



1111 Bayou
La Marque, Texas 77568
409.938.9202

Mayor Bobby Hocking
Mayor Pro- Tem Keith Bell- District A

Councilmember Chris Lane- District B
Councilmember Connie Trube- District C
Councilmember Clint Brown- District D

OFFICIALLY POSTED ON THE
WEB:
DATE: **6.5.2015** TIME: **3:15 p.m.**

ORDINANCE O-2015-0012

AGENDA

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Special Meeting on Monday, June 15, 2015 at 5:00 p.m. at 1109-B Bayou Road for the purpose of considering the following agenda:

- (1) CALL MEETING TO ORDER**
- (2) ROLL CALL**
- (3) INVOCATION AND PLEDGE OF ALLEGIANCE**
- (4) CITIZEN'S PARTICIPATION**
Comments from the public (at this time, any person with city-related business who has signed up may speak to Council (limited to three (3) minutes.) In compliance with Texas Open Meeting Act the City Council may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.
- (5) NEW BUSINESS**
 - a. Discussion/possible action regarding Ordinance **No. O-2015-0012**, implementing a Temporary Moratorium against accepting permit applications, authorizations, and approvals necessary for the subdivision of, site planning of, or construction of additional recreational vehicle parks in the City of La Marque. (Second Reading of Entire Ordinance)
- (6) REQUESTS AND ANNOUNCEMENTS**
Requests by Mayor and Council Members for items to be placed on future City Council agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), "items of community interest" includes:
 - (1) expressions of thanks, congratulations, or condolence;
 - (2) information regarding holiday schedules;
 - (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
 - (4) a reminder about an upcoming event organized or sponsored by the governing body;
 - (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other



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than the governing body that was attended or is scheduled to be attended
by a member of the governing body or an official or employee of the municipality or county; and
(6) announcements involving an imminent threat to the public health and safety of people in
the municipality or county that has arisen after the posting of the agenda.

(7) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road,
La Marque, Texas on or before June 5, 2015 before 5:00 p.m.

Robin Eldridge, TRMC
City Clerk

• • • • • This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or
• • • • • interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (409) 938-
• • • • • 9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.
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CITY COUNCIL AGENDA FORM

Meeting Date: June 15, 2015

Prepared by: Robin Eldridge

Department: Public Services

Agenda item: 1a

Reviewed by: Carol Buttler

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding Ordinance **No. O-2015-0012**, implementing a Temporary Moratorium against accepting permit applications, authorizations, and approvals necessary for the subdivision of, site planning of, or construction of additional recreational vehicle parks in the City of La Marque.

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Attachments for reference

1. Ordinance implementing a Temporary Moratorium
2. Sections 212.134, 212.1352, 212.1362 (Local Government Code)
3. Current Ordinance

Staff Briefing:

- Recently, the City of La Marque has been approached by several investors and property owners about available property and establishing RV/mobile home parks. Since the City doesn't have a solid plan in place for the recent overwhelming interest, enacting this ordinance will allow time to study, to assess and control growth as well as evaluate the impact it will have on the City and its residents.
- Section 212.131 of the Texas Local Government Code deals with moratoriums on property development in certain circumstances: on accepting, processing or issuing permits, authorizations or approvals necessary for the creation of development plats and the construction of facilities related to RV parks
- Ordinance was reviewed and approved by the City Attorney

History: Due to the recent extra ordinary amount of requests for RV Parks within the City, it was necessary to review the requirement of implementing a temporary moratorium. This will allow time for staff to present to City Council an amended ordinance that would establish where not only where recreational vehicle parks may be located, but also place guidelines, and requirements including in which zoning districts they may be allowed. At the last City Council meeting in April, City Council approved for the necessary public hearings and ordinance readings be scheduled to begin this process.

