

IN THE COMMISSIONERS COURT OF PRESIDIO
COUNTY, TEXAS

Infrastructure and Operating Requirements for Transmigrante
Rental Communities in Presidio County

Preamble:

WHEREAS, the Commissioners Court of Presidio County has tools available under the State of Texas legislation that authorize Presidio County to ensure minimum standards of living for all citizens and more specifically for citizens staying in Transmigrante Rental Communities, and similar housing conditions; and

WHEREAS, due notice was given of a meeting and public hearing to determine whether the Commissioners Court of Presidio County, Texas should enact an order establishing infrastructure requirements for Transmigrante Rental Communities; and

WHEREAS, the Commissioners Court of Presidio County, Texas finds that the requirements enumerated below will help to insure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and insure adequate water and wastewater facilities for the citizens of Presidio County; and

WHEREAS, the Commissioners Court of Presidio County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Transmigrante Rental Communities.

NOW, THEREFORE, be it resolved and ordered, that the Commissioners Court of Presidio County, Texas, meeting in open session this ____ day of _____ 2024, adopts the following minimum infrastructure requirements for Transmigrante Rental Communities:

SECTION 1 STATEMENT OF PURPOSE

It is the purpose of this Order to promote the public health, safety and welfare, and to minimize public and private losses due to emergency situations including flood, fire, storms, and other occurrences. The ability to provide for public assistance during emergencies is important to Presidio County- These regulations are intended to require a minimum standard for developments in Presidio County that provide temporary housing in Transmigrante Rental Communities, and temporary storage of Transmigrante vehicles.

SECTION 2 OTHER REGULATIONS

Persons developing or operating a Transmigrante Rental Community (TMRC) should be aware that this order is not the exclusive law or regulation controlling development in Presidio County. The following is only a partial list of regulations that may apply.

- (a) TMRCs may be subject to the Presidio County Subdivision Regulations (attached hereto as Exhibit A). All subdivisions within the Extra Territorial Jurisdiction (E.T.J.) of Marfa or the City of Presidio may also be subject to city subdivision regulations, or as per any mutually (County-City) agreed upon regulations as approved and accepted under an interlocal cooperation agreement.
- (b) All TMRCs are subject to regulations of general applicability, including public health nuisances under Chapter 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 TMRC include, but are not limited to, the Presidio County Underground Water Conservation District, 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.
- (d) The Presidio County Policy and Regulations for the Construction of Driveways and/or Culverts on County Easements and Rights-of Way.
- (e) Presidio County ordinances concerning refuse, dilapidated structures, junk vehicles, including but not limited to the Presidio County Unauthorized Dumping, Litter Control, and Junk Vehicle Ordinance (Exhibit B).
- (f) Laws concerning import/export activities, including those enforced by the U.S. Department of Treasury, U.S. Customs and Border Patrol, and other federal agencies.

- (g) Texas DPS rules regarding transport or licensing of export vehicles.

- (h) TXDOT rules requiring TXDOT entry road (“roadcut”) permits.

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

SECTION 3

DEFINITIONS

TRANSMIGRANTE, means any person exporting secondhand vehicles or personal property (“goods”), between Mexico and the U.S., whether or not the final destination of the goods is Mexico.

TRANSMIGRANTE RENTAL COMMUNITY, abbreviated as TMRC, means any plot or tract of land which exists as a privately owned and operated enterprise, for the parking of Transmigrante vehicles, or containing recreational vehicles or Manufactured Homes occupied or intended to be occupied for dwelling or sleeping purposes for any length of time by those engaged in Transmigrante activities, with or without charges for the use of the parking or occupancy by Transmigrantes.

MANUFACTURED HOME or RECREATIONAL VEHICLE LOT, means the space allocated in the lease agreement for the placement of the tenant Transmigrante or Transmigrante vehicle, recreational vehicle, commercial vehicle and the area adjacent to that space designated in the lease agreement for the tenant's exclusive use.

