

ORDINANCE NO. 9-13-21-1

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS, REGULATING UTILIZING RESIDENTIAL PROPERTIES FOR HOME OCCUPATIONS; PROVIDING FOR STANDARDS FOR HOME OCCUPATIONS; PROVIDING FOR COUNCIL APPROVAL; DEFINING TERMS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ropesville, Texas (“City”), a Type A general law municipality, is authorized by state law to adopt and implement necessary and reasonable ordinances as necessary for the government, interest, welfare, or good order of the municipality and that is in the best interests of its citizenry; and

WHEREAS, the City of Ropesville City Council previously passed Ordinance No. 2018-0901 regulating travel trailers; and

WHEREAS, the City Council finds it necessary to replace Ordinance No. 2018-0901 in order to better protect the public’s health, safety and welfare and that the following ordinance is reasonable and beneficial and in the best interest of and best serves the public health, safety, and welfare of the residents of the City of Ropesville, Texas and will provide regulatory consistency for effective and meaningful enforcement;

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

1. The findings and recitals outlined above are found to be true and correct and are hereby adopted and approved.
2. The following ordinance shall be entitled “Home Occupation Ordinance” which states as follows:

HOME OCCUPATION ORDINANCE

1. Home Occupations – Purpose and intent.

- a. Protect residential areas from adverse impact of activities associated with home occupations.
- b. Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- c. Establish criteria and development standards for home occupations conducted in dwelling units.

2. Required Conditions.

In order to lawfully operate a home occupation within the municipal limits, the following required conditions must be met:

- a. Request and receive a written permit from the City Council of the City of Ropesville to operate a home business.
- b. Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet).
- c. No mechanical equipment may be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
- d. A home occupation shall be carried on wholly within the principal building and/or accessory buildings on the site so long as all other requirements herein are met. Storage of goods, materials, or products connected with a home occupation may be allowed in accessory buildings or garages, attached or detached, as long as the goods, materials, or products are not hazardous.
- e. The home occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.
- f. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs.
- g. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located.
- h. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 7:00 a.m. and 9:00 p.m. for indoor activities.
- i. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential neighborhood and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification.
- j. There shall be no outside storage, including trailers, or outside display related to the home occupation use.
- k. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain.
- l. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.
- m. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.

- n. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means.
- o. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.).
- p. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

3. Penalty; enforcement

Any person violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed the sum of \$500.00 for each offense, and each and every day such violation shall continue be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by this ordinance. Further, in addition to said criminal penalty, this article may be enforced by denial of permits, restraining order, injunctive action and/or suit.

- 4. **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.
- 5. **Repealed.** Ordinance No. 2018-0901 is hereby repealed in its entirety and replaced with this ordinance. All other terms and provisions of the Code of Ordinances of the City of Ropesville not in conflict herewith and not hereby amended shall remain in full force and effect.
- 6. **Severability.** If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Ropesville, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.
- 7. **Publication.** The City Secretary of the City of Ropesville is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved this 13 day of September 2021.

Brenda Rabel
Brenda Rabel, Mayor

ATTEST:

Delia Cruz
Delia Cruz, City Secretary