Target Implementation: Second and final reading of the Ordinance

Significant Action Dates:

6-8-2015 – First Public Hearing at City Council Meeting to receive comments for and against Temporary Moratorium

6-9-2015 – Planning and Zoning conducts a Public Hearing on the Temporary Moratorium

6-10-2015 – First Reading of Ordinance on the Temporary Moratorium

6-11-2015- Temporary Moratorium goes into effect (begins the ninety days)

6-15-2015 – Second and final Reading of Ordinance on the Temporary Moratorium and Conduct Public Hearing according to Local Government Code



CITY COUNCIL AGENDA FORM

Action:

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Ordinance

☐

Resolution

☐

Special
Presentation

☐

Proclamation

☐

Finance Report

☐

Public Hearing

☐

Other

Cost Details:	
Budgeted	N/A
Actual Bid	N/A
Estimated Expenditure	N/A
Acct. Name	N/A
Line Items #	N/A
Other Funding	N/A

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Mark if this does not conflict with any Resolution, Ordinance or City Charter

Staff's Recommendation: Motion to adopt Ordinance No. **O-2015-0012**, implementing a Temporary Moratorium on accepting applications, reviewing plans, and granting of permits for Recreational Vehicle (RV) Parks in the City of La Marque.

Fiscal Impact: Unknown at this time

ORDINANCE NO. O-2015-0012

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS ESTABLISHING A TEMPORARY MORATORIUM AGAINST GRANTING LICENSES FOR THE LOCATION AND OPERATION OF ADDITIONAL RECREATIONAL VEHICLE PARKS IN THE CITY OF LA MARQUE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, recreational vehicle parks are becoming a popular method of housing; however, there exists parks in the City with vacancies; and

WHEREAS, allowing additional recreational vehicle parks could create a potential of reducing property values of adjoining properties; and

WHEREAS, the proliferation of these recreational vehicle parks in the City will necessitate increased police regulation and review to ensure that such parks are operated within lawful parameters; and

WHEREAS, the potential exists for an increased need of Police, Fire and EMS services, which would require evaluation, and

WHEREAS, the City desires to determine if adequate water, wastewater utility and storm water drainage are available to serve the increased number of users within the additional recreational vehicle parks, and

WHEREAS, the City desires to study the secondary effects of these recreational vehicle parks; and

WHEREAS, an initial period of ninety (90) days with the possibility of an extension that does not exceed an aggregate of one hundred and eighty (180) days is necessary for the city to evaluate an appropriate ordinance to regulate these recreational vehicle parks; **NOW, THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. The term “recreational vehicle” is defined in Section 41-19 of the Code of Ordinances, La Marque, Texas.

Section 3. Allowing the location and operation of additional businesses established for the purpose of operating recreational vehicle parks may be detrimental to the health, safety, morals, and welfare of the general public.

Moratorium

Section 4. A temporary moratorium of ninety days (90) days on the location and operation of businesses established for the purpose of operating recreational vehicle parks is hereby approved to allow sufficient time to study the issue and determine the need for Amendment to the Code of Ordinances for the City of La Marque to deal with the issue.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, declares that it would have passed each and every 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.

PASSED AND APPROVED on first reading this ____ day of _____, 2015.

PASSED AND APPROVED, AND ADOPTED on second and final reading this ____ day of _____, 2015.

CITY OF LA MARQUE, TEXAS

By: _____
Bobby Hocking, Mayor

ATTEST:

By: _____
Robin Eldridge, City Clerk

APPROVED AS TO FORM:

By: _____
Ellis J. Ortego, City Attorney

Sec. 212.134. NOTICE AND PUBLIC HEARING REQUIREMENTS. (a)

Before a moratorium on property development may be imposed, a municipality must conduct public hearings as provided by this section.

(b) A public hearing must provide municipal residents and affected parties an opportunity to be heard. The municipality must publish notice of the time and place of a hearing in a newspaper of general circulation in the municipality on the fourth day before the date of the hearing.

(c) Beginning on the fifth business day after the date a notice is published under Subsection (b), a temporary moratorium takes effect. During the period of the temporary moratorium, a municipality may stop accepting permits, authorizations, and approvals necessary for the subdivision of, site planning of, or construction on real property.

(d) One public hearing must be held before the governing body of the municipality. Another public hearing must be held before the municipal zoning commission, if the municipality has a zoning commission.

(e) If a general-law municipality does not have a zoning commission, two public hearings separated by at least four days must be held before the governing body of the municipality.