OPERATOR, includes the person in charge of operating any Transmigrante Rental Community, 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. 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 body width not to exceed eight feet and body length less than 46 feet, that structure is designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities,

STREETS AND ROADS: A public road, a private drive, or any other avenue of ingress or egress intended to provide access to all or any part of the TMRC or RV park consisting of more than one space.

SECTION 4 CONSTRUCTION START PROHIBITED

1. Construction of a proposed TMRC may not begin before an Infrastructure Development Plan (IDP) has been approved by the County Engineer as required in SECTION 6. The obligation to obtain all necessary approvals, certifications, or other documentation rests upon the Owner or Operator, subject to review and comment by the County Engineer. Necessary approvals and certifications shall include but not be limited to the following:
 - a) Chapters 36 and 37 of the Texas Water Code;
 - b) Chapters 341 and 366 of the Texas Health and Safety Code relating to the provision of water and sewer service;
 - c) Chapter 232 of the Texas Local Government Code relating to the subdivision of land;
 - d) Interlocal Agreements between Presidio County and the Town of Marfa or City of Presidio.

2. Prior to any development of a TMRC, it is recommended that the Operator request a meeting with the County Engineer. The Operator should present a drawn IDP showing the existing and proposed street alignments and the lots or spaces, fences, water and sewer facilities, trash receptacles including screening, signs, amenities, and other features as may be planned for the TMRC. The County Engineer will provide general comments and discuss requirements with the Operator. Based upon these comments and requirements, the Operator or his representative will submit one copy of the revised site plan to the County Engineer's Office.
 - A. The County Engineer will review the site plan and forward any additional comments in accordance with D. below.
 - B. The County Engineer will review the site plan for compliance with this order. The Owner should be informed by the County Engineer that the property may need to be platted under the Presidio County Subdivision Regulations.
 - C. If the property to be developed lies within the extraterritorial jurisdiction (ETJ) of the City of Presidio or Town of Marfa, the platting procedure and any approvals necessary shall be completed in consultation with the municipality and/or pursuant to any interlocal agreements with the County. If the property lies outside of the ETJ, all development procedures shall comply with the Presidio County Subdivision Regulations. In the event that the property intended for

development lies in multiple jurisdictions, the regulations of the municipality shall be applicable.

- D. The County Engineer will return his comments and recommendations to the Operator or his agent not later than thirty (30) days after the date the plan is submitted; the County Engineer shall approve or reject the plan within 30 days. If the plan is approved, construction may begin immediately, unless a plat is required or if other regulations must be met prior to construction. If the plan is rejected, the written rejection shall specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.
- E. The County Engineer may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- F. On completion of construction, the Operator shall notify the County Engineer that the infrastructure is complete, and a final inspection must be completed not later than the fifth (5th) business day after the notice is received by the County's inspector. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner shall request another inspection.
- G. When the inspector determines that the infrastructure complies with the plan, the Owner may request the County Engineer to issue a Certificate of Compliance not later than the fifth (5th) business day after the final inspection is completed.
- H. In no case shall a Certificate of Compliance for the development of a TMRC precede the approval of a plat, if a plat is required.

SECTION 5 UTILITY HOOK-UPS

A public utility may not provide utility services, including water, sewer, gas, or electric services to a TMRC without a valid property address established by Presidio County / Rio Grande Council of Governments. In addition, a public utility may not provide utility services, including water, sewer, gas, or electric services to an IDP Plan until an IDP Plan has been approved by the County Engineer. The availability and capacity of utility services shall be noted on the IDP.

1. The owner of a tract of land intended to be used as a TMRC shall have prepared and submitted to the County Engineer an infrastructure Development Plan (IDP). The operator shall submit one (1) blue-line or black-line copy and one (1) reproducible print of the IDP and one (1) copy of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer, if a Registered Engineer is required by the Texas Commission on Environmental Quality (TCEQ), or other regulatory agency. The IDP shall show or be accompanied by the following information:

A. DRAWING REQUIREMENTS: The north arrow, scale and date shall be shown. The IDP shall be drawn on 22" x 24" or 22"x 34" sheets to a scale not exceeding one-inch equals two hundred feet. In order to provide a recordable document associated with the Certificate of Compliance approved by Presidio County, the IDP shall be on permanent type material equivalent or superior to Mylar. If the IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the general location of TMRC or RV Park in relation to major roads, towns, cities, or topographic features. All county, city, school district, or special taxing boundaries that fall on or adjacent to the TMRC or RV Park must be shown.

