site must be paved with cement 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. 6 Street access; street lighting; fencing.

(a) **Private and public street access.** Each recreational vehicle site within the RV Park shall have access to an internal private roadway, which shall have access to a public street. The entrance of the internal roadway shall have a pavement width of at least twenty-eight (28) feet with an adequate curb radius.

The major through-fare shall have a pavement width (concrete or asphalt) of twenty-four (24) feet in accordance with Village standards. Dead-end streets are not allowed. The internal streets off the major through-fare may be constructed with crushed rock materials or similar material with the objective to prohibit dust.

(b) Street lighting. Adequate street lighting for the RV park shall be approved by the Village.

(c) Fencing. An opaque wooden fence made with new materials or an approved equivalent, 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 all sides and at the rear of the property.

Section. 7 Required facilities.

(a) Office manager. 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 night hours. All facilities must meet applicable codes adopted by the Village, Fort Bend County, and the State of Texas.

(b) Recreation area. 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, but not including vehicle parking, maintenance and utility areas.

Section. 8 Soil and ground cover.

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. 9 Prohibited placement of recreational vehicles.

(a) Unlawful placement. It shall be unlawful for any person to permit, allow or suffer the placement, use or occupancy of a recreational vehicle except in an approved licensed recreational vehicle park.

(b) Residential private property storage exception. A recreational vehicle may be stored outside a licensed RV park on residential property so long as the RV is placed in the side or rear yard area of the property and shall be set-back a

minimum of twenty-five (25) feet from the front property line, and a minimum of five (5) feet from the rear property line and a minimum of five (5) feet from the side property line of the property that the RV is stored on and complies with the following:

1. No more than one RV shall be stored on a residential property.
2. The resident property owner or lease holder of the property where the RV is stored, shall be the same as the RV owner.
3. The RV shall not be stored on any city street, sidewalk or right of way.

(c) Occupied on private property. A recreational vehicle parked outside an RV park on residential property may be occupied for a period not to exceed fourteen (14) days in any consecutive six-month period so long as the vehicle is not parked on or extending over private or public property, and the RV is placed in the side or rear yard and meets the required setbacks.

(d) Hardship permit. The Board of Aldermen may issue a hardship permit for extended occupation of a RV on residential property because of one or more of the following grounds when it is found that there would be serious hardship to the requestor. The grounds for granting of a such a hardship permit include, but are not limited to the following:

1. Illness in the family or of relatives of the applicant;
2. Temporary economic hardship that would only be relieved by temporary occupancy of an RV;
3. Temporary building or restoring of applicant's permanent residents.
4. The applicant shall have the burden of showing the need for hardship permit by clear and convincing evidence.

(e) The permit shall be granted for a period necessary to relieve the hardship which would result if no permit was granted, provided, however such permit shall not be valid for more than one year from the date that the permit is granted.

(f) Revocation of hardship permit. The Board of Aldermen shall have the right to revoke a hardship permit on finding that the facts set forth in the application were untrue, or incorrect or that grounds upon which the issuance of the hardship permit was based are no longer operative.

The council shall schedule a revocation hearing. Written notice of the date, time and place thereof shall be mailed to the permittee by certified United States mail, postage prepaid, return receipt requested, addressed to the address set forth in the original hardship permit application. Such notice shall be mailed at least ten (10) days prior to the date of the hearing and shall set forth the grounds upon which revocation will be sought in sufficient detail to advise the permittee thereof and shall advise the permittee of his right to be present in person and through

counsel to present evidence and cross examine any witnesses appearing at such hearing.

If the Board of Aldermen determine that grounds exist for revocation exist, it shall order the hardship permit revoked by written decision. A copy thereof shall be furnished the permittee. Permittee shall be ordered to comply with the Village ordinance and vacate the occupancy of the RV.

The decision of the Board of Aldermen shall be final.

Section. 10 Drainage.

The area designated for the placement of recreational vehicle parks shall be graded and designed to drain all storm water, 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. 11 Water Supply.

(a) Each site within an RV park shall be provided with a connection to the Village water supply if available. If Village water supply is not available, then a permit from the Texas Commission on Environmental Quality (TCEQ) shall be obtained to install a well. The Village 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 by the Village;
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 (1) such device 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 park owner/operator shall have complete maintenance responsibility for the water system within the RV park;
8. The Village shall have no maintenance responsibility for service lines within the RV park.

Section. 12 Wastewater facilities.

