

BAYSIDE RECREATIONAL VEHICLE ORDINANCE 119

AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION AND USE OF RECREATIONAL VEHICLES, UNOCCUPIED TRAVEL TRAILERS, PICK-UP CAMPERS DISMOUNTED, MOTOR HOMES, TOWABLE WHEELED CAMPERS, CONVERTED SCHOOL BUSES AND CONSTRUCTION TRAILERS. IT IS TO PROVIDE FOR ITS ENFORCEMENT AND FOR A BOARD OF ADJUSTMENT; TO PROVIDE FOR CHANGES AND AMENDMENTS; TO PRESCRIBE PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS AND PROVIDING A SEVERABILITY CLAUSE. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAYSIDE RV ORDINANCE 119.

ARTICLE 1. TITLE

WHEREAS, The Town of Bayside, Texas is a General Law Town operating pursuant to the General Laws of the State of Texas.

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the Town has the authority to adopt a comprehensive Recreational Vehicle Ordinance that regulates the use and location of the above named recreational vehicles in Commercial, Industrial and Residential and other purposes, and to amend said ordinance for the purpose of promoting the public health, safety, morals and general welfare, all in a comprehensive plan; and

WHEREAS, the Town Council of the Town of Bayside, Texas at a public hearing called by the Town Council did consider the following factors in making a determination as to whether these changes should be granted or denied: effect on water, sewer, schools, and other public facilities; and

WHEREAS, the Town Council of the Town of Bayside, Texas further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to maximize and encourage the most appropriate use of the land throughout this Town; and

WHEREAS, the Town Council of the Town of Bayside, Texas does find that there is a public necessity for the RV ORDINANCE, that the public demands them, that the public interest clearly requires the RV ORDINANCE.

ARTICLE 2. PURPOSE

The RECREATIONAL VEHICLE ORDINANCE as herein established has been made in accordance with a comprehensive plan for the purpose of promoting the health, safety,

morals and the general welfare of the Town. It has been made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the Town.

ARTICLE 3. RECREATIONAL VEHICLE STORAGE AND USE **RESIDENTIAL PROPERTY**

SECTION 1-1 Recreational Vehicles, Unoccupied travel trailers, pick-up campers dismounted, motor homes, towable wheeled campers and converted school buses may be stored or located in areas as follows:

A. An area on private property with the following restrictions:

1. In the rear yard no closer than five feet (5') from rear lot line and five feet (5') from the side lot line unless on a corner lot which should be fifteen feet (15').
2. On public property or any street right-of-way.
3. Within the sight triangle on a corner lot.
4. A limit of 2 licensed and operable Recreational vehicles. They may not be connected to sewer or water lines. Electricity may be connected to maintain an atmosphere free of mold, excess heat and cold.
5. They are not to be occupied and used as a residence or rental property.
6. Must be stored on the same lot as the main structure or on an adjoining lot owned by the owner and in no case will a Recreational Vehicle be stored on a lot without a main structure unless on an approved recreational vehicle park.
7. Recreational Vehicle's left unattended during the hurricane season must be adequately tied down.
8. An area on private property normally used for automobile parking and has a main building.
9. A Recreational Vehicle owned by guests of property owner or owned by property owner may reside in a Recreational Vehicle for a limit not to exceed thirty (30) days with a fourteen (14) day period required before a unit can be placed on previously occupied location. These vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials. Town water and sewer may be connected during the guest stay only.
10. No person shall park a Recreational Vehicle upon any public property for the purpose of displaying such vehicle for sale.

SECTION 1-2 PERMITS AND FEES

A. RECREATIONAL VEHICLE BUILDING PERMIT AND FEES

1. A Recreational Vehicle BUILDING PERMIT for one (1 Recreational Vehicle) may only be issued with no fee if the applicant first obtains an active building permit for a permanent residence in a residential zone. The Recreational Vehicle BUILDING PERMIT with an active building permit is valid for one (1) year with two (2) six month extensions possible. The Recreational Vehicle trailer may not be placed on-sight until ground has been broken for project.
2. A Recreational Vehicle BUILDING PERMIT for one (1 Recreational Vehicle) is good for six (6) months without an active building permit with no extensions for a remodeling job within the footprint of an existing residence in a residential zone with a fee.
3. Sanitary provisions must be to town's standards.
4. The Recreational Vehicle must be removed from the property when the permit expires without completing the construction.
5. The Recreational Vehicle may be parked on the property if the permit is completed and a Certificate of Occupancy has been issued.
6. The property owner agrees to periodic inspections whenever necessary to enforce any of the provisions of this ordinance.

COMMERCIAL PROPERTY

SECTION 1-3 A Construction Trailer may be stored or located in areas as follows:

A. An area on commercial property with the following restrictions:

1. In the rear property not closer than five feet (5') from rear lot line and not closer than five feet (5') from the side lot line unless on a corner lot which needs to be fifteen feet (15').
2. On any street right-of-way.
3. Within the sight triangle on a corner lot.
4. A limit of 1 (one) Construction Trailer. They may not be connected to permanent sewer or water lines. Electricity may be connected to maintain an atmosphere free of mold, excess heat and cold.
5. They are not to be occupied and used as a residence or rental property.
6. A Construction Trailer left unattended during the hurricane season must be adequately tied down.
7. No person shall park a Construction Trailer upon any public property for the purpose of displaying such vehicle for sale.