B. TRANSMIGRANTE RENTAL COMMUNITY DETAILS: The name of the TMRC, graphic scale, north arrow, names of streets and/or drives, block and space boundaries, and block and space numbers within the TMRC shall be shown. Adjacent property owners, subdivisions and TMRCs shall also be shown and identified by owner's name and deed or plat reference.

C. OWNER IDENTIFICATION: The name, addresses, email addresses, and telephone numbers of the owner or owners of a proposed TMRC and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and address of the corporate officers, partners or joint venturers shall be provided. Proof of property ownership shall be included along with any IDP submittal.

D. BOUNDARY LINES: The IDP must include a perimeter boundary drawing of the TMRC. Adjacent property owners, existing sheets including rights-of-way, set back lines, and other pertinent features shall be shown on the site plan. Each space, driveway(s), driving aisle, fence, turning area, dumpster location and

existing or proposed easements within the boundary shall be shown and referenced to a corner of the original survey. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown. A table of space square footage or acreage and the total square footage or acreage must be shown.

- E. UTILITY SERVICE: Each utility service shall approve the IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the TMRC.
- F. INFRASTRUCTURE REQUIREMENTS: The IDP for a TMRC must include each of the following:
 - i. 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.
 - ii. Certification that adequate groundwater is available for the development. If groundwater is the source of water supply for the development, the Owner 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 the IDP, if groundwater is the proposed source of water). The certification document shall be recorded as part of the IDP instrument and a note shall be placed on the IDP that groundwater is to be the source of water.
 - iii. 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 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 Presidio County. Presidio County approval 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 estimated flow exceeds 5,000 gpd. Approval by Texas Commission on Environmental Quality must be attached to the plan.

iv. Reasonably specified plans for roads in the TMRC to provide ingress and egress for fire and emergency vehicles.

v. The Commissioners' Court finds that it is reasonably necessary that streets in these communities should be built to a standard suitable to provide access for residents, visitors and emergency service providers. Any proposed street connection in a TMRC shall be approved by the County Engineer as part of the IDP approval process.

vi. The road design and construction standards contained in the Presidio 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 IDP must comply with those standards to the maximum degree practicable.

vii. The Presidio County Commissioners' Court (but not the County Engineer) may grant a variance in accordance with Section 10 when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by the Presidio County Engineer.

G. LAYOUT AND NAMES OF DRIVES

The names and locations of all drives shall be clearly shown and shall be Coordinated with the County's 911 Coordinator to avoid confusion or duplication in street names. A letter from the County's 911 Addressing Coordinator shall be provided to the County Engineer certifying drive name approval. One 911 address will be provided to the rental community; unit numbers are required to be assigned and clearly marked for each rental space and shown on the IDP.

H. DRAINAGE INFORMATION:

In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code the IDP shall include a drainage plan prepared in accordance with good engineering practices. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the TMRC for a 25-year storm event. Storm water released from the TMRC shall not exceed the peak flow for a 100-year storm event during pre-development conditions. Elevation contours should be at no less detail than five-foot (5') intervals. For each space within the limits of the 100-year flood plain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway shall be shown. If base flood elevations have not already been established, they shall be established by a Registered Professional Engineer. For each space within the limits of the 100-year flood plain, minimum Finished Floor Elevation must be provided on the IDP; a note indicating that the placement of a structure below the Finished Floor Elevation is prohibited shall be placed on the IDP. A drainage plan depicting the anticipated flow of all drainage onto and from the development and showing all major topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, swales, ditches, bridges, and culverts. The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of space and drive layouts on drainage shall be shown.

I. ON-SITE SEWAGE: If utilizing individual on-site sewage facilities, each space must meet the requirements of the Presidio County Rules for On-Site Sewage Facilities. Viable percolation area must be shown. Space numbers and block designations shall be shown on the IDP.

