ORDINANCE NO. 091426

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWCASTLE, TEXAS; PROVIDING MINIMUM STANDARDS FOR RECREATIONAL VEHICLE PARKS; ESTABLISHING REQUIREMENTS FOR THE DESIGN, CONSTRUCTION, ALTERATION, EXTENSION, AND MAINTENANCE OF RECREATIONAL VEHICLE PARKS AND RELATED UTILITIES AND FACILITIES; AUTHORIZING THE ISSUANCE OF PERMITS FOR CONSTRUCTION, ALTERATION AND EXTENSION OF RECREATIONAL VEHICLE PARKS; AUTHORIZING THE LICENSING OF OPERATORS OF RECREATIONAL VEHICLE PARKS; AUTHORIZING THE INSPECTION OF RECREATIONAL VEHICLE PARKS AND PROVIDING THAT VIOLATION OF ORDINANCE IS AN OFFENSE AND ESTABLISHING A CRIMINAL PENALTY THEREFORE, PROVIDING A SEVERABILITY AND A REPEALER CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that a condition is present that necessitates the regulation of recreational vehicle communities in the City of Newcastle; and

WHEREAS, the City Council finds that properly planned and operated recreational vehicle communities (RV Parks) promote the safety, health, and welfare of the residents of such communities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWCASTLE, TEXAS:

Part 1. Enacted

THAT, the regulation of the operation of recreational vehicle parks within the City of Newcastle shall be as follows:

ARTICLE I. – RECREATIONAL VEHICLE PARKS

Sec. 1-01. Purpose

The purpose of this ordinance is to establish clear and unambiguous regulations requirements for safe, sanitary, and suitable methods for construction and operation of RV parks within the City of Newcastle and to promote an attractive community.

Sec. 1-02. – Definitions

(1) **Accessory Structure** – Any structural addition to the recreational vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar structures.

(2) **All-Weather Surface** – A surface consisting of concrete, asphalt, compacted gravel, compacted caliche or other similar surface approved by City staff.

(3) **Development Plan** – Graphic representation, drawn to scale, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property: Includes existing structures, proposed construction, drainage, and any easements or rights of way.

(4) **Existing RV Park** – Any RV Park with water, sewer, and electrical hook-ups; active utility accounts for water, sewer, and electrical service; and paying occupants.

(5) **Owner or Manager** – Any person who has the control, direction, maintenance, or supervision of an RV Park, whether as owner or otherwise.

(6) **Permit** – A written permit issued by the City of Newcastle authorizing and permitting a person to construct, alter or operate an RV Park under the provisions of this section.

(7) **Recreational Vehicle (RV)** – A portable home designed as a temporary dwelling for travel and recreational and vacation uses. Such homes shall not exceed eight (8) feet in width and forty-six (46) feet in length and shall be classified as a recreational vehicle whether its wheels, rollers, skids or other rolling equipment have been removed, and whether any addition thereto has been built on the ground; and shall also include pick-up campers, converted buses, self-powered motor homes, tiny houses, tent trailers, tents and analogous temporary portable housing and accessory buildings. Any of the following while in use as a residence:

a. **Travel Trailer** – A portable structure built on a chassis, designed to provide temporary living quarters for recreational camping or travel use, and constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

b. **Motor Home** – A motor vehicle equipped like a travel trailer which is a portable, temporary dwelling to be used for travel, recreation, and vacation.

c. **Dependent Trailer** – A travel trailer which is dependent upon a service building for toilet and lavatory facilities.

d. **Flag Lot** - A parcel of land a majority of which is situated behind another lot or lots fronting on a street.

e. **Self-Contained Trailer** – A travel trailer which can operate independent of connections to sewer, water, and electric systems. It contains a water-flush toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage-holding tanks located within the trailer.

f. **Truck Camper** – A camper unit equipped like a travel trailer that fits in the bed of a pick- up truck and may or may not be separated from the truck for use as living

quarters.

g. **Tiny House** – Any trailer not exceeding 8 x 46 square feet, other than a travel trailer as defined in this Ordinance, modified to be used as a residence.

(8) **Recreational Vehicle Park (RV Park)** – Any tract or parcel of land used in whole or in part, for the accommodation of RVs by the day, week, or a longer period of time. For the purposes of this Ordinance, locating two (2) or more RVs on a lot is considered used in whole or in part for the accommodation of RVs.

