

Polk County Regulations
RV Parks and
Manufactured Home Rental Communities

Effective as of

The _____ day of _____, 2022

Approved and Accepted by

Polk County Commissioners Court

On this _____ day of _____ 2022

INTRODUCTION

The purposes of these Regulations are to provide for the safety, health, and well-being of the general public by requiring that adequate streets, storm drainage, water, and sewage facilities be installed in all rental communities and to provide guidelines for the construction and installation of such streets and facilities in a manner that will allow for the efficient maintenance and upkeep without imposing an extraordinary burden on the taxpayers of Polk County, Texas.

In specific cases where a literal interpretation of any section would create an undue economic hardship on the builder or developer, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements might be ignored. Enforcement authority and penalties for violations are outlined, and the Commissioners Court will pursue its legal rights to gain compliance.

If questions arise regarding the interpretation of the language in any section (s) of these regulations, then such question (s) will be directed to the County Commissioner having jurisdiction, for resolution. If a resolution is not forthcoming, the Applicant can appear before the Polk County Commissioners Court for a final resolution.

Applications for any RV Park or Manufactured Home Rental Community approval shall be processed on a case-by-case basis, and a given application may name only one (1) Park/Community as the subject for approval. The Commissioners Court may amend this RV Park or Manufactured Rental Home Community Regulations Order to make non-substantive changes from time to time following notice and the vote of a simple majority of the Commissioners Court and may adopt new, substantive requirements pursuant to this Order following public notice, hearing and compliance with the requirement of law.

POLK COUNTY, TEXAS
RV PARK AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

REGULATING THE SUBMISSION AND APPROVAL OF DEVELOPMENT PLANS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL RV PARK AND MANUFACTURED HOME RENTAL COMMUNITIES SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED MUNICIPALITY IN POLK COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF POLK, IN COMMISSIONERS COURT OF POLK COUNTY, TEXAS, _____, 2022,

WHEREAS: Polk County wishes to establish standards and specifications for the development of RV Park and Manufactured Home Rental Communities as defined by Chapter 232 of the Texas Local Government Code, including the provision of utilities, the construction of roads and drainage, and the provision of fresh water and waste-water, including private on-site sewage facilities and development within the floodplain, and

WHEREAS: These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code Annotated, Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval, specifically including Subchapter E, (related to Infrastructure Planning); Texas Local Government Code Ann., Chapter 233, related to the regulation of Housing and Structures); Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities); Texas Transportation Code Ann., Chapter 251 (general control over all roads, highways, and bridges); Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health); Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control); Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way); Tex. Water Code Ann. Chapter 16, et seq. (authority to set standards for the provision of water/sewer/waste-water and construction within the floodplain and to guide the development of future development to minimize damage caused by floods); Tex. Water Code Chapter 26 (Water Quality Control) and Tex. Water Code Ann. Chapter 54 (municipal utility districts); These statutes, listed here as illustrative and not exclusive grants of authority to Texas counties, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment; and

WHEREAS: The County Commissioners Court is empowered with authority to formulate such rules and regulations by the foregoing authority, and the Commissioners Court has favorably received and voted on these rules, recommend that these regulations be adopted in order to preserve and protect the resources, public health and private property interests of Polk County following public notice, investigation and public hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS, AS FOLLOWS:

Section 1: POLK COUNTY INFRASTRUCTURE REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS

1. DEFINITIONS:

OPERATOR. Includes the person in charge of operating any Recreational Vehicle Park, either under written or verbal (oral) lease or any other arrangement whereby he or she exercises control over the premises.

OWNER. Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation.