(a) Each site within the RV park shall be provided with a connection for Village wastewater if available. If Village wastewater is not available, then a permit from Fort Bend County and the Texas Commission on Environmental Quality (TCEQ) shall be obtained prior to placement of an on-site sewage facility. All proposed waste water service lines shall be connected to the Village wastewater system if available.

(b) On-site sewage facilities are permitted if Village utilities are not available. The Village 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 Village, or Fort Bend County and TCEQ;
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.

(c) The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV park.

(d) Each RV park shall be required to install at the property line, where connection to the Village sewer is made, a sample well site as defined herein. The sample well site shall be installed according to Village code.

(e) All chemicals entering the wastewater facility shall be biodegradable.

Section. 13 Electrical service.

(a) Each site within the RV park shall be provided with the 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 Village has no maintenance responsibility for service lines within the RV park.
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 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. 14 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 ten (10) sites, or fraction thereof.
 2. One (1) toilet or stool and one (1) urinal stall for the male sex for every ten (10) sites or fraction thereof.
 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 ten (10) sites or fraction thereof (minimum of one (1) is required for each sex).
 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.
 9. Toilet and bathing facilities shall be in separate rooms or portioned apart in any manner as to provide privacy and promote cleanliness. Each toilet provided in a community toilet house shall be portioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.
- (b) 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. 15 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, insects 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. 16 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.

Section. 17 Accessory structures.

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

Section. 18 Registration of guest.

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 vehicle owner;
5. The number or letter of the site being rented;
6. Date of arrival and anticipated departure.

Section. 19 Control of insects, rodents and other pets.

(a) 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, mosquitos or other pests.

(b) 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. 20 Fuel and Fire safety standards; fire hydrants.

(a) Open fires shall not be permitted in the park. Bottle gas shall not be used at individual RV sites unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place.

(b) A fire hydrant(s) must be placed such that each recreational vehicle site is within five hundred (500) feet from one.

(c) If a RV park is to be placed in an area where Village water is not available, the RV park owner must have a pond located on the property filled at all time with a minimum capacity of twenty thousand (20,000) gallons with a dry hydrant installed. A container capable of holding a minimum of twenty thousand (20,000) gallons with a dry hydrant installed shall also be allowed and/or substituted for a pond. The dry hydrant outlet shall be of standard size or four (4) inches.

Section. 21 Permanent occupancy prohibited.

No RV park or recreational vehicle therein shall be used as a permanent residence for any period of time, 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 six consecutive months in any twelve (12) 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 six (6) months consecutively.

Owner of the RV park together with the occupant of the RV may apply for a hardship permit pursuant to Section 9 (d) of this Ordinance.

Section. 22 Change of ownership of nonconforming RV park.

Upon change of controlling interest of a grandfathered RV park (whether entity or person) the new owner shall immediately bring the existing RV park to meet the requirements of this ordinance.

Section. 23 Manufactured housing or mobile home parks.

It is unlawful for a manufactured house or mobile home park to allow recreational vehicles or spaces for recreational vehicles in a manufactured housing or mobile home park. Only recreational vehicles shall be allowed in a recreational vehicle park. No manufactured housing or mobile home shall be permitted in a recreational vehicle park.

Section. 24 Penalties.

(a) Persons who shall violate a provision of this ordinance or code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed the amounts as allowed by state law pursuant to Texas Local Government Code. Therefore, a Violation is punishable by a fine not exceeding two thousand dollars (\$2,000.00) for violations of a rule, ordinance, or police regulation that governs public safety, zoning, and public health and sanitation, including dumping of refuse. All other violations shall be punished by a fine not exceeding five hundred dollars (\$500.00), but no penalty shall be more or less than the penalty provided by state law for the same offense. Furthermore, each day that a violation continues after due notice has been served shall be deemed a separate offense.

(b) Abatement of violation. In addition to the imposition of the penalties herein described, the code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(c) Nothing herein contained shall prevent the Village of Pleak, Texas from taking such other lawful action as is necessary to prevent or remedy any violation.

Section. 25 Conflict.

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

Section. 26 Effective date.

Effective immediately following the publication of this ordinance in the local newspaper as required by the Texas Local Government Code.

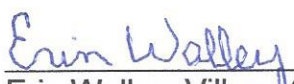
PASSED, APPROVED, AND ADOPTED this 16th day of January 2019.

APPROVED:



Larry Bittner, Mayor

ATTEST:



Erin Walley, Village Secretary