(9) **Recreational Vehicle Site (RV Site)** – Any designated site or pad within an RV Park for the parking of an RV.

Sec. 1-03. – Permit Process

(1) **Permit Required** – It shall be unlawful for any person to establish, maintain, conduct, or operate any existing or new RV Park within the city limits without obtaining the appropriate permit from the City. Existing RV Parks that have not filed an application for a permit at City Hall within sixty (60) days of the effective date of this Ordinance will be deemed in violation of this requirement.

(2) **Permit Fee** – The annual permit fee for up to 10 RV sites shall be $500.00. The annual permit fee for more than 10 RV sites shall be $1,000.00. In the event, an application for a permit is rejected or withdrawn, half of the fee shall be returned to the applicant and the other half retained by the City to cover the cost of inspection, plan review and study.

(3) **Other Fees** – If the City incurs any fees related to the processing of the application, including engineering fees, legal fees, and building inspection fees, the applicant will be responsible for such fees. A permit will not be issued until such fees have been paid.

(4) **Permit Procedure for New RV Parks or for Changes/Additions to Existing RV Parks**

a. **Application** – An application for a permit to open and operate a new RV Park, or to change or add to an existing RV Park, shall be made to the City on forms available at City Hall for that purpose which shall include the items listed in Attachment 1. An application to open a new RV Park, or to change or add to an existing RV Park, shall be made prior to any actual construction and shall include a Development Plan and the applicable permit fee.

b. **New or Additional Hook-Ups to City Water System** – If the Development Plan contemplates connecting additional water and sewer hook-ups to the City water system, the City will reject the application if the City Council has placed drought restrictions in effect at the time that application is submitted.

c. **Review and Approval** - Upon receipt of a properly completed application that does not contemplate new or additional hook-ups to the City water system, the City Secretary or designee shall review the application with the Mayor to

determine conformance with the applicable standards listed in Section 4 below. Upon approval of the application by the City Secretary or designee, a permit shall be issued to the applicant, which shall be valid until December 31st of the year following the date of the application. The owner or operator of an RV Park must submit the annual application for renewal for the next calendar year prior to December 15 of the year preceding the year for which the permit will be applicable.

(5) **Permit Procedure for Continued Operation of Existing RV Parks**

a. **Application** – An application to continue operation of an existing RV Park (no changes or additions) shall be made to the City on forms available at City Hall for that purpose. Such application shall include receipts evidencing active utility accounts for water, and sewer and electrical service.

b. **Review and Approval** - Upon receipt of a properly completed application that does not contemplate new or additional hook-ups to the City water system, the City Secretary or designee shall review the application to determine conformance with the applicable standards listed in Section 4 below. Upon approval of the application by the City Secretary or designee, a permit shall be issued to the applicant, which shall be valid until December 31st of the year following the date of the application. The owner or operator of an RV Park must submit the annual application for renewal for the next calendar year prior to December 15 of the year preceding the year for which the permit will be applicable.

c. **Late Fee** – If owner fails to timely obtain or renew a permit, Owner will be responsible for an additional $50.00 late fee for each month Owner is delinquent in obtaining a permit.

Sec. 1-04. – Standards

(1) **Size and Density** - Each RV Park shall have a maximum size of five (5) acres. The maximum site density for RV parks shall be no more than four (4) sites per one-third (1/3) of an acre and ten (10) sites per acre.

(2) **Development Plan** - Plans and specifications of all buildings and improvements constructed or to be constructed within the recreational vehicle park

a. The recreational vehicle park shall conform to the following requirements:

i. The park shall be located on a well-drained site, properly graded and equipped to ensure rapid drainage and to be free from stagnant pools of water. The condition of the soil, ground water, drainage and topography shall be such that it shall not create a hazard to the property or the health and safety of the occupants.

ii. Each park shall provide recreational vehicle parking spaces and each such space shall be clearly defined. Twenty percent (20%) of the parking spaces shall be not less than eighteen (18) feet by fifty (50) feet. There must be at least a ten-foot clearance of space between adjacent rows of parking spaces.