RECREATIONAL VEHICLE PARK (RV PARKS). Any lot or tract of land designed to accommodate two or more Recreational Vehicle, as defined, and which exists as a privately owned and operated enterprise with or without charges for the parking of Recreational Vehicle occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. Temporary hunting camps are excluded. Includes any of the following:

- (1) **CAMPING TRAILER.** A folding structure mounted on wheels and designed for travel, recreation, and vacation use.
- (2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (3) **PICKUP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (4) **TRAVEL TRAILER.** A vehicular structure built on a chassis with a body width not to exceed eight feet and body length of fewer than 46 feet, that structure is designed to be transported and intended for human occupancy as a dwelling for short periods and containing little or no kitchen or bathroom facilities.

RECREATIONAL VEHICLE PARK SPACE. A plot of land within a Recreational Vehicle Park designed for the accommodation of one Recreational Vehicle.

SUBDIVISION REGULATIONS. The Polk County Subdivision Rules & Regulations adopted by Polk County Commissioners Court as amended from time to time.

COUNTY ENGINEER. The individual designated from time to time by the Polk County Commissioners Court to act and serve as the Polk County Engineer.

DEVELOPMENT PLAN. A complete and exact plan for the infrastructure of the Recreational Vehicle Park including, but without limitation, the survey and all drawings and specifications required herein.

CERTIFICATE OF COMPLIANCE. A Certificate signed by the Polk County Judge on behalf of the Commissioners Court, and filed with the County Clerk, stating that infrastructure for a specific recreational vehicle park has been constructed in strict compliance with the approved Development Plan for such Recreational Vehicle Park.

TCEQ. The Texas Commission on Environmental Quality.

POLK COUNTY OSSF RULES. The Rules and Regulations of Polk County, Texas for On-Site Sewage Facilities adopted by the Polk County Commissioners Court on November 10, 2009, and as amended from time to time.

2. RECREATIONAL VEHICLE PARKS:

- (1) The owner of land in Polk County outside the limits of a municipality who intends to use the ground for a Recreational Vehicle Park must have an infrastructure Development Plan prepared that complies with the minimum infrastructure standards set out below in Section 3.
- (2) Prior to beginning any construction, the owner must submit the plan to the Polk County Commissioners Court or its designee for approval. Construction may begin after the plan is approved.
- (3) Not later than the 30th day after the date the complete park application is submitted, the County Commissioners Court or its designee shall approve or reject the development plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection shall specify the reasons for the rejection and the actions required to approve the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.
- (4) The County Commissioners Court, its designee, and any other person designated by either the County Commissioners Court, its designee, or the Commissioners' Court, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- (5) On completion of construction, the owner shall certify in writing to the County Commissioners Court that the infrastructure is complete, and a final inspection must be completed not later than the fifteenth business day after the Commissioner's Court receives the notice. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given thirty (30) days from the date of notification to cure the defects. On completion of curative construction, the owner shall recertify in writing to the County Commissioners Court that the infrastructure is complete.

- (6) When the inspector determines that the infrastructure complies with the plan, the County Judge shall issue a Certificate of Compliance on behalf of the Commissioners Court not later than the fifteenth business day after the final inspection is completed.
- (7) A utility may not provide utility services, including water, sewer, gas, and electric services, to a Recreational Vehicle Park in the community unless the owner provides the utility with a copy of the Certificate of Compliance.

3. INFRASTRUCTURE REQUIREMENTS:

The infrastructure Development Plan for a Recreational Vehicle Park must include each of the following:

- (1) A survey identifying the proposed community's boundaries and any significant community feature, including the proposed location of lots or spaces, utility easements, and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.
- (2) Reasonable specified plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Polk County Floodplain regulations.
- (3) Reasonable specified plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan. If water is to be provided by a well, the developer must provide TCEQ Public Water System Identification Number.
- (4) Certification that adequate groundwater is available for the development. If ground-water is the source of water supply for the development, the developer is required to obtain certification by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas that adequate groundwater is available for the development according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality. Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water. The certification document shall be recorded as part of the dedication instrument, and a note shall be placed on the plan that groundwater is to be the source of water.
- (5) Either:
 - a. Reasonably specified plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by

the relevant government agency that is to license or inspect the treatment facilities must be attached; or

