

ORDINANCE NO. 2021-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TODD MISSION, TEXAS REGARDING THE TEMPORARY USE OF RECREATIONAL VEHICLES FOR SINGLE FAMILY RESIDENTIAL USE WITHIN THE CITY OF TODD MISSION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TODD MISSION, TEXAS:

Section 1. Applicability.

This Ordinance shall apply to any recreational vehicle (“RV”) used for single family residential purposes located within the City limits.

Section 2. License.

(a) Required. It shall be unlawful for any person to use a recreational vehicle for residential purposes within the City limits unless he/she holds a valid license issued by the City of Todd Mission in the name of such person for the specific location. The license may only be issued after a permit for the building of a residential structure on the property has been issued. The applicant shall make an application for the license on a form furnished by the City of Todd Mission, which shall issue a license upon compliance with the provisions of this Ordinance.

(b) Term. A license to use a recreational vehicle for residential purposes within the City limits may be issued for a period of up to twelve (12) months.

(c) Fee. All applications shall be accompanied by a fee as provided for in the fee schedule found in Appendix A. The City Council may amend the fee by resolution.

(d) Suspension.

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

2) The suspension of the license may be appealed to the Mayor and City Council as set forth in this Ordinance.

Section 3. Inspections.

(a) Authorized. The City is authorized to make such inspections as are necessary to determine compliance with this Ordinance.

(b) Entry on premises. The person designated by the City to enforce this Ordinance shall have the power to enter at reasonable times upon any private or public property within the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

Section 4. Notices, hearings and orders.

(a) Notice of violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this Ordinance and such grounds are proposed to form the basis to denying or revoking a license, the City of Todd Mission shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

- 1) Be in writing;
- 2) Include a statement of the reasons for its issuance;
- 3) Allow ten (10) days for compliance;
- 4) Be served upon the owner or licensee or their respective agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address; and
- 5) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this Ordinance.

(b) If the City mails a notice to a property owner in accordance with this section 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.

(c) Appeal from notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this Ordinance affecting the status of their license may appeal this matter in writing to the Mayor within ten (10) days of such notice; the Mayor will then make a recommendation to City Council for approval a disapproval. The appeal process shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (c) of this section.

(d) Order without notice. Whenever the City finds that an emergency exists which requires immediate action to protect the public health or safety, the designated 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 applicant or licensee shall be afforded an opportunity to appeal to the Mayor as set forth in this section.

Section 5. RV Site Requirements.

- (a) A site plan must be prepared and submitted to the City.
- (b) Each RV site shall have access to ingress and egress pathway constructed with crushed rock materials or similar material with the objective to prohibit dust which shall have access to a public street.
- (c) Each recreational vehicle site shall have a minimum area of one thousand nine hundred fifty (1,950) square feet and shall be at least thirty (30) feet wide and sixty-five (65) feet in depth.
- (d) An intended lighting plan showing location and lumens for the RV shall be approved by the City as part of the site plan.
- (e) Exposed ground surfaces of the RV site 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 surfacing shall be maintained and kept in good repair.
- (f) The ground surface at the site shall be graded and designed to drain all storm water and surface water in a safe, efficient manner.
- (g) Each RV site shall have a connection to continuous water supply. The proposed water facility plans must be approved by the City of Todd Mission and any other entity responsible for the regulation of and provision of public water services.
- (h) Each RV site shall be provided with a connection for wastewater or the City provided with a twelve (12) month contract for wastewater service for the property that contains the schedule for the servicing of the wastewater facility at the site.
- (i) Each RV site shall be provided with electrical service. All electrical service shall be installed in accordance with the National Electrical Code.
- (j) Each recreational vehicle shall be in conformance with applicable State codes, including all required licenses and permits.

Section 6. Severability Clause.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. Penalty Provision.

Whenever in this Ordinance an act is prohibited or the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision shall be punished by a fine not exceeding two thousand dollars (\$2,000.00) for violations of all such provisions that govern fire safety or public health and

sanitation, including dumping of refuse, and not exceeding five hundred (\$500.00) for all other violations. Each day any violation of this Ordinance shall continue shall constitute a separate offense. Whenever in this Ordinance the provision does not expressly require proof of a culpable mental state, proof of a culpable mental state is not required for conviction of such offense, it being the intent of the City Council to dispense with the requirement of any culpable mental state in prosecutions filed under such provisions of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Todd Mission, this ___ day of _____, 2021.

George C. Coulam, Mayor

ATTEST:

Julie Lunsford, City Secretary

APPENDIX A FEES

Recreational Vehicle Parks Used for Residential Temporary Purposes

License Fee:

(a) \$ 100.00