

ORDINANCE NO. 2021112-A 2021

AN ORDINANCE OF THE CITY OF GRAPELAND, TEXAS, AMENDING ORDINANCE NUMBER 200211122-A; PROVIDING DEFINITIONS; CREATING A BUILDING AND STANDARDS COMMISSION OF FIVE MEMBERS AND EIGHT ALTERNATES APPOINTED FOR THE TERMS OF TWO YEARS; PROVIDING REGULATIONS FOR CONDUCTING THE BUSINESS OF THE BUILDING AND STANDARDS COMMISSION; PROVIDING FOR NOTICE OF ALL PROCEEDINGS BEFORE THE BUILDING AND STANDARDS COMMISSION; PROVIDING FOR HEARING PROCEDURES; PROVIDING AN EMERGENCY PROCEDURE; PROVIDING FOR VOLUNTARY CONSENT TO DEMOLITION OR CLEAN-UP; PROVIDING STANDARDS FOR REPAIR, VACATION OR DEMOLITION; PROVIDING FOR ORDERS TO REMEDY SUBSTANDARD BUILDINGS, STRUCTURES AND PREMISES; PROVIDING FOR PRIORITY OF LIENS; PROVIDING A PENALTY; PROVIDING FOR JUDICIAL REVIEW; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF GRAPELAND, TEXAS HEREBY ORDAINS:

## SECTION I:

All provisions of Ordinance Number 20021112-A2021 which are inconsistent or in conflict with the provisions of this ordinance are hereby deleted and substituted therefore is the following:

### Sec. 1 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Substandard buildings or premises" shall mean buildings, structures or premises which are a hazard to the health safety and welfare of the citizens and shall include all buildings, structures or premises conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease and shall include:
- (1) All buildings or structures which do not have the number of commodes, water closets, urinals and lavatories required by the International Building Codes, or which pit privies where the same are not permitted by law, or which are not connected to the city sewer when required by law, or where inadequate and unsanitary pit privies or septic tanks are maintained.
  - (2) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail or rain or damage through fire, to the extent that the roof, windows and doors, or portions of the house, building or structure which protect it from the weather will no longer reasonably protect it from the weather.
  - (3) All buildings or structures which constitute, or in which are maintained, fire hazards, as that term is defined by the "fire prevention code" adopted by the city.
  - (4) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand reasonably anticipated storms or tornadoes.
  - (5) All buildings or structures not wired in conformity with the electrical code adopted by the city.
  - (6) All buildings or structures not constructed in conformity with the building code adopted by the city.
  - (7) All buildings and structures and premises surrounding buildings and structures, including vacant lots, whereon exists accumulation of refuse, vegetation or other matter that creates breeding and living places for rodents and insects.
  - (8) All buildings and structures which are dilapidated, substandard and unfit for human habitation and a hazard to public health, safety and welfare.
  - (9) Regardless of its structural condition, all buildings and structures which are unoccupied by its owners, lessees, or other invitees and unsecured from

unauthorized entry to the extent that it could be entered or used by vagrant or other uninvited persons as a place of harborage or could be entered or used by children.

- (10) All buildings and structures which are boarded up, fenced, or otherwise used secured in any manner if:
- (A) the building constitutes a danger to the public even though secured from entry
  - (B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by sub-paragraph.

(b.) "Accessory Structure" shall mean any structural addition to a manufactured home, including and without limitation, awnings, cabanas, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.

(c.) "Approved" An approval by the building official which shall be granted if the building official finds that the item is suitable for its intended purpose and is not dangerous or detrimental to life, safety or welfare of people or property except as otherwise provided by this chapter. Such findings shall be based on the results of investigation or tests conducted by him, accepted principles for safety, or the results by reliable national authorities, technical or scientific organizations.

(d.) "Camping trailer" A portable unit mounted on wheels and may include collapsible partial side walls which fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping or trailer use.

(e.) "Dependent" Not self-contained and not having a water-flush toilet, lavatory and shower connected to outside utilities.