- b. Reasonably specified plans for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code, if the estimated sewage flow does not exceed 5,000 gallons per day (gpd). These plans must meet minimum standards established under Chapter 285.4 of the OSSF rules and Polk County Commissioners Court local order. Approval by the Polk County Permit Office must be attached to the plan.
- c. Reasonably specified plans for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if the estimated flow exceeds 5,000 gpd. Approval by Texas Commission on Environmental Quality must be attached to the plan.
- d. Reasonably specified plans for streets or roads in the Recreational Vehicle Park to provide ingress and egress for fire and emergency vehicles.
 - i. Therefore, the Commissioners' Court finds that it is reasonably necessary that streets in these communities should be built to the same standards (but to no more stringent standard) than the requirements adopted by the Court for subdivisions.
 - ii. The road design and construction standards contained in the Polk County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable.
 - iii. Building Set Backs shall be as specified in the Polk County Subdivision Regulations (Sect. 9)
 - iv. Drainage design for the development shall comply with the Polk County Subdivision Regulations (Sect. 10).
 - v. Commissioners' Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship and granting the variance will not negatively impact health and safety of residents.

4. RECREATIONAL VEHICLE PARK REGULATIONS:

(A) The regulations described herein govern the development, operation, and maintenance of Recreational Vehicle Parks, as previously defined.

- (1) Park development requirements. Recreational Vehicle Parks shall be developed to conform to those requirements as herein delineated.
- (2) Recreational Vehicle Parks shall be designed so as not to exceed a maximum of 10 units per acre.

- (3) Parking facilities shall be provided at the park office as will accommodate at least three (3) Recreational Vehicles (parking spaces determined by the size of the spaces available for lease at the park).
 - (4) Each Recreational Vehicle space shall afford parking and maneuvering space sufficient so that the parking, loading, and the like, of Recreational Vehicles shall not necessitate the use of any public right-of-way or privately-owned property which may abut the park.
 - (5) Each Recreational Vehicle space provided with electrical service shall be so served through an underground distribution system. The park office and service buildings may receive electrical service as provided through overhead facilities.
 - (6) Each park shall provide Recreational Vehicle parking or placement 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.
 - (a) Be improved with compacted crushed road base material and asphalt or concrete adequate to support the weight of the recreational vehicle.
 - (b) 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.
 - (7) The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
 - (8) Impervious 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 twenty-four (24) feet.
 - (9) The park shall comply with state and federal standards for accessibility for the mobility impaired. The applicant shall show proof of compliance.
- (B) Service buildings; laundry and sanitation facilities. Each recreation vehicle park with at least nine (9) RV spaces shall provide one or more service buildings for the use of park patrons.
- (l) The service buildings shall provide for:
 - (a) One flush toilet for women;
 - (b) One flush toilet for men;
 - (c) One lavatory for each sex;
 - (d) One shower and dressing accommodation for each sex, provided in an individual compartment or stall;
 - (e) One washing machine; and

(f) One slop sink, not less than 14 by 14 inches square and 14 inches deep.

(2) The aforementioned amenities shall accommodate not more than 50 Recreational Vehicle spaces. For each additional 30 Recreational Vehicles spaces or fraction thereof, one flush toilet, one shower with individual dressing accommodations, and one lavatory shall be provided for each sex, with laundry and slop sink facilities as described in divisions (B) (I) (e) and (B) (I) (f) to be provided for each additional 50 Recreational Vehicle spaces.

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

(C) Service building requirements. Service buildings providing the forenamed facilities shall satisfy the requirements as include:

(1) Service buildings housing sanitation or laundry facilities shall be permanent structures that comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing, and sanitation systems;

(2) Service buildings shall afford appropriate illumination, shall be well ventilated with screened openings, shall be constructed of moisture-proof materials, to include painted woodwork, as shall permit frequent clearing and washing, and shall be maintained at a temperature of 68° F during the period October 1 through May 1. Floors shall be constructed of concrete or other equally impervious material, easily cleanable, and provided with floor drains that are connected to the sanitary sewer; If connected to On-Site Sewage Facilities, chemical cleaners should be used on a limited basis.