J, RESTRICTIONS OF COMMUNITY: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the TMRC shall accompany the IDP and shall be notarized and filed for record in the office of the County Clerk.

K. STATUS OF AD VALOREM TAXES: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the TMRC as furnished through the Presidio County Tax Assessor/Collector's Office or the Presidio County Appraisal District for land located within a municipality ETJ.

L. STREET STANDARDS: Streets shall be arranged and constructed so as to provide each TMRC with direct access to an all-weather driveway suitable for two-way traffic, drive drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy, unencumbered emergency access to each home in the community. "Flag lot" spacing or other contrivances which unduly inhibit proper drive maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles,

and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP and shall comply with the Presidio County Driveway standards.

M. IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. "The paving, grading and easement or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by Presidio County." When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page Of the IDP the following statement: "I, _____ a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge, information and belief and based upon the information provided, the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless Presidio County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same."

SECTION 7. ADDITIONAL TMRC REGULATIONS

In addition to the IDP requirements contained in SECTION 6, all TMRCs shall also meet the following minimum requirements:

A. FIRE PROTECTION

- 1) Every TMRC 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 outdoor cooking with, wood, charcoal or gas in an approved pit or grill.
- 3) The Owner or Agent shall be responsible for maintaining the entire area free of dry brush, blowing trash, leaves and weeds.

B. TRASH AND WASTE COLLECTION AND DISPOSAL. All TMRC shall be served by a public or commercial waste collection and disposal service that collects all trash and rubbish at least one weekly. It shall be a condition of occupancy that all tenants agree to be served by such service. All rental spaces and all common areas shall be kept clear of all waste, trash, inoperative motor vehicles and other unsanitary, unhealthful, unsightly and nuisance conditions. All spaces and common areas shall be kept mowed and free of high grass and weeds or other conditions that harbor insects, rodents or other conditions that pose a threat to the health, safety, or welfare of the occupants or Presidio County citizens.

C. NO JUNK VEHICLES. The Presidio County Ordinances concerning junk vehicles apply to TMRCs. In the event that a Transmigrante vehicle or trailer is abandoned, found inoperable, or Transmigrante Rental Community Regulations

otherwise remains on TMRC property in a condition or for a length of time that such vehicle or trailer may be considered a junk vehicle, then the TMRC Owner and Agent are responsible for the violating vehicle or trailer under the applicable ordinance.

D. FENCE REQUIREMENTS. All TMRCs housing parked vehicles/trailers intended for export must be enclosed with fencing and the vehicles therein parked must be screened from ordinary public view by appropriate means, such as opaque fencing, rapidly growing, dense shrubbery, or other manner. All fences adjoining a public highway or street must be visually blocked by a wall or opaque material as approved by the county engineer.

E. ROADWAY ACCESS, SPACING, REVIEW:

- 1) The TMRC shall have a minimum of eighty (80) feet fronting a street or roadway, which has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to the individual rental spaces must be constructed and paved to a minimum, meeting county subdivision standard for road.
- 2) No space may contain more than one single-family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
- 3) A survey of the property shall be submitted to the County Engineer prior to the request by the owner or occupier of the lot for any permit and/or utility service.

F. MINIMUM DEVELOPMENT STANDARDS TO INCLUDE:

- 1) Results of soils analysis by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site sewage facilities (OSSF).
- 2) Engineering Design Construction Plans for driveways and roadway access to each rental space for fire and emergency vehicles.
- 3) Engineering Report: A report, which shall be signed, dated, and sealed by a licensed professional engineer registered in Texas, shall contain detailed and definitive information on the following: Water Supply Facilities, Wastewater Disposal Facilities, Roadways, Signage Plan.