(f.) "Finalized" With respect to any permit, the term finalized shall mean that all work authorized by the permit has been completed in due compliance with law and the building official's copy of the permit has been so noted.

(g.) "Manufactured home park" A contiguous development of land that has been planned and improved for the placement of manufactured homes.

(h.) "Manufactured home subdivision" A duly recorded subdivision for manufactured homes approved by the city planning commission in accordance with this code and all other applicable laws, rules and regulations.

(i.) "Occupied area" That area of an individual manufactured home space or lot which has been covered by a manufactured home and its accessory structures.

(j.) "Premise" Any lot or tract of land and all adjacent land which is directly or indirectly under the control of the same person, together with all improvements thereon.

(k.) "Recreational vehicle" Has the meaning ascribed in Title 24, U.S. Code of Federal Regulations, Section 3282.8(g), as amended. Without limitation, it includes a camping trailer, motor home, travel trailer, or truck camper to the extent that the vehicle meet the criteria of 24 C.F.R. 3282.8(g).

(l.) "Recreational vehicle park" A contiguous development of land which has been planned and improved for the placement of recreational vehicles.

(m.) "Replaced" Means any relocation of a manufactured home whether upon the same lot or tract of land to another.

(n.) "Sales lot" means any premises used by a retailer for showing manufactured homes to potential customers which is operated by the holder of a valid manufactured housing retailer's certificate issued pursuant to Article 5221f of Vernon's Texas Civil Statutes, or any tract of land used for showing recreational vehicles to potential customers excepting premises used and owned by an individual showing a recreational vehicle which he owns and has used when such individual has not shown or sold more than two recreational vehicles to potential customers in any twelve month period.

(o.) "Self-contained" Having a water-flush toilet, lavatory, tub, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle and which facilities are also capable of being connected to outside utilities. Further, a recreational vehicle shall not be self-contained unless all plumbing fixtures and electrical outlets are both capable of being operated independent of connections to sewer, water and electrical systems and capable of being connected to outside utilities.

(p.) "Travel trailer" A vehicular portable structure built on a permanent chassis, designed by the manufacturer to be towed by another vehicle and used as a temporary dwelling, and which meets the definition of "temporary living quarters" or "permanent living quarters" as applicable to its use.

1. Temporary living quarters: A travel trailer intended to used for recreation, camping use or travel use and of such size and weight so as not require a special highway movement permit and which complies with the standards of NFPA 501-C, dated 1982, or the ANSI standards for the construction of travel trailers which were in effect at the time the travel trailer was constructed.
2. Permanent living quarters: A travel trailer which may be occupied indefinitely (without limit as to the length of time it is occupied) which:
  - a. In the traveling mode does not require a special highway permit;
  - b. Is less than 8ft in width;
  - c. Is less than 40ft in length;
  - d. Has a minimum floor area of 120 square feet;
  - e. When placed on location, has all the amenities, facilities and capabilities of a manufactured home; and
  - f. Complies with the standards of NFPA 501-C, dated 1982, or the ANSI standards for construction of travel trailers which were in effect at the time the travel trailer was constructed.

Sec. 2. Building and Standards Commission.

(a) There is hereby created a Building and Standards Commission to hear and determine cases concerning alleged violations of ordinances of the City of Grapeland.

(b) The Building and Standards Commission shall consist of one five member panel, all of whom must be residents of the city and are to be appointed for terms of two years each. Members of the Building and Standards Commission shall be nominated by the Mayor and confirmed by the City Council.

(c) The City Council may remove a commission member for cause on a written charge. Before a decision regarding removal is made, the City Council must hold a public hearing on the matter if requested by the commission member subject to the removal action.

(d) A vacancy in membership shall be filled for the unexpired term.

(e) Eight alternate members of the commission shall be appointed, who shall serve in the absence of one or more regular members when requested to do so by the mayor. The alternate members serve for the same period and are subject to removal in the same manner as the regular members. A vacancy in the alternate members is filled in the same manner as a vacancy among the regular members.