(3) The toilet and other sanitation facilities for males and females either shall be in separate buildings or shall be separated, if in the same building, by a soundproof wall;

(4) All service buildings and park grounds 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 or constitute a nuisance; and

(5) Service buildings housing sanitation facilities shall be located not closer than 15 feet nor farther than 300 feet from any Recreational Vehicle space within the park.

(D) Garbage Receptacles

(1) Each Recreational Vehicle Park shall provide a minimum of two (2) fly-tight, water-tight, rodent-proof dumpsters for the first one-hundred (100) sites with one (1) additional dumpster for each one hundred (100) sites or fraction thereof.

(2) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to clean around them.

(3) The storage, collection, and disposal of refuse in the Recreational Vehicle Park shall be so conducted as to create no health hazards.

(4) The dumpster shall be screened from public view.

(E) FUEL

(1) Bottled gas for cooking purposes shall not be used at individual Recreational Vehicle spaces unless the containers are properly connected by copper or another suitable metallic tubing.

(2) Bottled gas cylinders shall be securely fastened in place.

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

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

(F) 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 County.

(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 Park shall not exceed one hundred fifty (150) feet from the hard surface streets.

(G) 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.

5. OTHER REGULATIONS:

Persons developing Recreational Vehicle Parks should be aware that this order is not the exclusive law or regulation controlling development in Polk County. The following is only a partial list of regulations that may apply.

(a) Recreational Vehicle Parks are subject to Polk County Subdivision Regulations. All subdivisions within the Extra Territorial Jurisdiction (E.T.J.) of an incorporated municipality may also be subject to municipality subdivision regulations or as per any mutually (County-Municipality) agreed upon regulations as approved and accepted under an interlocal cooperation agreement.

(b) All Recreational Vehicle Parks are subject to regulations of general applicability, including public health nuisances under Chapters 341 and 343 of the Texas Health and Safety Code. The developer must address solid waste disposal, rodent/insect harboring, fly breeding, and improper water disposal in accordance with these Chapters.

(c) Other agencies with regulatory authority that may apply to a Recreational Vehicle Park include, but are not limited to, Emergency Services Districts, the Texas Commission on Environmental Quality, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corp. Of Engineers.

Issuance of a Certificate of Compliance under this order does not indicate compliance with any of these requirements.

6. FEES

Retainer for Engineer Review and Inspection Fees: All engineer review fees will be paid by the owners/subdivider/developers. A retainer of \$5,000 made out to Polk County must be deposited with the County Judge's Office for engineering review of the development application and associated fees, as follows:

- (a) A fee of \$40 will be assessed for each inspection to issue the Certificate of Compliance.
- (b) A fee of \$26 will be assessed for filing the Certificate of Compliance with the County Clerk.

Fees for permits, license and transfers, as established by the Polk County Commissioners Court are payable to Polk County for public health regulatory purposes.

7. PENALTIES:

- (a) Violations of this order will result in the denial of utility services,
- (b) The requirements of this order have been established by and adopted by the Polk County Commissioners' Court under Chapter 232 of the Texas Local Government Code. All the civil and criminal penalties under that chapter shall apply to violations of this order.

8. RENEWAL AND CANCELLATION OF CERTIFICATE OF COMPLIANCE.

- (a) On the 5th anniversary of the issuance of a Certificate of Compliance under this section, the Polk County Permit Inspector or another person designated by the Commissioners Court shall, within 60 days of said anniversary, inspect the development for which the Certificate of Compliance was issued to ensure continued compliance with the minimum infrastructure standards for Recreational Vehicle Parks that have been adopted by the County.

