

ORDINANCE NO. 17-Q

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, TO TEMPORARILY SUSPEND REGULATIONS RELATING TO THE PLACEMENT OF RECREATIONAL VEHICLES, AND ADOPTING TEMPORARY REGULATIONS INCLUDING BUT NOT LIMITED TO CONDITIONAL PERMITS, PLACEMENT, MAINTENANCE, UTILITIES, REMOVAL, SANITATION, AND OTHER RELATED HEALTH AND SAFETY MATTERS FOR RECREATIONAL VEHICLES LOCATED ON RESIDENTIAL PROPERTIES IN REPOSE TO WIDESPREAD DAMAGE CAUSED BY HURRICANE HARVEY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED THERETO.

WHEREAS, on August 24, 2017, the Mayor of the City of Alvin, pursuant to Government Code Chapter 418 (the Texas Disaster Act of 1975) declared a Local State of Disaster pending the imminent threat of widespread or severe damage, injury, and loss of life and property, resulting from the approaching storm “Hurricane Harvey;” and

WHEREAS, the President of the United States, the Governor of the State of Texas, and the County of Brazoria, Texas, declared a Declaration of Disaster in response to the occurrence of widespread and severe damage resulting from Hurricane Harvey; and

WHEREAS, due to widespread residential and commercial property damage necessitating repairs and rehabilitation, and the limited availability of housing and rental properties including hotels, the City has an urgent need to allow for temporary housing for its residents; and

WHEREAS, the City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public by temporarily suspending all regulations relating to the placement of recreational vehicles, and adopting temporary regulations including, but not limited to, conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for recreational vehicles located on residential properties in response to widespread damage caused by Hurricane Harvey.

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. The City Council finds that it is in the public interest to protect public health, safety, property, and the general welfare of the public by temporarily suspending all regulations relating to the placement of recreational vehicles, and adopting temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for recreational vehicles located on residential properties in response to widespread damage caused by Hurricane Harvey. The purpose and intent of the temporary suspension of current regulations is to allow the conditional placement

and use of privately owned recreational vehicles at damaged residential locations during construction subject to the limitations provided in Section 3. This temporary suspension does NOT allow the placement of mobile homes, manufactured housing, or FEMA alternative housing units.

Section 3. The City Council hereby adopts the following temporary rules and regulations:

Hurricane Harvey Temporary Recreational Vehicle Placement

A. Definitions:

Camper. A portable dwelling designed to be used for casual travel being whether a self-propelled unit, or not, or an independent or dependent unit, including, but not limited to, truck campers, bus campers, and self-propelled travel homes.

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which is self-propelled or is affixed to or drawn by another vehicle.

Trailer/Travel Trailer. A portable vehicular structure built on a chassis, which may or may not be self-propelled, being either a dependent or independent unit, designed for casual travel and/or temporary living, including recreational vehicles.

B. Residential:

1. In order to place a temporary recreational vehicle at your residential location, the following requirements apply:
 - a. Recreational Vehicles must be located on the property where the damaged residential building is located, not in the city right-of-way (including sidewalk areas, streets or alleys.)
 - b. The Recreational Vehicle may **only** be occupied by the property owner of the subject residential building. No subletting of the Recreational Vehicle will be permitted.
 - c. Recreational Vehicles shall meet the building setbacks for the tract of property upon which it is located, where practicable.
 - d. No additional structures or accessory structures may be added to the Recreational Vehicle, with the exception of ADA-compliant ramps.
 - e. The Recreational Vehicle must be removed from the property upon issuance of a Certificate of Occupancy for the repaired building or by February 1, 2018, whichever comes first.

2. All such recreational vehicles will be considered temporary in nature. A permit by the City of Alvin must be issued in advance of placement, and may be subject to additional site conditions. Utility connections will require separate permits and approval.

Section 4. The City Council hereby authorizes the City Engineer to make special exceptions for site specific placement for recreational vehicles in appropriate cases, and subject

to appropriate conditions and safeguards that are consistent with the general purposes and intent of this Ordinance, and in accordance with any applicable rules contained in this Ordinance.

Section 5. Penalty. Any person, firm or corporation violating a provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with Section 1-5 of the Code of Ordinances.

Section 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reason thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 8. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED on first and final reading on the _____ day of September, 2017.

CITY OF ALVIN, TEXAS

ATTEST

By _____
Paul A. Horn, Mayor

By _____
Dixie Roberts, City Secretary