(f) Within 12 days after the date of the first public hearing, the municipality shall make a final determination on the imposition of a moratorium. Before an ordinance adopting a moratorium may be imposed, the ordinance must be given at least two readings by the governing body of the municipality. The readings must be separated by at least four days. If the municipality fails to adopt an ordinance imposing a moratorium within the period prescribed by this subsection, an ordinance imposing a moratorium may not be adopted, and the temporary moratorium imposed under Subsection (c) expires.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Sec. 212.135. JUSTIFICATION FOR MORATORIUM: SHORTAGE OF ESSENTIAL PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on property development, the moratorium is justified by demonstrating a need to prevent a shortage

of essential public facilities. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:

(1) evidence demonstrating the extent of need beyond the estimated capacity of existing essential public facilities that is expected to result from new property development, including identifying:

(A) any essential public facilities currently operating near, at, or beyond capacity;

(B) the portion of that capacity committed to the development subject to the moratorium; and

(C) the impact fee revenue allocated to address the facility need; and

(2) evidence demonstrating that the moratorium is reasonably limited to:

(A) areas of the municipality where a shortage of essential public facilities would otherwise occur; and

(B) property that has not been approved for development because of the insufficiency of existing essential public facilities.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1351. JUSTIFICATION FOR MORATORIUM: SIGNIFICANT NEED FOR PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) Except as provided by Section 212.1352, a moratorium that is not based on a shortage of essential public facilities is justified only by demonstrating a significant need for other public facilities, including police and fire facilities. For purposes of this subsection, a significant need for public facilities is established if the failure to provide those public facilities would result in an overcapacity of public facilities or would be detrimental to the health, safety, and welfare of the residents of the municipality. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:

Sec. 212.136. EXPIRATION OF MORATORIUM; EXTENSION. A moratorium adopted under Section 212.135 or 212.1351 expires on the 120th day after the date the moratorium is adopted unless the municipality extends the moratorium by:

- (1) holding a public hearing on the proposed extension of the moratorium; and
- (2) adopting written findings that:
 - (A) identify the problem requiring the need for extending the moratorium;
 - (B) describe the reasonable progress made to alleviate the problem; and
 - (C) specify a definite duration for the renewal period of the moratorium.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff.
September 1, 2005.

Sec. 212.1361. NOTICE FOR EXTENSION REQUIRED. A municipality proposing an extension of a moratorium under this subchapter must publish notice in a newspaper of general circulation in the municipality not later than the 15th day before the date of the hearing required by this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff.
September 1, 2005.

Sec. 212.1362. EXPIRATION OF MORATORIUM ON COMMERCIAL PROPERTY IN CERTAIN CIRCUMSTANCES; EXTENSION. (a) A moratorium on commercial property adopted under Section 212.1352 expires on the 90th day after the date the moratorium is adopted unless the municipality extends the moratorium by:

- (1) holding a public hearing on the proposed extension of the moratorium; and
- (2) adopting written findings that:

- (A) identify the problem requiring the need for extending the moratorium;
- (B) describe the reasonable progress made to alleviate the problem;
- (C) specify a definite duration for the renewal period of the moratorium; and
- (D) include a summary of evidence demonstrating that the problem will be resolved within the extended duration of the moratorium.

(b) A municipality may not adopt a moratorium on commercial property under Section 212.1352 that exceeds an aggregate of 180 days. A municipality may not adopt a moratorium on commercial property under Section 212.1352 before the second anniversary of the expiration date of a previous moratorium if the subsequent moratorium addresses the same harm, affects the same type of commercial property, or affects the same geographical area identified by the previous moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.137. WAIVER PROCEDURES REQUIRED. (a) A moratorium adopted under this subchapter must allow a permit applicant to apply for a waiver from the moratorium relating to the property subject to the permit by:

- (1) claiming a right obtained under a development agreement; or
- (2) providing the public facilities that are the subject of the moratorium at the landowner's cost.

(b) The permit applicant must submit the reasons for the request to the governing body of the municipality in writing. The governing body of the municipality must vote on whether to grant the waiver request within 10 days after the date of receiving the written request.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 41-36. Flood control provisions for manufactured homes and manufactured home parks.

The provisions of Ordinance No. 660, the Flood Damage Prevention Ordinance, shall apply to manufactured homes and to manufactured home parks and subdivisions.
(Code 1972, § 11½-17; Ord. No. 945, § 11½-17, 5-23-2005)

Secs. 41-37—41-60. Reserved.

ARTICLE III. RECREATIONAL VEHICULAR PARKS

Sec. 41-61. Definitions.

For the purpose of this article, the following words and phrases are defined and shall be construed as herein set forth unless it shall be apparent from the context that they have a different meaning:

Natural or artificial barrier. The term "natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence or hedge, shrub fence or hedge, to be the height and length suitable for the protection of the development and the aesthetic value of the area.