iii. The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

iv. All-weather surface private streets adequate to provide access to each recreational vehicle space shall be constructed and maintained in good condition by the licensee and the width of which shall be not less than sixteen (16) feet.

v. The park shall comply with state and federal standards for accessible for the mobility impaired. The applicant shall show proof of compliance.

vi. No "flag tract" recreational vehicle space shall be allowed.

b. **Only one RV per Site** - Only one (1) recreational vehicle is permitted per recreational vehicle site.

i. **Recreational vehicle stands or pads shall:**
   - Be an improved All-Weather Surface adequate to support the weight of the recreational vehicle.
   - Not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action inadequate drainage, vibration or other forces acting on the structure.
   - Include a freestanding sign with reflective material that clearly shows the site designation. Signs must be maintained and be readable at all times while the RV park is in operation.
   - All RVs shall be located no closer than the following:
     - The sides of the RV shall be no close than 18 feet from any other RV.
     - The rear of the RV shall be no closer than 10 feet from any other RV.
     - No part of the front of any RV shall be closer than 10 feet from the internal roadway.

c. **Internal Roadway** – Each recreational vehicle site shall be accessible by an internal roadway, which shall provide access to a public street. The internal roadway shall have a width at least equal to the public streets in Newcastle. Approaches to all sites shall be kept clear for access by law enforcement, EMT and fire-fighting personnel and equipment. Each site shall be clearly marked identifying the site number.

d. **Water, Sewer and Electrical Hook-Ups** – Each site shall be equipped with water,

sewer and electrical hook-ups which shall conform to all applicable codes and regulations, including all applicable regulations of the Texas Commission on Environmental Quality (TCEQ).

e. **Parking** – Each RV park shall provide off-road parking spaces for at least one (1) passenger vehicle at each recreational vehicle site. All-weather surface walkways not less than thirty-six (36) inches wide shall be provided from the recreational vehicle spaces or from the streets, as the case may be to the service buildings. All street and walkways shall be lighted at night. Light standards shall have a height and spacing to ensure an average illumination level of not less than 0.2 foot-candles.

ONLY IF RV FACILITY WANTS: TOILETS & SHOWER FACILITIES

f. **Toilet and Shower Facilities** – Each RV park shall provide toilet and shower facilities in properly constructed buildings. Such buildings shall be well lighted and ventilated at all times. Floors shall be of concrete or similar material, and each room shall be provided with floor drainage. All toilet and shower facilities shall comply with the Americans with Disabilities Act (ADA). Unisex toilet and shower facilities required as follows:

i. Two (2) toilets, wash basins and showers or bathtubs for each gender for every one hundred sites with an additional one (1) toilet, wash basin and shower or bathtub for each gender for each one hundred (100) sites or fraction thereof.

ii. Each toilet room provided for men shall have, in addition to the requirements above, one (1) urinal stall.

iii. Each toilet room shall have a sewer dump-station outside.

iv. All toilets, wash basins, showers and bathtubs shall be placed in properly constructed buildings located not more than three hundred (300) feet from each recreational vehicle site. Such buildings shall be well lighted and ventilated at all times. Openings shall be screened with wire of not less than fourteen (14) meshes to the square inch and shall be constructed of such moisture proof material as to permit rapid and satisfactory cleaning, scouring, and washing. Floors shall be of concrete or similar material and elevated not less than four inches (4") above grade. Each room shall be provided with floor drainage.

v. When unisex bathrooms are used where toilet, shower and wash basin are in one separate enclosed unit, at least one bathroom per ten (10) spaces must be provided.

vi. All bathrooms shall comply with the Americans with Disabilities Act. (ADA).

g. **Fencing** – A solid fence at least six (6) feet in height shall be placed on or just inside the property line to buffer the RV Park from view. The fence shall be installed on both sides and at the rear of the property.

h. **Accessory Structures** – Accessory structures are not allowed at the individual sites within the R V Park.

i. **Storage, Collection and Disposal of Refuse and Garbage** - Each RV park shall provide a safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health or fire hazards. Each recreational vehicle park shall provide a minimum of two (2) fly tight, watertight, rodent proof dumpsters for the first one hundred (100) sites with one (1) additional dumpster for each one hundred (100) sites or fraction thereof. The dumpster shall be screened from public view.

j. **Service/Office Buildings**

   i. Service buildings shall be permanent structures complying with all applicable ordinances and statutes regulating electrical, plumbing, gas and mechanical installations and building set back requirements.

   ii. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public.