(f) A majority of the members of the Building and Standards Commission shall constitute a quorum for the transaction of business, and the concurring vote of a majority of the members of the Building and Standards Commission is necessary to take any action. All cases before the Building and Standards Commission shall be presented by the City Secretary.

(g) Meetings of the commission shall be held at the call of the chairman of the commission and at such other times as determined by a quorum of the commission. All meetings of the commission shall be open to the public. The chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(h) The commission shall keep minutes of its proceedings, showing the vote of each member on each question or the fact that a member is absent or fails to vote. The commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the commission as public records.

(i) A majority of the commission shall adopt rules for the commission, in accordance with the provisions of the ordinances of the City of Grapeland. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing charges

brought by the City or the City Secretary relating to alleged violations of ordinances.

Sec. 3. Notice of Proceedings before the Building and Standards Commission.

Notice of all proceedings before the Building and Standards Commission must be given:

- (1) By personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property and each holder of a recorded lien against the affected property, as shown by the records in the office of the County Clerk of Houston County, Texas, if the address of the lienholder can be ascertained from the deed of trust establishing the lien and/or other applicable instruments on file in the office of the County Clerk; and
- (2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
- (3) The notice shall be posted and either personally delivered or mailed on or before the tenth day before the date of the hearing before the commission and must state the date, time and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the City on one occasion on or before the tenth day before the date fixed for the hearing.
- (4) The notice of hearing must include a statement that the owner, lienholder or mortgagee to whom it is sent will be required to submit at the hearing proof of the scope of any work that may be required to comply with this ordinance and the time it will take to reasonably perform the work.
- (5) The commission may file notice of a proceeding before the commission in the Official Public Records of Real Property in Houston County, Texas. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the County Clerk, a legal description of the affected property, and a description of the proceeding. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.
- (6) The City must exercise due diligence to determine the identity and address of a property owner or lienholder to whom the City is required to give notice.

(7) The City exercises due diligence in determining the identity and address of a property owner or lienholder when it searches the following records:

- (1) county real property records of Houston County, Texas;
- (2) appraisal district records of the appraisal district in which the property is located;
- (3) records of the Secretary of State, if the property owner or lienholder is a corporation, partnership, or other business association;
- (4) assumed name records of Houston County, Texas;
- (5) tax records of the City; and
- (6) utility records of the City.

(8) When the City mails a notice in accordance with this section to a property owner or lienholder 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 delivered.

(9) Within ten days after the date the order is issued, a copy of the final decision of the commission panel is to be mailed by first class certified mail, return receipt requested, or delivery by the United States Postal Service using signature confirmation service or personally delivered to all persons to whom notice is required to be sent under this ordinance. In addition, an abbreviated copy of the order shall be published one time in a newspaper of general circulation in the City within ten (10) calendar days after the date of the mailing of the copy, including the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained, and a copy shall be filed in the office of the City Secretary.

#### Sec. 4. Standards for repair, vacation or demolition.

The following standards may be followed in substance by the Building and Standards Commission in ordering repair, vacation, or demolition:

- (1) If the building, structure or premise can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this ordinance it shall be ordered repaired.

- (2) If the building, structure or premise is in such condition that it cannot be reasonably repaired or conformed to the codes referred to in this ordinance, then it shall be demolished. In any case, where a substandard building, structure or premise is fifty (50) percent damaged or decayed, it shall be demolished, and in all cases where a building cannot be repaired so that its existence will no longer be in violation of the terms of this ordinance, it shall be demolished.

#### Sec. 5. Substandard Buildings.

(a) Order to show cause. Where an emergency does not exist and it shall come to the notice of the Building and Standards Commission that a building, structure or premise is substandard, the commission may order the owner of the building, structure or premise, or the owner's authorized agent or representative, to appear and show cause why it should not be declared to be a substandard building, structure or premise and why the owner should not be ordered to vacate, repair, clean up, or destroy the building, structure or premise or relocate the occupants of the structure. The measures necessary to eliminate the building, structure or premises' substandard qualities shall be stated in the order. The date of the public hearing on the order shall not be less than ten (10) days after the order shall have been served.