(b) If said development is in compliance, the Certificate of Compliance shall, upon payment of the \$40 inspection fee and \$26 filing fee, automatically renew for a subsequent five (5) year period.

(c) If said development is not in compliance, the Inspector shall, within ten (10) business days of said inspection, notify the developer of such non-compliance, at which time the developer shall have thirty (30) days to cure the defect(s). If the defect(s) are not cured within thirty (30) days of notification the County may, at its sole discretion, cancel the certificate of compliance. However, cancellation should be done as a last resort and all reasonable efforts should be made to allow the defect(s) to be cured. Once the defect(s) are cured, the Certificate of Compliance shall, upon payment of the \$40 inspection fee and \$26 filing fee, automatically renew for a subsequent five (5) year period.

Section 2: POLK COUNTY INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED HOME RENTAL COMMUNITIES

1. DEFINITIONS:

OPERATOR. Includes the person in charge of operating any Manufactured Home Rental Community, either under a written or verbal (oral) lease or any other arrangement whereby he or she exercises control over the premises.

OWNER. Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation.

MANUFACTURED HOME. A prefabricated housing unit that is largely or entirely assembled in factories and then transported to sites of use.

TINY HOME. A structure intended for human habitation as defined by the 2018 International Residential Code or comprised of a residential structure of less than 400 square feet.

MANUFACTURED HOME RENTAL COMMUNITY. A plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease without a purchase option, for the installation of manufactured homes and/or tiny homes for use and occupancy as residences.

SUBDIVISION REGULATIONS. The Polk County Subdivision Rules & Regulations adopted by Polk County Commissioners Court as amended from time to time.

COUNTY ENGINEER. The individual designated from time to time by the Polk County Commissioners Court to act and serve as the Polk County Engineer.

DEVELOPMENT PLAN. A complete and exact plan for the infrastructure of the manufactured home rental community including, but without limitation, the survey and all drawings and specifications required herein.

CERTIFICATE OF COMPLIANCE. A Certificate signed by the Polk County Judge on behalf of the Commissioners Court, and filed with the County Clerk, stating that infrastructure for a specific manufactured home rental community has been constructed in strict compliance with the approved Development Plan for such Manufactured Home Rental Community.

TCEQ. The Texas Commission on Environmental Quality.

POLK COUNTY OSSF RULES. The Rules and Regulations of Polk County, Texas for On-Site Sewage Facilities adopted by the Polk County Commissioners Court on November 10, 2009, and as amended from time to time.

2. MANUFACTURE HOME RENTAL COMMUNITIES:

- (1) The owner of land located in Polk County outside the limits of a municipality who intends to use the land for a Manufactured Home Rental Community must have an infrastructure Development Plan prepared that complies with the minimum infrastructure standards that are set out below in Section 3.
- (2) Prior to beginning any construction, the owner must submit the plan to the Polk County Commissioners Court or its designee for approval. Construction may not begin before the plan is approved.
- (3) No later than the 30th day after the complete application is submitted, the County Commissioners Court or its designee shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection shall specify the reasons for the rejection and the actions required for approval of the development plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.
- (4) The County Commissioners Court, its designee, and any other person designated by either the County Commissioners Court, its designee, or the Commissioners' Court, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- (5) On completion of construction, the owner shall certify in writing to the Commissioners Court that the infrastructure is complete, and thereafter a final inspection must be completed not later than the second (2nd) business day after the Commissioners Court receives the notice. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given thirty (30) days from the date of notification to cure the defects. On completion of curative construction, the owner shall recertify in writing to the County Commissioners Court that the infrastructure is complete.

- (6) When the inspector determines that the infrastructure complies with the plan, the Commissioners Court shall issue a Certificate of Compliance not later than the fifth business day after the final inspection is completed.
- (7) A utility may not provide services to a Manufactured Home Rental Community, including water, sewer, gas, and electric, unless the owner provides the utility with a copy of the Certificate of Compliance.