SECTION 1-4 PERMITS AND FEES

A. CONSTRUCTION TRAILER PERMIT AND FEES

1. A CONSTRUCTION TRAILER PERMIT for one (1) Construction Trailer may only be issued with no fee if the applicant first obtains an active building permit for a commercial building in a commercial zone. The CONSTRUCTION TRAILER PERMIT with an active building permit is valid for one (1) year with two (2) six month extensions possible. The CONSTRUCTION TRAILER may not be placed on-sight until ground has been broken for project.
2. A CONSTRUCTION TRAILER PERMIT for one (1) Construction Trailer is good for six (6) months without an active building permit with no extensions for a remodeling job within the footprint of an existing commercial building in a commercial zone with a fee.
3. Sanitary provisions must be to town's standards.
4. The Construction Trailer must be removed from the property when the permit expires without completing the construction.
5. The property owner agrees to periodic inspections whenever necessary to enforce any of the provisions of this ordinance.

INDUSTRIAL PROPERTY

SECTION 1-5 A Construction Trailer may be stored or located in areas as follows:

A. An area on Industrial property with the following restrictions:

1. In the rear property not closer than five feet (5') from rear lot line and not closer than five feet (5') from the side lot line unless on a corner lot which should be fifteen feet (15').
2. On any street right-of-way.
3. Within the sight triangle on a corner lot.
4. A limit of 1 (one) Construction Trailer. They may not be connected to permanent sewer or water lines. Electricity may be connected to maintain an atmosphere free of mold, excess heat and cold.
5. They are not to be occupied and used as a residence or rental property.
6. A Construction Trailer left unattended during the hurricane season must be adequately tied down.
7. No person shall park a Construction Trailer upon any public property for the purpose of displaying such vehicle for sale.

SECTION 1-6 PERMITS AND FEES

A. CONSTRUCTION TRAILER PERMIT AND FEES

1. A CONSTRUCTION PERMIT for one (1) Construction Trailer may only be issued with no fee if the applicant first obtains an active building permit for a commercial building in

an industrial zone. The CONSTRUCTION TRAILER PERMIT with an active building permit is valid for one (1) year with two (2) six-month extensions possible. The CONSTRUCTION TRAILER may not be placed on-sight until ground has been broken for project.

2. A CONSTRUCTION TRAILER PERMIT for one (1) Construction Trailer is good for six (6) months without an active building permit with no extensions for a remodeling job within the footprint of an existing commercial building in an industrial zone with a fee.

3. Sanitary provisions must be to town's standards.

4. The Construction Trailer must be removed from the property when the permit expires without completing the construction.

5. The property owner agrees to periodic inspections whenever necessary to enforce any of the provisions of this ordinance.

SECTION 1-7 RECREATIONAL VEHICLE PARKS

A. Occupied recreational vehicles shall be installed in licensed recreational vehicle parks.

1. Recreational vehicle parks shall be identified as recreational vehicle parks.

2. Recreational Vehicle parks shall be a minimum of and a maximum of 5 (five) acres. It also must have no less than ten (10) Recreational Vehicle Spaces with a maximum of 4 spaces per acre.

3. Separation between recreational vehicles shall be a minimum of ten (10) feet.

4. Minimum spaces shall be thirty (30) by sixty-five (65) feet or 1,950 square feet.

5. The water distribution and sewage collection system shall be connected to Town utilities and subject to the Town's plumbing code. Water to be provided by a master meter.

6. Park Models are allowed in RV parks only with a maximum 400 square footage and be hardwired into electric power and directly connected to water and sewer.

7. No manufactured homes will be allowed in a Recreational Vehicle Park.

8. Existing conditions. The existing conditions of any recreational vehicle park existing as of the effective date of this ordinance located within the Town's limits or located outside the Town's limits and connected to the Town water and/or sewer system, which are not in strict compliance with this ordinance, may be permitted to continue until such time that any improvements are made or park is sold. At that time the Recreational Vehicle Park must come into 100% compliance to all aspects of this ordinance unless the changes are unreasonable. The Town Council will make that determination.

9. Slips / spaces shall be labeled and maintained with numbers to augment identification by emergency service operations. Identification numbering shall be a minimum of three (3) inches tall, in a contrasting color with the background with a reflective finish, placed in a way to be plainly seen from the access road and protected from vehicular damage.

10. To assist response by emergency services, the 911 address (4" minimum letters) must be posted and visible from the town street and the park shall provide a map of the park with each slip / space clearly labeled with its number. The map shall be provided to the Town of Bayside office and the park shall provide the Town with an updated map in a timely manner whenever changes are made. The map shall be in black and white and in whatever size necessary to render a legible image but in no case shall be smaller than 8 ½ inches by 11 inches. The lower right corner shall include a title block noting the name of the park, the park's address, a contact phone number and a revision date. The upper left corner shall include a compass.