(b) Hearing; Order. On the day set in the notice of hearing, a hearing shall commence. On the basis of the hearing, the Building and Standards Commission shall determine whether or not the building, structure or premise is a substandard building, structure or premise. If it is determined that a substandard building, structure or premise exists, the Building and Standards Commission shall issue an order to the owner to take measures which are reasonably necessary to eliminate the building, structure or premises' substandard qualities. The commission may:

- (1) order the repair, removal or demolishing within a fixed period, of buildings found to be in violation of any ordinance;
- (2) declare a building substandard in accordance with the powers granted by this ordinance;
- (3) order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of any ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;



- (4) issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the City, to enforce and carry out the lawful orders or directives of the commission panel;
- (5) determine the amount and duration of the civil penalty the City may recover as provided by this ordinance.
- (6) In conducting a hearing authorized under this section, the City shall require the owner, lienholder, or mortgagee of the building to within 30 days:
  - (1) secure the building from unauthorized entry; or
  - (2) repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.
- (7) If the City allows the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the City shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.
- (8) The City may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
  - (1) submits a detailed plan and time schedule for the work at the hearing; and
  - (2) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (9) If the City allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the City shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the City to demonstrate

compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the hearing official or the hearing official's designee to demonstrate compliance with the time schedules. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$100,000 in total value, the City may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the City may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the City. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30<sup>th</sup> day after the date the City issues the order.

- (10) In a public hearing to determine whether a building complies with the standards sets out in this ordinance, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
- (11) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the City may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. This subsection does not limit the ability of the City to collect on a bond or other financial guaranty that may be required by it.
- (12) If the City incurs expenses under subsection (11), the City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the County Clerk of Houston County, Texas. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal

description of the real property on which the building was located, the amount of expenses incurred by the City, and the balance due.

(13) If the notice is given to and the opportunity to relocate the tenants of the building or to repair, remove, or demolish the building is afforded to each mortgagee and lienholder as authorized by this ordinance, the lien is a privileged lien subordinate only to tax liens.

(14) A hearing under this section may be held by the municipal court.

The order shall specify a reasonable time for the owner to comply with the orders of the commission and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the order.

#### Sec. 6. Additional authority regarding substandard buildings.

(a) In addition to the authority granted to the City by Section 5, after the expiration of the time allotted under subsection (a) or (b) of section 5, for the repair, removal, or demolition of a building, the City may:

- (1) Repair the building at the expense of the City and assess the expenses on the land on which the building stands or to which it is attached; or
- (2) Assess a civil penalty against the property owner for failure to repair, remove, or demolish the building.

(b) The City may repair a building under subsection (a) only to the extent necessary to bring the building into compliance with the minimum standards and only if the building is a residential building with ten (10) or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.

(c) The City shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair, removal, or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the City must file for record, in recordable form in the office of the County Clerk of Houston County, Texas, a written notice of the imposition of the lien. The notice must contain a legal description of the land.

(d) Except as provided by section 5, the City's lien to secure the payment of a civil penalty or the cost of repairs, removal, or

demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the County Clerk of Houston County, Texas before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the City. The City's lien is superior to all other previously recorded judgment liens.

(e) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten (10) percent a year from the date of the assessment until paid in full.

(f) The City's right to the assessment lien may not be transferred to third parties.

(g) In any judicial proceeding regarding enforcement of municipal rights under this section, the prevailing party is entitled to recover reasonable attorney's fees from the nonprevailing party.

(h) A lien acquired under this section by the City for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person sixty-five (65) years of age or older.