Person. The term "person" means any person, firm, trust, partnership, association or corporation.

Recreational vehicle. The term "recreational vehicle" means a portable temporary dwelling constructed to be towed by a motor vehicle on its own chassis or constructed with an integral drive train to be operated over public streets and highways under regular highway license without a permanent foundation, for temporary living. This trailer or vehicle shall be built on a chassis and designed for travel, recreation and vacation use and which has been permanently identified by the manufacturer. The body of said vehicle or trailer shall not exceed eight feet in width or 40 feet in length. The definition specifically excludes mobile homes, converted buses and homemade vehicles.

Recreational vehicular park. The term "recreational vehicular park" means any plot of ground upon which three or more recreational vehicles are occupied for dwelling or sleeping purposes on temporary basis, located regardless of whether or not a charge is made for such accommodations. The term "park" where used elsewhere in this chapter shall mean recreational vehicular park.

(Code 1972, § 15½-1; Ord. No. 553, § 1)

Sec. 41-62. Permits.

(a) *Permit for permanent residential structure.* No permit shall be issued for the construction or occupancy of a permanent residential structure in any recreational vehicular park, with the following exceptions:

- (1) One existing residential structure may be retained or one new residential structure may be constructed for the occupancy of the owner or operator of the park.

- (2) An existing residence or structure may be converted to a club house or service building for use by the residents of the recreational vehicular park so long as the conversion meets all building code requirements.
- (3) One new or existing building may be used as an office, store, restroom, laundry, recreation area. This building may also be used to accommodate the managers, owners or operators of the park.

(b) *Permit required for construction, alteration, extension of park.* It shall be unlawful for any person to construct, alter or extend any recreational vehicular park within the limits of the City of La Marque, Texas, unless he holds a valid permit issued by the building inspector in the name of such person for the specific construction, alteration or extension proposed.

(c) *Application requirements.* All applications for permits shall be made upon standard forms provided by the building inspector and shall contain the following:

- (1) Name and address of the applicant.
- (2) Location and legal description of the recreational vehicular park.
- (3) Location of boundary or property lines; width and location of platted streets, alleys and easements within the proposed recreational vehicular park; present physical features on the land including natural and artificial watercourses, ditches, ravines, culverts, bridges, present structures, and any other features directly pertinent to the proposed recreational vehicular park; location of any existing utilities, pipelines, showing pipe sizes of sewer and water mains and drainage facilities.

The description of the property shall include the acreage. Plats shall be located with respect to an original corner of the survey of which the land is a part with lengths on all property and easement lines.

- (4) The plat shall show the proposed street system design, location and width of the proposed streets within the recreational vehicular park, as well as, the on-site and off-site drainage system design.
- (5) Classification and designation of the intended uses of land within the recreational vehicular park proposed.
- (6) Date, north point and scale of the drawing.
- (7) Preliminary plan of proposed water distribution system and sanitary sewer collection system.
- (8) Where the preliminary plat submitted for approval covers a part, a unit or increment of the owner's entire holding or ultimate recreational vehicular park, a sketch of the prospective plans of the unsubmitted part shall be furnished and the street system portion submitted for approval will be considered in the light of adjustments and connections with the street system of the part not submitted.
- (9) Six copies or prints of the preliminary plats will be submitted to the city planning board, which will call a meeting of the board to see that the plats meet the city's

minimum requirements and the feasibility of city services. The city planning board will review and recommend changes if necessary, confirm their findings with the city building inspector and grant preliminary approval, if satisfactory.

It is to be understood that the approval of the preliminary plat by the planning board does not constitute official acceptance of the proposed recreational vehicular park by the city, but does constitute an authorization to begin and proceed with the preparation of the final recreational vehicular park plat. There shall be no work in the field on the proposed recreational vehicular park until the final plat has been approved and accepted in an official action by the city planning board and the city council and a permit required by the city has been obtained.

Approval of the preliminary plat expires at the expiration of a period of 12 months unless the final plat has been submitted for approval prior to that time.

(Code 1972, § 15½-2; Ord. No. 553, § 2)

Sec. 41-63. Final plat.