3. INFRASTRUCTURE REQUIREMENTS:

The infrastructure Development Plan for a Manufactured Home Rental Community must include each of the following:

- (1) A survey identifying the proposed community's boundaries and significant community features, including the proposed location of lots or spaces, utility easements, and the dedication of rights-of-way. The survey may also contain elements to help provide the additional information required by this order.
- (2) Reasonable specified plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Polk County Floodplain regulations.
- (3) Reasonable specified plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan. If water is to be provided by a well, the developer must provide TCEQ Public Water System Identification Number.
- (4) Certification that adequate groundwater is available for the development. If ground-water is the source of water supply for the development, the developer is required to obtain certification by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas that adequate groundwater is available for the development according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plan approval if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument, and a note shall be placed on the plat that groundwater is to be the source of water.
- (5) Either:
 - a. Reasonably specified plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be supplied by a utility, a certification by the utility that service for each of the planned spaces or lots

- is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or
- b. Reasonably specified plans for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code, if the estimated sewage flow does not exceed 5,000 gallons per day (gpd). These plans must meet minimum standards established under Chapter 285.4 of the OSSF rules and Polk County Commissioners Court local order. Approval by the Polk County Permit Office must be attached to the plan.
 - c. Reasonably specified plans for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if the estimated flow exceeds 5,000 gpd. Approval by Texas Commission on Environmental Quality must be attached to the plan.
 - d. If septic systems are to be used, each Manufactured Home Space shall contain an area of not less than 1 acre. Each space must have not less than 2 acres if individual water wells are also to be used. If existing community water system and sewage / sanitary sewer system is to be used, they must be approved and licensed by the TCEQ, and each home space must not contain less than 12,500 sq. ft.
 - e. Reasonably specified plans for streets or roads in the Manufactured Home Rental Community to provide ingress and egress for fire and emergency vehicles.
 - i. Therefore, the Commissioners' Court finds that it is reasonably necessary that streets in these communities should be built to the same standards (but to no more stringent standard) as the Court's requirements for subdivisions.
 - ii. The road design and construction standards contained in the Polk County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and entirely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable.
 - iii. Building Setbacks shall be as specified in the Polk County Subdivision Regulations (Sect. 9)
 - iv. The drainage design for the development shall comply with the Polk County Subdivision Regulations (Sect. 10).
 - v. Commissioners' Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship.

4. MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS:

(A) The regulations described herein govern the development, operation, and maintenance of the Manufactured Home Rental Community, as previously defined.

- (1) Park development requirements. Manufactured Home Rental Community shall be developed to conform to those requirements herein delineated.
- (2) Manufactured Home Rental Community shall be designed so that each space is at least 12,500 sq. ft.
- (3) Each Manufactured Home space shall afford parking and maneuvering space sufficient so that the parking, loading, and the like, of Manufactured Homes shall not necessitate the use of any public right-of-way or privately-owned property which may abut the community.
- (4) Manufactured Home space provided with electrical service shall be served through an underground distribution system. The park office and service buildings may receive electrical service from overhead facilities.
- (5) Each community shall provide Manufactured Home placement spaces, and each such area shall be clearly defined.
 - (a) Be improved with compacted crushed road base material and asphalt or concrete adequate to support the weight of the Manufactured Home
 - (b) Not heave, shift, or settle unevenly under the weight of the Manufactured Home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.
- (6) The entrance to the community shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (7) Impervious surface private streets adequate to provide access to each Manufactured Home shall be constructed and maintained in good condition by the licensee. The width shall be not less than twenty-four (24) feet.
- (8) The park shall comply with state and federal standards for accessibility for the mobility impaired. The applicant shall show proof of compliance.
- (9) Garbage Receptacles
 - (a) Each Manufactured Home Rental Community shall provide a minimum of two (2) fly-tight, water-tight, rodent-proof dumpsters for the first twenty (20) sites with one (1) additional dumpster for each ten (10) sites or fraction thereof.
 - (b) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be designed to prevent containers from being tipped, minimize spillage and container deterioration, and to clean around them.
 - (c) The storage, collection, and disposal of refuse in the Manufactured Home Rental Community shall be so conducted as to create no health hazards.
 - (d) The dumpster shall be screened from public view.