#### Sec. 7. Emergency procedure.

(a) Substandard buildings or structures may be ordered to be, and shall be vacated, repaired or demolished when it shall appear that the building, structure or premise or the manner of its use constitutes an immediate and serious danger to life or property. The condition described in this section shall be deemed a condition justifying the use of emergency measures, and the Building and Standards Commission may order any of the following emergency measures to be taken:

- (1) The immediate vacation of the buildings, structure or adjoining structures.
- (2) The vacation of the danger area around the building or structures.
- (3) Such emergency shoring up and bracing of walls, roofs and supports as are required to render the buildings or structures safe.
- (4) The destruction of such walls, roofs and supports or the entire structure or so much thereof as cannot be braced or made safely secure.
- (5) The cleaning up of the premises and the removal of weeds, growth, trash, deteriorated equipment and personal property of no reasonable value.

(b) Posting. When any of the orders described in subsection (a) are given, notices shall be posted on or near the building or structure, notifying the public of the order and ordering all persons to keep out of the building or structure and the areas of danger surrounding it.

(c) Notice to property owner. When any of the orders described in subsection (a) are given, notice of the order shall be given as follows:

- (1) The order shall be directed to the owner of the substandard building, structure or premises, or the owner's authorized representative, if known.
- (2) Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner of the building, structure or premise, or the owner's representative. In the event that such notification would create a delay which would materially increase danger to life or property, a reasonable effort to notify the owner shall be deemed sufficient.

(d) Execution of order. If the notification set forth in subsection (c) is given and the owner or the owner's representative refuses or fails to carry out the orders of the Building and Standards Commission or fails to carry out the order satisfactorily, the Building and Standards Commission may proceed to carry out the order either by private contract or through an agency of the City. The cost incurred shall constitute a valid lien against the property. The lien shall be extinguished if the property owner reimburses the City for the costs incurred. The lien may be enforced in the manner provided by this ordinance.

#### Sec. 8. Owner's voluntary consent to demolition or cleanup.

The owner of a substandard building, structure or premises may enter into and execute an agreement to demolish, remedy or abate the same. In the event of a voluntary agreement, the necessity for notice and hearing shall not be required. The agreement may provide for the demolition, cleanup or other action to be at the owner's expense, or the Building and Standards Commission may, with the approval of the City Council, authorize the expenditure of public funds to pay for all or an agreed portion of the costs of the demolition, cleanup or other work, subject to the availability and appropriation of funds for such purpose by the City.

#### Sec. 9. Disclaimer of liability.

Neither the City nor any authorized agent acting under the terms of this ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

Section 10. Waiver of demolition permit fee.

The normal fee for a permit for demolition of a building or structure shall be waived when the demolition is performed under orders of the Building and Standards Commission or City Council or under an agreement between the property owner and the City as provided in this ordinance.

Section 11. Civil Penalties, injunctive relief, actions for removal of buildings and foreclosure of liens.

(a) Upon a finding of a substandard building structure or premise, or violation of this ordinance or of any order or regulation of the Building and Standards Commission or City promulgated thereunder, the City may recover from the owner or the owner's representative with control over the premises a civil penalty in an amount not exceeding one thousand dollars (\$1,000.00) for each day of violation, beginning on the day after the date the defendant received notice of the provisions of this ordinance, if the defendant was actually notified of the provisions of the ordinance and, after the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance. The amount of the civil penalty shall be set by the Building and Standards Commission at the hearing provided in section 5.

(b) In addition, or as an alternative thereto, the City may, in the event of such violation, obtain injunctive relief, as provided by state law.

(c) In addition, or as an alternative to the preceding portions of this section, the City may, in the event of such violation, bring an action to compel the repair or demolition of a building or structure or to obtain approval to remove the structure and recover removal costs.

(d) The civil penalty may be collected in a civil action in the appropriate court with jurisdiction in Houston County, Texas.

(e) All liens and assessments imposed under this article may be foreclosed in an action in the appropriate court with jurisdiction in Houston County, Texas.

(f) A determination of civil penalty made under this ordinance is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the City for final judgment in accordance with the established penalty.

(g) To enforce any civil penalty, the City Secretary or clerk must file with the District Clerk of Houston County, Texas a certified copy of the order of the commission panel establishing

Sec: 11. Recreational Vehicle Placement.

(1.) It shall be unlawful for any person to place, use or occupy a recreational vehicle within the city unless such placement, use or occupancy is specifically authorized by this division.