Sec. 1-05. – Fire Protection

(1) Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy the fire code and other applicable regulations of the City.

(2) No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill.

(3) All sites and any part of a recreational vehicle shall not exceed one hundred fifty (150) feet from the All-Weather surface streets.

(4) Storage and Handling of Flammable Liquids: In parks in which gasoline, fuel oil, or other flammable liquids are stored or dispensed their handling and storage shall comply with the City fire code.

(5) Approaches to all sites shall be kept clear for firefighting personnel and equipment.

   a. Firefighting Instruction.

      i. The park owner or agent shall be responsible for the instruction of his staff in the use of the park fire protection equipment and in their specific duties in the event of fire.

ii. Water Supply Facilities for Fire Department Operations: Water supply facilities for Fire Department operations shall be connected to the city public water supply system.

iii. When Fire hydrants are required the water mains and fire hydrants shall be dedicated to the City after construction of improvements is preformed to the City Engineering Standards and approved by the Director of Public Works. The water mains and fire hydrants when located on private property shall be in a dedicated utility easements of the size set by the Director of Public Works adequate to service said lines and hydrants after all development has accrued.

(6) Dry Vegetation: The park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

(7) Fuel

a. Bottled gas for cooking purposes shall not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable metallic tubing.

b. Bottled gas cylinders shall be securely fastened in place.

c. No cylinders containing bottled gas shall be located in a recreational vehicle or within five (5) feet of a door thereof.

d. State and local regulations applicable to the handling of bottled gas and fuel oil shall apply.

e. All applicable provisions of the ordinances of this City regulating the use of liquefied gas must be complied with.

Sec. 1-06. – Supervision

(1) The attendant or caretaker shall be answerable with the licensee for the violation of any provision of the Ordinance to which the licensee is subject.

(2) The licensee or agent shall operate the park in compliance with this Ordinance and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities, and its equipment in good repair and in a clean and sanitary condition.

(3) Control of Rodents, Insects and Other Pests – Grounds, buildings and structures in the RV Park shall be maintained free of the accumulation of tall grass and weeds and debris so as to prevent rodent and snake harborage or the breeding of flies, mosquitoes or other pests. The RV Park owner or manager shall be responsible for maintaining the entire area of the park free of dry brush, leaves, limbs, and weeds.

(4) The licensee or agent shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

(5) The licensee or agent shall maintain a register of park occupancy which shall contain at least the following information:

a. name and address of park residents,

b. license number of recreational vehicle and/or tow vehicle,

c. location of each recreational vehicle within the park by space or lot number, and

d. dates of arrival and departure.

(6) A new register shall be initiated on January 1 of each year and the old register is retired, but the old register shall be retained on the premises for at least three (3) years following the retirement.

(7) Registers shall be available for inspection at all reasonable times by an official of the City or County whose duties may necessitate access to the information contained therein.

Sec. 1-07. – Inspection

(1) The Building Official, Building Inspector, and the Police Chief are hereby authorized and directed to make such inspections as necessary to determine compliance with this Ordinance.

(2) The Building Official, Building Inspector, and the Police Chief 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 Ordinance.

Sec. 1-08. – Revocation of License

(1) The Code Enforcement Official or designee may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance.

(2) After such conviction, a new license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

Sec. 1-09. – Exceptions

(1) **Recreational Vehicles Stored by Owner** – Recreational vehicles stored at or near the owner's residence and used personally by the owner for vacation travel or guest quarters while stored on an approved surface. Storage of recreational vehicles is otherwise regulated by the City.

(2) **Recreational Vehicles in Storage Facilities** – Recreational vehicles stored in off-site storage facilities with no hook-ups and personally used by the owner for vacation travel

while storage on an approved surface.

(3) **Recreational Vehicles for Sale** – Locations where recreational vehicles are displayed and/or sold, whether by an individual seller or dealer while stored on an approved surface.

Sec. 1-10. – Variance

(1) **Purpose** - Variances are deviations from the applicable standards for the zoning district where an existing or proposed development is located that would not be contrary to the public interest and, due to special conditions of the site or its surroundings, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. Variances ensure that the spirit of this Ordinance is observed and substantial justice done.