- (e) The owner of the Manufactured Home Rental Community is solely responsible for emptying and maintaining the garbage receptacles

(10) Fire Protection

- (a) 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 to satisfy the fire code and other applicable regulations of the County.
- (b) No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill.
- (c) All sites and any part of a Recreational Vehicle Park shall not exceed one hundred fifty (150) feet from the hard surface streets.

- (11) 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.

5. OTHER REGULATIONS:

Persons developing Manufactured Home Rental Community should know that this order is not the exclusive law or regulation controlling development in Polk County. The following is only a partial list of rules that may apply.

- (a) Manufactured Home Rental Communities are subject to Polk County Subdivision Regulations. All subdivisions within the Extra Territorial Jurisdiction (E.T.J.) of an incorporated municipality may also be subject to municipality subdivision regulations or as per any mutually (County-Municipality) agreed upon rules as approved and accepted under an interlocal cooperation agreement.
- (b) All Manufactured Home Rental Communities are subject to regulations of general applicability, including public health nuisances under Chapters 341 and 343 of the Texas Health and Safety Code. The developer must address solid waste disposal, rodent/insect harboring, fly breeding, and improper water disposal in accordance with these Chapters.
- (c) Other agencies with regulatory authority that may apply to a Manufactured Home Rental Community include, but are not limited to, Emergency Services Districts, the Texas Commission on Environmental Quality, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corp. Of Engineers.

Issuance of a Certificate of Compliance under this order does not indicate compliance with these requirements.

6. FEES

Retainer for Engineer Review and Inspection Fees: All engineer review fees will be paid by the owner/subdivider/developers. A retainer of \$5,000 made out to Polk County must be deposited with the County Judge's Office for engineering review of the development application, as follows:

- (a) A fee of \$40 will be assessed for each inspection to issue the Certificate of Compliance.
- (b) A fee of \$26 will be assessed for filing the Certificate of Compliance with the County Clerk.

Fees for permits, license and transfers, as established by the Polk County Commissioners Court are payable to Polk County for public health regulatory purposes.

7. PENALTIES:

- (a) Violations of this order will result in the denial of utility services,
- (b) The requirements of this order have been established by and adopted by the Polk County Commissioners' Court under Chapter 232 of the Texas Local Government Code. All the civil and criminal penalties under that chapter shall apply to violations of this order.

8. RENEWAL AND CANCELLATION OF CERTIFICATE OF COMPLIANCE.

- (a) On the 5th anniversary of the issuance of a Certificate of Compliance under this section, the Polk County Permit Inspector or another person designated by the Commissioners Court shall, within 60 days of said anniversary, inspect the development for which the Certificate of Compliance was issued to ensure continued compliance with the minimum infrastructure standards for Manufactured Home Rental Communities that have been adopted by the County.
- (b) If said development is in compliance, the Certificate of Compliance shall, upon payment of the \$40 inspection fee and \$26 filing fee, automatically renew for a subsequent five (5) year period.
- (c) If said development is not in compliance, the Inspector shall, within five (5) business days of said inspection, notify the developer of such non-compliance, at which time the developer shall have thirty (30) days to cure the defect(s). If the defect(s) are not cured within thirty (30) days of notification the County may, at its sole discretion, cancel the certificate of compliance. However, cancellation should be done as a last resort and all reasonable efforts should be made to allow the defect(s) to be cured. Once the defect(s) are cured, the Certificate of Compliance shall, upon payment of the \$40 inspection fee and \$26 filing fee, automatically renew for a subsequent five (5) year period.