Furthermore, it shall be unlawful for any person to permit, allow or suffer the placement, use or occupancy of a recreational vehicle on any property under his ownership or control unless such placement, use or occupancy is specifically authorized by this chapter.

(2.) Any provisions of this chapter which authorize the occupancy of a certain type of recreational vehicle.

(3.) Any computation of time under the provisions of this division shall commence from the date that the recreational vehicle is placed in the manufactured home park or the recreational vehicle park.

(4.) In addition to any other authorized placement or use of a recreational vehicle, it may be utilized upon a site by the director for temporary disaster assistance organizations.

Sec: 12. Recreational vehicles outside parks.

(1.) A recreational vehicle may be parked or stored outside a manufactured home park or recreational vehicle park so long as no one occupies it for temporary or permanent use, no utilities are connected to the recreational vehicle, the vehicle is not parked on or extending over public property unless parked on a street or a parking lot in full compliance with the laws, and the parking or storage of the vehicle is not in violation of any other law or any valid and applicable deed restrictions or covenants running with the land.

Sec: 13. Camping Trailers.

(1.) A camping trailer may be placed in a recreational vehicle park licensed by the city as such, for a period not to exceed thirty days in any consecutive six-month period and may be used for sleeping and living purposes during the time it is so placed in a park.

(2.) No camping trailer may be placed or used for any purpose within a manufactured home park.

Sec: 14. Motor homes, truck campers and travel trailers.

(1.) A motorhome, a truck camper or travel trailer may be placed in a manufactured home park or recreational vehicle park for a period of time not to exceed six months within any consecutive twelve-month period, and may be used for sleeping and living purposes during the time that it is so placed in park if:

(a.) It is self contained;

(b.) It has at least 120 sq ft of floor space;

- (c.) The park in which it is placed is licensed by the city as a recreational vehicle park or a manufactured home park; and
- (d.) It is placed on a lot in the park which was shown on the parks application and approved by the building official for use of the specific type of recreational vehicle being placed thereon.

2. A motorhome, a truck camper, or a travel trailer which is not self-contained may be placed in a manufactured home park or a recreational vehicle park for a period of time not to exceed 30 days within any consecutive twelve-month period and may be used for sleeping and living purposes during the time it is placed in a park if:

- (a.) It has a minimum of 84 square feet of floor space;
- (b.) The park in which it is placed is licensed by the city as a manufactured home park or a recreational vehicle park, and the park meets the requirements of this chapter for a park on which dependent vehicles may be placed; and
- (c.) It is placed on a lot in the park which was shown on the park's application and approved by the building official for use of the specific type of recreational vehicle being placed thereon.

3. A travel trailer may be placed in a manufactured home park or a recreational vehicle park, and may be used for sleeping and living purposes while it is placed in such a park, without limitation as to the period of time it is so located and used if:

- (a.) It is placed in a park which is licensed by the city as a recreational vehicle park or a manufactured home park;
- (b.) It is placed on a lot in the park which is shown on the park's application and approved by the building official for use by travel trailers connected to the park's utilities;
- (c.) It is connected to the park's (or to a public) water supply, sewer system and electric system, and to such a gas system if the travel trailer is designed for natural gas and has any gas appliances;
- (d.) The travel trailer has facilities to supply a reasonably continuous source of hot water to the lavatory, tub or shower and kitchen sink at a temperature of not less than 120 degrees Fahrenheit;
- (e.) It has a heating system which is in good state of repair of a type which will not create a serious risk to the safety of the occupants, and which is capable of providing the trailer with a minimum temperature of at least 70 degrees Fahrenheit measured at a point three feet above the floor during ordinary minimum weather conditions;
- (f.) It has at least 120 square feet of floor space for the first occupant and at least 30 square feet for each additional occupant;
- (g.) It is tied down and blocked pursuant to the requirements of this chapter;
- (h.) Application has been made for a certificate of compliance pursuant to this division; and the city; the inspector has found the travel trailer is in compliance



with all requirements of this chapter for the use of travel trailers as permanent living quarters, and the certificate of compliance has been finalized by the building official.