SECTION 8 REVIEW FEES and INSPECTION FEES

Review fees and inspection fees shall be established from time to time by the Presidio County Commissioners Court and are subject to change without notice. At the adoption of these Rules, the review fee shall be set at \$200 at the time the application is filed. TMRC inspection fees shall be set at \$200. The fee shall be paid to Presidio County Engineer's office at the time of application. An inspection shall occur on a semi-annual basis in order to ensure that the public health and safety is not being adversely affected by the existence of the TMRC. An inspection fee must be paid thirty (30) days in advance of the original date of approval and paid on a semi-annual basis to the County Engineer. Inspection of the property will be completed by the County Engineer not later than thirty

(30) days following the original approval date anniversary and on the appropriate six-month schedule. An inspection that results in findings that the health and safety of persons in Presidio County are being adversely impacted may result in the revoking of the original, or amended permits issued for the development of the TMRC. A report will be furnished to the manager of the TMRC and the property owner prior to the expiration of thirty (30) days after the date of inspection. Any appeal shall be to the Presidio County Commissioners Court.

SECTION 9 VARIANCES

Criteria for Variances: The Commissioners Court shall have the authority to grant variances from these Regulations when a special public interest and/or the requirements of justice demands relaxation of the strict requirements of these rules. Any variance granted shall not have the effect of nullifying the intent and/or purpose of these Regulations. The conditions upon which the request for a variance is based shall be unique to the property in question, and not generally applicable to other property.

Factors to be considered by the Commissioners Court in evaluating a request for variance shall include:

A. Whether strict enforcement of the Regulations would deny the applicant the privileges or safety of similarly situated property with similarly timed development;

B. The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;

C That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not prevent the orderly development of the land in the area in accordance with these Regulations; and,

D. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of these Regulations would deprive the applicant of the responsible use of their land, that failure to approve the variance would result in undue hardship to the applicant, and such is through no fault of the applicant.

Application Materials. Any person who wishes to apply for a variance should apply in writing to the County Engineer with a list of, and detailed justification for, any variance(s) requested. The application will be submitted to the Commissioners Court for action within thirty (30) days of receipt by the County Engineer.

Grant or Denial of Variance. The decision of the Commissioners Court to grant or deny a variance will be final.

SECTION 10 ENFORCEMENT

Enforcement Actions. At the request of the Commissioners Court, the District Attorney, County Attorney, or other attorney designated by the County may file an action in court of competent jurisdiction to enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations. No MHRC may operate without an approved IDP.

SECTION 11 EXISTING TMRC FACILITIES

- A. All current properties operating as TMRC facilities on the date of passage of this Ordinance must be in compliance with the Other Regulations described herein, to include those concerning health and safety of the residents of the County, litter, and junk vehicles.
- B. Within thirty (30) days of this Ordinance’s passage, existing TMRC facilities must submit a report identifying the TMRC property Owner and Agent, to include proof of ownership and, as applicable, lease or operating agreement approved by the Property Owner and Agent.
- C. Within sixty (60) days of this Ordinance’s passage, existing TMRC facilities must confer with the County’s Engineering Office to address Infrastructure Development Plan needs, existing violations of Other Regulations, and future compliance with this Ordinance as to Minimum Development Standards.
- D. Within ninety (90) days of this Ordinance’s passage, existing TMRC facilities must obtain an approved IDP approved by the county engineer.
- E. E. After ninety (90) days after passage of this ordinance, no TMRC may operate in Presidio County without an approved IDP.

SECTION 12 PENALTY

- A. This Ordinance may be enforced by citing the offender. The first Notice shall be a letter outlining the offense. Failure to fix the violation within thirty (30) days is grounds for issuance of a citation. Citations may be issued by any law enforcement officer, the TCEQ, the Presidio County environmental enforcement officer, or any other authorized person.
- B. The offender will be given a citation returnable to the nearest Justice Court precinct, to pay a fine or set the case for trial, as in other cases.
- C. Each violation shall be subject to a fine of not more than \$500 per day. Each day the violation is not fixed constitutes another violation. Each vehicle parked inoperably or not exported is a separate offense.
- D. No water may be provided, or food prepared, or overnight quarters made available, unless the requirements of this Ordinance applicable thereto are complied with.

SECTION 13 SEVERABILITY

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners Court of Presidio County