11. Scaled plans (a minimum of 18" x 18" size paper) and specifications (according to plan checklist) showing details of the proposed park layout shall be submitted and reviewed prior to any zoning approval and / or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.

12. Interior access drives shall be eighteen (18) feet wide for one-way streets and twenty-four feet (24) wide for two-way streets and be maintained with a hard service (concrete or asphalt), with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area as determined by town official(s). Parking on interior access drives shall be permitted only if an additional lane of 9 (nine) feet minimum width may be added to one or both sides to allow sufficient clearance for one (1) car passage in addition to parking.

13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code.

14. Outside lighting shall be in accordance with the Town's Lighting Ordinance.

15. The storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident, fire hazard or air pollution.

16. Pets shall be leashed and follow the Town's Animal Control Ordinance.

17. The property owner / operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.

18. There shall be at least one (1) recreational area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight (8%) percent of the gross site area of the park.

19. The park shall be screened from a public place, a public right-of-way and adjacent occupied property by a solid screening fence. A fence of eight (8) feet tall must be installed on the property line adjoining any residence (single-family structures, townhouses, duplexes, quadruplexes, apartments, etc. Planted vegetation may be allowed as an alternate screening device.

20. All Recreational Vehicle / travel trailers must be ready for highway use; and

a. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. All recreational vehicles shall be capable of evacuation under its own power or if dependent on external power, the vehicle proposed for external power shall be in running condition.

SECTION 1-8 PERMITS AND FEES

A. Recreational Vehicle Park Permits and Fees

1) Permits and Fees are set by the Town Council and shall be paid as required at the time of filing application. Said fees may be adjusted annually.

SECTION 1-9 PENALTIES

1-9. 01 Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Whenever in this code or in any ordinance of the Town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Two Thousand Dollars (\$2,000.00) for violations of municipal ordinances that govern fire safety, sanitation (not including vegetation and litter violations), public health or as the Legislature may amend from time to time.

1-9. 02 Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense. A culpable mental state is not required for the commission of an offense under this Code of Ordinances, unless the provision defining the conduct expressly requires a culpable mental state.

1-9. 03 Notice of such violations shall be sent to said owner listed on the Refugio County Appraisal District records by certified mail. Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation.

SECTION 1-10. ASSESSMENT OF EXPENSES: LIEN

1-10. 01 To obtain a lien against the property, the Mayor or Town official designated by the Mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expense as a lien against the property upon which the Recreational Vehicle is located.

1-10. 02 The lien obtained by the Town is security for the expenses and interest accruing at the rate of ten (10) percent on the amount due per year. The lien attaches upon the filing of the lien statement with the county clerk.

1-10. 03 The lien is inferior only to Tax liens.

1-10. 04 The Town Council may authorize the Town attorney to bring a suit for foreclosure in the name of the Town to recover the expenses and interest due. In any civil, criminal or administrative appeal, hearing or action commenced by the Town under this ordinance, the Town shall be entitled to recover from the defendant of such action reasonable attorney's fees, cost of suit, and any other costs of enforcement.

1-10. 05 The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the Town in doing the work or making the improvements.

1-10. 06 The Town Council may authorize the Town attorney to foreclose a lien on property.

1-10. 07 In any civil, criminal or administrative appeal, hearing or action commenced by the Town under this ordinance, the Town shall be entitled to recover from the defendant of such action reasonable attorney's fees, cost of suit, any other costs of enforcement, including, but not limited to, any cleanup or abatement costs.

1-10. 08 All collections of money from lot owners in payment of charges for statement of violations shall be received by and receipted for by the Town secretary or a duly authorized assistant.

SECTION 1-11. Attorney Authorization

1-11. 01 Notwithstanding any penal provision herein, the Town attorney is authorized to file suit on behalf of the Town for such injunctive relief as may be necessary to abate such violations whenever any violations as herein defined is found in any place within the Town.

ARTICLE 4. SEVERABILITY, CONFLICT AND VALIDITY

SECTION 1-1 SEVERABILITY

A. If any court of this State or the United States of America shall hold any section, paragraph, sentence, clause, phrase or word contained in this ordinance unconstitutional, the invalidity of such portion of the ordinance shall not be construed to affect any other part of this ordinance.

SECTION 1-2 CONFLICT

A. Conflict with other ordinances. That this ordinance shall be cumulative of all other ordinances of the Town of Bayside, Texas, affecting RECREATIONAL VEHICLE ORDINANCE. All ordinances or parts of ordinances including but not limited to

Ordinances 19, 38E, 63B and 72C in conflict herewith are hereby repealed. This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

SECTION 1-3 VALIDITY

A. The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts.

ARTICLE 5. EFFECTIVE DATE

This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper _____

1st Hearing Date _____

Passed, ordained, approved and adopted this ____ day of _____, 20____.

By: _____

Mayor Sharon Scott
Town of Bayside

Attest:

Connie Cramer
Town Secretary

Hal George, Attorney
Town of Bayside