(a) *Preparation.*

- (1) After the approval by the city planning board of the preliminary plat, a final plat shall be prepared and submitted to the planning board for approval and for reference to the city council for its approval. Six prints of this final plat shall be submitted to the planning board at least ten days prior to the regular meeting of that body at which approval is requested.
- (2) The final plat shall be clearly and legibly drawn to a scale not smaller than one inch equals 60 feet.

(b) *Contents.* The final plat shall show or be accompanied by the following information:

- (1) The recreational vehicular park name or identifying title; the name and address of the owner.
- (2) An accurate boundary survey of the property of the proposed recreational vehicular park noting the bearings and distances of the sides, same being referenced to an original corner of the survey of which the land is a part, showing the lines of all adjacent lands and properties.
- (3) The final plat shall indicate the approximate location of all lots, streets, highways, alleys, easements, parks, playgrounds, and such other features, with accurate dimensions given in feet and decimals of a foot, showing the length of radii, deflection angles, and of the arcs of all curves, and tangent distances. All such data being complete and sufficiently precise to permit accurate locations upon the ground.
- (4) Final plans for all streets, drainage and utility construction, including lighting.
- (5) The building lines of front and side streets shall be shown dotted or dashed.

- (6) Proper certification shall be made upon the plat, by a registered land surveyor ascertaining that the plan represents a survey made by him and that all necessary monuments are accurately and correctly shown upon the plat. All construction plans shall bear the seal of a registered architect or professional engineer.
- (7) Proper blanks for certificate of approval to be filled out by the planning board and the city council.
- (8) Date, scale and north point.

(c) *Expiration of approval.* Approval of the final plat expires at the expiration of a period of 12 months unless continuous progress on the construction of the park has begun. If park is to be developed in phases, each phase must be designated on the final plat. Within three years of the date upon which construction is begun on each phase, the developer must have completed the street paving requirements.

(Code 1972, § 15½-3; Ord. No. 553, § 3)

Sec. 41-64. General planning provisions.

(a) *General planning; minimum number of spaces.* A recreational vehicular park shall have no less than three spaces.

(b) *Recreational vehicular park stand.* The minimum size of a recreational vehicular park stand shall be ten feet in width by 50 feet in depth fronting on a 20-foot wide roadway with single access. Variations for lot shapes on curved roadway, culs-de-sac, etc., shall conform to the basic square foot of the above or larger.

(c) *Parking spaces.* There shall be provided for each recreational vehicular park stand a stabilized base minimum of one and one-half nine-foot wide and 20-feet in length parking spaces for off-street automobile parking outside and off the roadway.

(d) *Recreational vehicular access.* The recreational vehicular stand shall be designed for practical placement on and removal from the lot of the stand.

(e) *Recreational vehicular stand drainage.* The lot shall be designed for adequate crown and cross grading for surface drainage to the main roadway.

(f) *Recreational vehicular clearance.* In order to insure privacy, adequate natural light and air, and convenient access to the recreational vehicle, the minimum distance between units shall be ten feet.

(g) *Patio areas.* A patio or landing area shall be provided on each recreational vehicular stand, which shall be a hard-surfaced area with a minimum of 32 square feet and adequate drainage shall be provided for surface drainage.

(h) *Permanent public buildings.* All permanent buildings in the park dedicated to public use must use conduit in the electrical system according to the applicable codes.

(i) *Street paving.* Streets shall be assigned to furnish traffic flow to the recreational vehicular park stand parking areas and to the entrance street. Minimum road right-of-way width shall be 20 feet of right-of-way on streets fronting lots. Streets shall be 18 feet wide. They shall be adapted to the topography, have satisfactory surface water and groundwater drainage. Streets within the recreational vehicular park shall not be considered as dedicated to the public use and acceptance of a recreational vehicular park application for issuance of a license hereunder shall not be taken as acceptance of such streets for dedication to the public use. All streets shall be paved in accordance with the city specifications which is attached hereto as *exhibit A.

(j) *Parking area planning.* Parking areas for automobiles and recreational vehicular parks shall have proper alignment and gradient for proper drainage to the completed street section.

(k) *Individual walks* shall be provided to each stand and shall be a minimum width of two feet. Walkways shall not be used as drainage ways, but shall be designed to drain to the roadway area or parking area as shown on exhibit B.

(l) *Utility services.* Utility services for each stand shall be opposite the patio and private area, sewer service shall be beside the rear quarter of the vehicle and electrical service shall be along the left side of the vehicle. All stand services shall be underground.