(2) **Submission of application** - A complete application for a variance shall be submitted to the City Secretary on a form prescribed by the City Secretary, along with the appropriate application fee of $500.00 for RV Parks with 10 or less RV sites and $1,000 for more than 10 RV sites.

(3) **Hearing and action by City Council** - After due notice, the City Council shall hold a public hearing on an application for a variance. At the public hearing, the City Council shall consider the application, the relevant support materials and the public testimony given at the public hearing in light of the criteria in subsection (6) of this section. After the close of the public hearing, the City Council shall vote to approve, approve with conditions or deny the application for a variance, pursuant to the criteria in subsection (f) of this section.

(4) **Allowed variances** - In exercising its authority to grant a variance, the City Council shall affirmatively find that one or more of the following circumstances applies. In each instance, the zoning board of adjustment shall further state in its minute record the specific nature of those circumstances which justify the variance.

a. *Special circumstances resulting in unnecessary hardship.* A variance may be granted where special circumstances exist on the property related to the size, shape, area, topography, surrounding conditions or location that do not generally apply to other property in the same zoning district, and where the circumstances are such that strict application of this chapter would create an unnecessary hardship or deprive the applicant of reasonable use of the land or building.

b. *Equity.* A variance may be granted to permit modifications as may be needed to secure equity in the development of a parcel of land where it has been demonstrated that, due to the existence of legally nonconforming structures, a substantial proportion of the other properties in the same area and zoning district are legally enjoying the conditions that the applicant is requesting.

c. *Literal enforcement.* A variance may be granted if it is found that the literal

enforcement and strict application of this Ordinance will result in extraordinary circumstances inconsistent with the general provisions and intent of this chapter, and that, in granting the variance, the spirit of the chapter will be preserved and substantial justice done.

(5) **Variances not allowed** - In exercising its authority, the zoning board of adjustment shall not grant a variance that would create any of the following effects:

a. The variance would be a material detriment to the public welfare or create injury to the use, enjoyment or value of property in the vicinity.

b. The variance is not the minimum variance that will relieve the proven hardship.

c. The variance will relieve the applicant of conditions or circumstances that are self-imposed.

d. The variance is grounded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.

(6) **Variance criteria**. To approve an application for a variance, the Council shall make an affirmative finding that each and every one of the following criteria is met:

a. Special circumstances exist that are peculiar to the land or structure that are not applicable to other recreational vehicle parks in the City and are not merely financial.

b. These special circumstances are not the result of the actions of the applicant.

c. Literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other recreational vehicle parks and would cause an unnecessary and undue hardship.

d. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Ordinance and substantial justice.

e. Granting the variance will not adversely affect adjacent land in a material way.

f. Granting the variance will be generally consistent with the purposes and intent of this chapter.

(7) **Conditions** - The City Council may impose such conditions on a variance as are necessary to accomplish the purposes of this Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods, and to ensure compatibility of the site with its surroundings. These conditions may include, but are not limited to, limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of performance;

other on-site improvements; and limitations on the duration or hours of operation of an allowed use.

(8) **Effect of variance**

a. Issuance of a variance shall authorize only the particular variation which is approved in the variance. A variance shall run with the land.

b. Unless otherwise specified in the variance, an application to commence construction of the improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise, the variance shall automatically become null and void.

Sec. 1-11. - Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Newcastle, Texas, or a court of competent jurisdiction in Young County, Texas, shall be subject to a fine not to exceed Two Thousand ($2,000.00) dollars for each offense, except however, where a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law; and each and every day said violation is continued shall constitute a separate offense.

Part 2. Open Meetings Act

This meeting was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

Part 3. Severability Clause

If any section, sub-section, clause, phrase, or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 4. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 5. Publication

The City Secretary is hereby authorized and directed to cause publication of this Ordinance in accordance with law.

Part 6. Effective Date

This Ordinance shall be in force and effect from and after its publication as required by law.

PASSED and ADOPTED this 14TH day of Septmeber 2026.

Dickey Baynes, Mayor
City of Newcastle, Texas

ATTEST:

Alice Winder, City Secretary