

ORDINANCE 2021- 03

AN ORDINANCE OF THE CITY OF KENEFICK, TEXAS, PROVIDING RULES AND REGULATIONS FOR RECREATIONAL VEHICLES AND CERTAIN HEAVY EQUIPMENT; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Kenefick, Texas, (“City”) is continuously reviewing the Code of Ordinances; and

WHEREAS, the City Council desires to provide rules and regulations for recreational vehicles and certain heavy equipment in the City and finds that such rules and regulations contribute to the health, welfare, safety, and property values of the City;

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

Section 1. The facts and recitations found in the preamble to this ordinance are true and correct and incorporated herein for all purposes.

Section 2. The City of Kenefick, Texas, adopts the following:

“Section 1.0

(a) Recreational vehicle means any of the following:

- (1) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and factory equipped for the road. It shall have a body width not exceeding 102 inches and a body length not to exceed 45 feet as required by the Texas Traffic Laws, state department of public safety.
- (2) Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling to be used for travel, recreation, and vacation.
- (3) Motor home means any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) Dependent trailer means a trailer which is dependent upon a service building for toilet and lavatory facilities.
- (5) Self-contained trailer means a trailer which can be operated independent of connections to sewer, water and electric systems. It contains a water flushed toilet, lavatory, shower and/or kitchen sink, which are connected to water storage and sewage holding tanks located within the trailer.
- (6) Boat means any vehicle designed or used for travel on water.

(7) Utility includes but is not limited to electricity, water, sewer, wastewater, gas, telephone, septic system, or other similar type function.

(b) Heavy equipment means:

(1) Bulldozers.

(2) Graders.

(3) Dump truck(s).

(4) Excavators.

(5) Tractor/Trailers (18 wheelers).

Section 2.0 **Use of recreational vehicles on residential property.**

(a) Except as provided herein, no person shall stay, reside, occupy, rent, lease, or work from a recreational vehicle on private residential property unless such person has obtained a permit from the City for a period not to exceed thirty (30) days. **The permit fee shall be set forth by City Council in a schedule of fees.** A maximum of three (3), thirty (30) day permits will be allowed each year per lot, tract, or parcel of land.

(b) Any recreational vehicle shall, at all times, be on wheels and must further be capable of being legally towed upon the public streets and highways of the state by a passenger car or truck. The vehicle must be removed from the corporate limits of the City within one hour after a hurricane watch is issued by the National Weather Service and such recreational vehicle may not be returned until permission to do so is obtained from the Mayor.

Section 3.0 **Number and screening of recreational vehicles.**

(a) No more than one (1) recreational vehicle may be located on a lot, tract, or parcel of land one acre or less within view from any public right-of-way. All other recreational vehicles shall be screened from view from any public right-of-way.

(b) No more than two (2) recreational vehicles may be located on a lot, tract, or parcel of land over one acre within view from any public right-of way. All other recreational vehicles shall be screened from view from any public right-of-way.

Section 4.0 **Commercial Use.**

(a) Sections 2.0 and 3.0 shall not apply to recreational vehicles on a lot, tract, or parcel land used for temporary rental of recreational vehicles conforming to the following:

1. No person may rent, stay, or occupy a recreational vehicle for more than seven (7) days in a month;
2. No more than eight (8) recreational vehicles may be placed on any lot, tract, or parcel of land;

3. All recreational vehicles shall be connected to water and sewer or have a legally permissible means to dispose of sewage; and
4. A permit fee of \$38.00 per recreational vehicle slot shall be paid to the City annually.

Section 5.0 Stopping, standing, or parking a recreational vehicle.

- (a) No person shall stop, stand, park, place, or locate a recreational vehicle on any private lot, tract, or parcel of land without the consent of the owner of such property.
- (b) No person shall stop, stand, park, place, or locate a recreational vehicle on any public street or highway for a period in excess of twenty-four (24) hours in any one (1) calendar week, and only then if such recreational vehicle does not obstruct traffic, ingress or egress, or cause a safety issue on such street or highway.
- (c) No person shall stop, stand, park, place, or locate a recreational vehicle on any public property or right-of-way, except in an emergency situation and only then as long as necessary to have the vehicle towed to a repair facility or for the temporary loading or unloading of passengers. Such recreational vehicle shall not obstruct traffic, ingress or egress, or cause a safety issue on the right-of-way.

Section 6.0. Storage of heavy equipment.

- (a) Except for city owned property, no person may store heavy equipment on private lot, tract, or parcel of land unless such equipment is screened from view from any public right-of-way for longer than thirty (30) days.
- (b) A property owner may request a variance from the City Council to store heavy equipment for longer than thirty (30) days.

Section 7.0. Exceptions.

- (a) A residential property owner may stay, reside, occupy, or work from a recreational vehicle on private residential property for up to twelve (12) months if the property owner is engaged in active construction to build a permanent residential structure on the property where the recreational vehicle is located.

Section 4. Penalty.

Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or, in the case of a violation of a provision of this Ordinance that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 5. Severability.

In the event any clause, phrase, provision, sentence or part of this Ordinance or

the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the city council of the City of Kenefick, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. *Repeal.*

All ordinance or parts of ordinances in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 7. *Effective Date.*

This Ordinance shall become effective immediately and enforceable when published as required by state law.

PASSED, APPROVED and ADOPTED this, the 22nd day of November 2021.

Martin Wells, Mayor

ATTEST:

Marlene Clanton, City Secretary