(m) *Water distribution system.* The water distribution system shall be designed to provide normal city water service to each stand. Minimum stand service shall consist of one three-fourths-inch riser with dual outlets as shown on exhibit C.

(n) *Sewage collection system.* The sewage collection system shall be designed to provide individual service to each stand. Minimum stand service shall consist of a four-inch riser as shown on exhibit D. The collection system shall consist of a combination of cleanouts at regular intervals in all main lines. Pipe shall be sized and sloped to provide adequate flow. All risers not in service shall be capped and rainwater tight. Parks not served by the city sanitary sewer system must comply with the health department requirements for septic tank systems.

(o) *Electrical distribution system.* The electrical distribution system shall be designed to furnish 30-amp service to each stand. All services should be underground with adequate wire size for load and distance. The developer shall provide the city franchise electric service company adequate easements for overhead or underground power distribution.

(p) *Perimeter barrier.* If an adjacent property owner, who has his property under development or which property is already developed, petitions the city council requesting a barrier fence which will obscure view of the park from his property, then the owner of the park will be responsible for constructing, at his expense, said barrier fence within six months of the date of the petition. The fence must be a minimum of six feet in height.

(q) *Lighting.* Street lighting within the park shall meet the same requirement as for mobile home parks as spelled out in section 41-23(q).

(r) *Lot marking.* The limits of each stand shall be clearly marked on the ground by permanent flush stakes and should be the same location as on the accepted plans.

(s) *Common walks.* Common walks shall be provided to playgrounds, offices, etc. They shall have a minimum width of four feet. Walks shall be constructed of hard-surface paving and to alignment and grade to drain to the street paving.

(t) *Recreation area.* All parks shall have at least one outdoor children's recreation area. The recreation area and all open space must have a minimum total square footage of five per cent of the total park area.

(u) *Office.* All parks shall have a designated office on the site and sign on the property providing information as to office location.

(v) *Refuse collection.* Provision shall be made with the sanitation department for sanitation service at a central location. Refuse storage containers and storage area shall conform to health department requirements.

(Code 1972, § 15½-4; Ord. No. 553, § 4)

Editor's note—Exhibits A, B, C and D are not set out herein, but are on file and available for inspection in the office of the city clerk.

Sec. 41-65. Rules and regulations for park to be adopted by owner.

(a) It shall be the duty of the owner, his agent, representative, or manager to prescribe rules and regulations for the management of the park, to make adequate provisions for the enforcement of such rules, and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the city clerk on request. In addition thereto, it shall be the duty of the owner, his agent, representative, or manager to comply strictly with the following:

- (1) Provide for regular inspections of all public and private utilities.
- (2) Provide location for the collection and removal of garbage and other waste material.
- (3) Prohibit the placing or storage of unsightly material or vehicles of any kind.
- (4) All sewer traps not in use shall be capped and watertight.
- (5) Provide and maintain safe and sanitary public and private utility connections to each lot.
- (6) Maintain a neat, clean and safe park.

(b) It shall be the duty of each owner or manager to keep a register containing a record of all guests. The register shall contain the following information:

- (1) The name and home address of the owner of each recreational vehicle.
- (2) The make, model, year of tow vehicle and license number.
- (3) The date of arrival and of departure of each recreational vehicle.
- (4) The park shall keep the register available for inspection and use at all times by law enforcement officers.

(Code 1972, § 15½-5; Ord. No. 553, § 5)

Sec. 41-66. Licenses.

(a) *License required.* It shall be unlawful for any person to operate a park within the limits of the City of La Marque, Texas, unless he holds a valid license issued annually by the city clerk in the name of such person for the specific park. All applications for licenses shall be made in writing on forms furnished by the city clerk, who shall issue a license upon compliance by the applicant with provisions of this chapter.

(b) *Hearing granted applicants.* Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on the matter before the city council under the procedure provided by section 41-68(b) of this article.

(c) *Procedure for license renewal.* All licenses shall be renewable on December 31 of each year. Upon application for renewal, an affidavit must be signed stating information concerning changes made either in park area or facilities within the past year. If changes are made, approval of such changes by appropriate city officials shall be required for license renewal. The city will inspect the park and must receive payment of permit fee prior to issuing the license.

(d) *License fee.* A minimum fee for parking spaces shall be established from time to time by ordinance as set in Appendix A.

