

ORDINANCE NO. 2021-1116

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS, REGULATING THE PARKING AND STORAGE OF RECREATIONAL VEHICLES IN THE MUNICIPAL LIMITS OF ROPESVILLE; PROHIBITING THE USE OF TRAVEL TRAILERS AND/OR RECREATIONAL VEHICLES AS A RESIDENCE; CREATING EXCEPTIONS; 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 "Recreational Vehicle Ordinance" which states as follows:

RECREATIONAL VEHICLE ORDINANCE

1. **Definition of recreational vehicle.** When used in this ordinance, recreational vehicle shall mean a motor home, motorized dwelling, travel trailer, utility trailer, truck, camper, livestock trailer, pop-up tent trailer, self-contained pickup camper, and similar vehicles.
2. **Proper storage and parking.** It shall be unlawful for the driver, owner, or operator of a recreational vehicle to park or permit to be parked, stand, or remain motionless on any street, public right-of-way, or parkway any recreation vehicle for more than twelve (12) hours unless the vehicle is being actively loaded or unloaded. All other recreational vehicles may be parked or stored anywhere in the city so long as:
 - (a) they are stored in a manner which does not violate the aforementioned parking regulation or any other parking regulation;
 - (b) it is located on a paved, all weather surface;

- (c) does not block any right-of-way or intersection; and
- (d) otherwise violate any applicable state statute.

3. Use as residence or business strictly prohibited without permit.

- (a) It shall be unlawful for any person, firm or corporation to park or permit the parking of a recreational vehicle on any lot or tract of land within the city for use or occupancy as a residence without first having applied for and obtaining a permit from the city council to the requirements outlined in this section.
- (b) The city council may, at its discretion, authorize the issuance of a single permit for the use of a recreational vehicle as a residence so long as the recreational vehicle will not be parked on the street or block any public right-of-way and.
 - (i) the recreational vehicle will be used as a temporary residence for a period not to exceed seventy-two (72) hours in any sixty (60) day period; or
 - (ii) the recreational vehicle will be used as a temporary residence for a period not to exceed ninety (90) days separated by a period of 30 days upon providing sufficient evidence to the city council demonstrating that:
 - (A) the recreational vehicle will be parked on an improved surface designed to handle the weight and size of a recreational vehicle; and
 - (B) there has been installed on the property where the recreational vehicle is located permitted and separately metered water utility connections and properly permitted utility connections for any other utilities supplied to the recreational vehicle.

4. Permit Application.

- (a) An application to use a recreational vehicle as a temporary residence must be filed not more than 120 days nor less than 30 days before the first day that the recreational vehicle will be used as a temporary residence. The city council may waive the 30-day filing requirement upon a finding of undue hardship if the permit is denied.
- (b) The application shall be filed with the City Secretary. Upon receiving the application, the City Secretary shall notify the members of the city council and place it on the next regular or called city council meeting.
- (c) The application for use of a recreational vehicle as a temporary residence shall contain, at a minimum, the following information:
 - (i) The name, resident address, e-mail address and telephone number of the applicant.
 - (ii) The name, address, e-mail address and telephone number of the property owner if different than the applicant.

- (iii) The registration number, license plate number, year model and type of recreational vehicle proposed to be used as a temporary residence.
 - (iv) A full and complete description of the location where the recreational vehicle will be located and the type of utility connections available, if any, upon which the event is to be located.
 - (v) The proposed dates when the recreational vehicle will be used as a temporary residence.
 - (vi) The estimated number of people who may reside in the recreational vehicle.
 - (vii) Written permission showing the consent from the owner of the property or their authorized representative for the use of the property.
 - (viii) The name, resident address, and telephone number of the owner of any property adjoining the property where the recreational vehicle will be located.
 - (ix) Sufficient evidence demonstrating that the owners of any property adjoining the property where the recreational vehicle will be located have been notified by the applicant of the intended use of a recreational vehicle as a temporary residence.
5. **Application/Permit Fee.** The application/permit fee shall be nonrefundable and shall be established on an annual basis by the city council. In the event the city council fails to approve the application/permit fee, such fee shall be no less than \$25.00.
6. **Exceptions.** The provisions of this article shall not, however, apply to:
- (a) Locations where recreational vehicles are manufactured and/or sold or stored by a commercial enterprise that does not have any residence located on the lot or within two hundred feet of the lot; or
 - (b) Temporary offices or display units as approved by the city council after written request and not used as a residence.
7. **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.
8. **Effective Date and Applicability.** This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law and shall apply to the later of the effective date of this ordinance or upon the expiration of any previously issued permit regarding the use of a recreational vehicle by the city council.

9. **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.

10. **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.

11. **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 16 day of November, 2021.