4. No person may use any truck camper for sleeping or living purposes if it has been dismantled from the truck unless the camper is tied down and anchored pursuant to the requirements of this chapter.

Sec: 15. Responsibility of park owners and managers.

No manufactured home park or recreational vehicle park or owner or manager of such park shall allow, suffer or permit one or more persons to use a recreational vehicle in such park in violation of any provisions of this chapter.

Sec: 16. Recreational vehicle tie down and foundation blocking standards.

Whenever the provisions of this chapter provide that a recreational vehicle is to be tied down, the building official must approve the method to be applied to the specific vehicle. The building official shall approve such a method if he finds that it will adequately protect those who use the recreational vehicle and members of the public, taking into consideration the size and shape of the vehicle. All materials used to anchor recreational vehicles approved for permanent occupancy shall comply with the requirements of anchoring for manufactured homes as established by the Texas Department of Licensing and Regulation.

Sec: 17. Certificate and compliance.

1. Whenever a certificate of compliance is required for use of a recreational vehicle in a manufactured home park or recreational vehicle park, such certificate of compliance shall be issued upon the procedures established in this section.
2. Any person desiring a certificate of compliance shall make application therefore upon a form prescribed by the building official setting forth:
  - (a.) A description of recreational vehicle by dimensions, manufacturer and serial or vehicle identification number;
  - (b.) A copy of the title to the recreational vehicle (if the formal document of title has not yet been issued, then the title application receipt and a complete copy of the bill of sale shall be furnished in lieu thereof.)
  - (c.) The date of manufacture of the recreational vehicle.
  - (d.) The name of the manufactured home park, or the recreational vehicle park in which it is located, and the park's license number;
  - (e.) A description of the proposed location of the recreational vehicle in the manufactured home park which is adequate to advise the building official of the exact place on the ground where the recreational vehicle will be located; and

(f.) Any additional information which the building official finds will aid him in the enforcement of the provisions of this chapter in regard to such recreational vehicle.

The application shall be signed by the owner of the recreational vehicle or the owner's agent. Application for such a certificate of compliance shall be made within 48 hours from the time the recreational vehicle is placed in the manufactured home park or recreational vehicle park. Saturdays, Sundays, and holidays observed by closure of city offices are excepted from calculating the 48 hours.

1. The building official shall not finalize a certificate of compliance for use of a recreational vehicle in a manufactured home park or recreational vehicle park until the recreational vehicle has been inspected by the building official and the building official has found that the recreational vehicle and its placement meet the requirement of this division and of all applicable ordinances for its use as permanent living quarters. A fee for such inspection is hereby established and shall be collected. In consideration of such a fee the applicant shall be entitled to the original inspection and one reinspection for deficiencies, if required. An additional fee is hereby imposed and can be collected for the second and each subsequent inspection required due to deficiencies concerning the recreational vehicle, its placement, or its tie-downs.

#### Sec: 17. Judicial Review.

Any owner, lienholder, or mortgagee of record jointly or severely aggrieved by any decision of a commission panel may present a petition to a district court of Houston County, Texas, duly verified, setting forth the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within thirty calendar days after the date a copy of the final decision of the commission panel is personally delivered, mailed by first class mail with certified return receipt requested., or delivered by the United States Postal Service using signature confirmation service, to all persons to whom notice is required to be sent under this ordinance.

#### SECTION II. Severability:

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase in this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III. Repealing Clause: All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV. Effective Date:

A descriptive Caption of this Ordinance shall be published two times in the Grapeland Messenger, the official newspaper of the city of Grapeland, within fourteen days after the date of passage thereof, and said Ordinance shall become effective April 1, 2021.


PASSED AND ADOPTED this 9th day of March, 2021 at a regular meeting of the City Council of Grapeland, Texas.

CITY OF GRAPELAND

BY:   
MAYOR

ATTEST :

  
CITY SECRETARY

  
CHRIS VON DOENHOFF  
CITY ATTORNEY