(e) *Transfer of license.* Every person holding a license shall give notice in writing to the city clerk within ten days after having sold, transferred, given away, or otherwise disposed of interest in or control of any recreational vehicular park. Application for transfer of license shall be made within 30 calendar days after notification of change as provided in this subsection. Within ten calendar days thereafter, the city shall act on the application for license transfer and it shall be approved if the park is in compliance with the provisions of this article.

(f) *Transfer of license fee.* All applications for license transfer shall be accompanied by a fee as determined from time to time by ordinance.

(g) *Violations; notice; suspension of license.* Whenever, upon inspection of any park, the city building inspector, after consultation with the fire marshal, and/or the health department, if deemed necessary by him, finds that conditions or practices exist which are in violation of any provision of this chapter applicable to such park, he shall give notice in writing in accordance with section 41-68 to the licensee or his agent that unless such conditions are corrected within the time specified in such notice, the license shall be suspended. At the end of such a period of time, the city building inspector shall reinspect such park requesting assistance from other city departments as may be required, and if such conditions have not been corrected, he shall suspend the license and give notice in writing of such suspension to the licensee or his agent. Upon receipt of notice of such suspension, licensee shall cease operation of such park.

(Code 1972, § 15½-6; Ord. No. 553, § 6)

Sec. 41-67. Inspection.

(a) *Inspections required.* The city building inspector, the city health officer, the fire marshal, the police chief and the tax assessor-collector are hereby authorized and directed to make such inspections as are necessary to determine compliance with this chapter.

(b) *Entry on premises.* The city building inspector, the city health officer, the fire marshal, the police chief and the tax assessor-collector 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 chapter. The owner or manager may be present at time of inspections, at their request.

(Code 1972, § 15½-7; Ord. No. 553, § 7)

Sec. 41-68. Notices, hearings and orders.

(a) *Notice of violations; requirements of notice.* Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the city building inspector 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 a reasonable time for the performance of the act it requires.
- (4) Be served upon the licensee or his 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 sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state.
- (5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this article.

(b) *Appeal from denial of permit of the city building inspector.* Any person affected by the refusal of the city building inspector to issue a permit under the provisions of this chapter, may request and shall be granted a hearing on the matter before the city council provided that such person shall file within three days after the day the permit was refused, in the office of the city building inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the city clerk shall request the city council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such refusal should be modified or withdrawn.

(c) *Appeal from notice issued by the city clerk.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article applicable to such park, by the city building inspector, may request and shall be granted a hearing on the matter before the city council, provided that such person shall file, within three days after the day the notice was served, in the office of the city building inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The filing of the 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 section 41-68(e) of this article. Upon receipt of such

petition, the city clerk shall request the city council to set a time and place of such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(d) *Hearing; order.* After such hearing, the city building inspector shall issue an order in writing as directed by the city council, sustaining, modifying or withdrawing the refusal, which order shall be served as provided in section 41-68(a) hereof. Upon failure to comply with an order by the city building inspector sustaining or modifying a decision thereof, the occupancy permit and the license of the park affected by the order shall be revoked.

(e) *Order without notice.* Whenever the city building inspector finds that an emergency exists which requires immediate action to protect the public health or safety, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that action be taken as he may deem necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon written petition to the city building inspector shall be afforded a hearing as soon as possible. The provisions of section 41-68(d) shall be applicable to such hearing and the order issued thereafter.

(Code 1972, § 15½-8; Ord. No. 553, § 8)

Sec. 41-69. Occupancy limitation.

It shall be unlawful for the owner of any recreational vehicular park to allow any recreational vehicle to remain within the park for a period of more than 180 days. The owner is specifically prohibited from allowing the placement of any mobile home at any time on the park premises.

(Code 1972, § 15½-9; Ord. No. 553, § 9; Ord. No. 699, § 1)

Sec. 41-70. Enforcement authority.

It shall be the duty of the city building inspector or his designee to enforce all provisions of this article.

(Code 1972, § 15½-10; Ord. No. 553, § 10)

Sec. 41-71. Penalty clause.

Any person, firm or corporation violating the provisions hereof shall on conviction be fined in accordance with the general penalty provisions in section 1-7.

(Code 1972, § 15½-11; Ord. No. 553, § 11)

Secs. 41-72—41-100. Reserved.