Brenda Rabel
Brenda Rabel, Mayor

ATTEST:

Delia Cruz
Delia Cruz, City Secretary

ORDINANCE NO. 190403

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS ENTITLED "TRUCK ROUTES" DESIGNATING PORTIONS OF U.S. HIGHWAY 62/82 AND FARM-TO-MARKET 41 AS TRUCK ROUTES; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS AND AFFIRMATIVE DEFENSES; PROVIDING FOR APPROPRIATE SIGNAGE; PROVIDING A PENALTY NOT TO EXCEED \$500.00 OR THE MAXIMUM ALLOWED BY STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION

WHEREAS, the City Council of the City of Ropesville, Texas under the constitution and laws of the State of Texas including, but not limited to, Texas Local Government Code § 51.012 and Texas Transportation Code § 311.002 has exclusive control over its highways and streets and may, by ordinance regulate a street within the municipal limits including the operation of over-weight vehicles on city streets that are not part of the state highway pursuant to Texas Transportation Code § 621.303; and

WHEREAS, the City Council of the City of Ropesville has determined and finds that the use of over-weight vehicles traveling on city streets contribute to the rapid destruction of surface streets typically found within the residential and light commercial areas and as such, in order to prolong the life of city streets, has determined to designate certain routes as truck routes; and

WHEREAS, while the City of Ropesville has an interest in preventing the destruction of city streets by limiting their use by overweight vehicles, the City Council believes that establishing truck routes designated in this ordinance is reasonable and beneficial for the public health, safety and general welfare of the citizens of Ropesville;

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

SECTION 1. The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. An ordinance entitled "Truck Routes", to be included in the Code of Ordinances of the City of Ropesville Texas, is hereby established making the following streets and thoroughfares as designated truck routes:

<u>HIGHWAY/STREET/ROAD</u>	<u>LOCATION</u>
U.S. Highway 62/82	All points within the municipal limits of the city
Farm-to-Market Road 41	All points within the municipal limits of the city

SECTION 3. In this ordinance these words have the meaning indicated below unless a different meaning clearly appears from the context:

1. ***Commercial motor vehicle*** - A motor vehicle or combination of motor vehicles used to transport passengers or property that:
 - a. has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds;
 - b. has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds;
 - c. is designed to transport 16 or more passengers, including the driver; or
 - d. is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.
2. ***Emergency Vehicle*** – Shall mean
 - a. a fire department or police vehicle;
 - b. a public or private ambulance operated by a person who has been issued a license by the Department of State Health Services;
 - c. a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;
 - d. a county-owned or county-leased emergency management vehicle that has been designated or authorized by the commissioners court;
 - e. a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;
 - f. an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency; or
 - g. a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity.
3. ***Light Truck*** – A truck with a manufacturer’s rated capacity of two thousand (2,000) pounds or less, including trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.
4. ***Motor vehicle*** - Every vehicle which is self-propelled.
5. ***Oversized vehicle*** - Any commercial trailer, semi-trailer or other vehicle in excess of eighteen (18) feet in length, ten (10) feet in height, eight (8) feet in width, or one (1) ton in weight. Regardless of size, this term shall also include truck tractor, farm tractor, road tractor, truck trailer, mobile home or semi-trailer.
6. ***Trailer*** - a vehicle, with or without motive power:
 - a. designed to be drawn by a motor vehicle and to transport persons or property; and
 - b. constructed so that no part of the vehicle's weight and load rests on the motor vehicle.
7. ***Truck*** - Every motor vehicle designed, used or maintained primarily for the transportation of property, with the manufacturer’s gross vehicle weight in excess

of 12,000 lbs. or a passenger van or bus with a passenger capacity in excess of 12. For purposes of this article, a light duty (pickup) truck, passenger van or bus with a passenger capacity of 12 or less, or any other motor vehicle having a manufacturer's gross vehicle weight of 12,000 lbs. or less shall not be considered a truck for purposes of this article.

SECTION 4. Prohibitions/Proceeding Directly to Routes. It shall be unlawful for any person to drive, operate or move, or allow or permit to be driven, operated or moved, any truck, truck and trailer or commercial motor vehicle upon any street, alleyway or public thoroughfare in the city not designated as a truck route by this ordinance. Any truck, truck and trailer or commercial motor vehicle subject to this ordinance, that originates at a point not designated as a truck route or who enters the city at a point not designated as a truck route, shall proceed to the nearest point on a designated truck route by the most direct route possible.

SECTION 5. Exceptions/Affirmative Defense. This ordinance does not apply to commercial motor vehicles or trucks when utilizing a route other than a truck route and shall be an affirmative defense to prosecution in the following circumstances:

1. An authorized emergency vehicle responding to an emergency;
2. Traveling to and from a street construction, maintenance or repair site;
3. While being utilized by a company actively engaged in maintaining or extending public service utilities;
4. School buses or a passenger bus while transporting passengers;
5. While being used to deliver freight or merchandise to a lawfully zoned business;
6. While traveling on a street not designated as a truck route in compliance with the law or directions of a law enforcement officer or traffic
7. Traveling to and from a construction site.

SECTION 6. Penalty and Injunctive Relief. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not greater than \$500.00. This penalty provision shall be in addition to any other legal or equitable remedies available to the City to enforce this article. Proof of a culpable mental state is not required for a conviction of an offense under this article. Each day that a violation occurs is a separate offense.

SECTION 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 8. Repealed. 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.

SECTION 9. 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.

SECTION 10. 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 9th day of April, 2019.

Brenda Rabel
Brenda Rabel, Mayor

ATTEST:

Delia Cruz
Delia Cruz, City Secretary