

ORDINANCE NO. 2017-O-3

AN ORDINANCE AMENDING ARTICLE 10.02 "RECREATIONAL VEHICLE COMPLIANCE" OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO PROHIBIT THE OCCUPATION OF A RECREATIONAL VEHICLE OUTSIDE OF A RV PARK; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; ESTABLISHING A PENALTY FOR VIOLATIONS; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Palacios has determined that in order to better protect residential neighborhoods and to preserve the value of homes within the City, the occupation of recreational vehicles located outside of recreational vehicle parks should be prohibited; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That Section 10.02.442, of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 10.02.442 Recreational vehicles outside parks

- (a) A single recreational vehicle may not be occupied outside a park.
- (b) A recreational vehicle may be parked or stored on a lot with another residential structure so long as it is not occupied (except as may be provided in subsection (c), only electricity is connected to the recreational vehicle, the vehicle is not parked on or extending over public property unless parked on a street or a parking lot in full compliance with the laws, and the parking or storage of the vehicle is not in violation of any other law or any valid and applicable deed restrictions or covenants running with the land. For purposes of this subsection only, a unit is presumed occupied if it is connected to any utility other than electricity. A connection to electricity only will not trigger the presumption of occupancy.
- (c) If a recreational vehicle is proposed to be occupied only temporarily for purpose of visitation, it may be placed outside a park, provided the proposed occupant applies for and obtains a 30-day temporary placement permit, the proposed site is a lot or tract which already has a residence on the same lot, and the owner of said residence consents in writing to such placement. After 30 days, the temporary placement permit may be renewed for an additional 30 days upon written request. The permit shall expire after the 30-day extension and no additional renewals shall be granted. Another temporary placement permit may not be issued for 180 days after the expiration of a permit or renewed permit. It shall be an offense for the occupant of the recreational vehicle and/or the residence owner to leave the recreational vehicle on the location described in the permit after the permit has expired.
- (d) Recreational vehicles not in compliance with this section may continue as currently situated, subject to compliance with subsections (b)(1) and (b)(2) of this section, until they are removed or discontinued, which is sometimes referred to as "being grandfathered." This right to continue applies only if the recreational vehicle was legally permitted as of April 21, 2009,
 - 1. The electrical and gas distribution lines and all connections comply with applicable permits, city and state codes; and
 - 2. The water and sewer lines and connections comply with applicable permits, city and state codes.

SECTION 2: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall

not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.


SECTION 4: Any person who shall violate any provision or provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$500.00 for each violation. Each day in which any violation shall occur or continue shall constitute a separate offense.

SECTION 5: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this 21th day of April, 2017.

PASSED, APPROVED AND ADOPTED on second and final reading this 25th day of April, 2017.

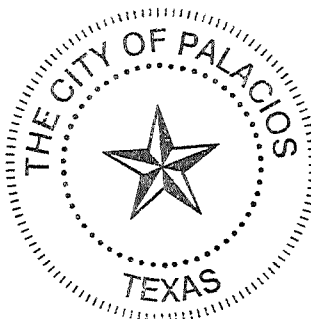
CITY OF PALACIOS, TEXAS


GLEN SMITH, Mayor

ATTEST:


ANGELA FLORES, City Secretary

APPROVED AS TO FORM:



RANDALL B. STRONG, City Attorney

...ordinances/amending rv occupancy