

ORDINANCE NO. 04072015-C

AN ORDINANCE OF THE CITY OF KOSSE, TEXAS PROHIBITING THE USE OF RECREATIONAL VEHICLES AS PERMANENT RESIDENCES, REGULATING THE USE OF RECREATIONAL VEHICLES AS TEMPORARY RESIDENCES, MAKING VIOLATION OF ORDINANCE A MISDEMEANOR OFFENSE PUNISHABLE BY A FINE NOT TO EXCEED \$500; AND MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE

WHEREAS, it is in the best interest of the City of Kosse and its citizens that development of the City proceed in an orderly manner, and in a manner which protects public health, safety and welfare, and

WHEREAS, Recreational Vehicles are not permanently connected to utilities, are not tied down, are not intended for long-term residential use by families, are not generally designed to accommodate the traffic of permanent residents, and are generally more prone to damage due to wind or other elements, and

WHEREAS, the use of Recreational Vehicles as residences generally has a detrimental effect on the value of homes located in an area or neighborhood in close proximity thereto, and

WHEREAS, the growth goals and planning of the City seek the construction and maintenance of permanent structures, or HUD Manufactured Homes contained in Manufactured Home Parks, as residential structures, rather than the use of mobile structures intended for camping and other recreational uses, and

WHEREAS, the use of Recreational Vehicles as residences could create a negative image of the City, dissuading location of new development within the City.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KOSSE, TEXAS that:

1. Definitions

“Recreational Vehicles” means a vehicle which is designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power, or is mounted on or drawn by another vehicle. Recreational Vehicles include travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions and fifth-wheel trailers.

“Recreational Vehicle Park” means a parcel of land licensed and used for the parking of Recreational Vehicles occupied or intended to be occupied for dwelling purposes which is compliant with the ordinances of the City of Kosse applicable thereto.

“Residence” means a place of abode, a dwelling where one lives.

2. Prohibition Against Use as Permanent Residence; Regulation of Use as Temporary Residence

No person shall use or occupy a Recreational Vehicle as a permanent residence within the City of Kosse. Except if parked within an Recreational Vehicle Park, no person may use a Recreational Vehicle as a temporary residence for more than 30 days in any calendar year. Exception to the rule can be made with City Council approval for extreme conditions.

3. Offense and Penalty

3.1 A person who violates this Ordinance commits an offense (Class “C” Misdemeanor). Each day of violation shall constitute a separate offense.

3.2 An offense for violation of this Ordinance shall be punishable by a fine not to exceed \$500.00 per offense.

4. Civil Enforcement

In addition to, and without waiver of any criminal enforcement, this Ordinance may be enforced by a civil suit for injunctive relief filed by the City.

5. Miscellaneous Provisions

5.1 This Ordinance shall become effective upon publication in accordance with the Local Government Code.

5.2 This Ordinance shall apply only within the incorporated boundaries of the City of Kosse.

5.3 If any section, subsection, provision or clause of this Ordinance is for any reason held to be unconstitutional, void, voidable or invalid, the validity of the remainder of the Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that the unconstitutionality or invalidity of one part of this Ordinance shall only make that part inoperative, and sever it from the Ordinance, and shall not affect the remainder of the Ordinance.

5.3 Repealing Clause- That all Ordinances and parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed.

5.4 This Ordinance was adopted at a meeting posted and held in accordance with Chapter 551 of the Government Code.

PASSED this 7th day of April, 2015.

s/Jarrold Eno
Mayor
City of Kosse

ATTEST:

s/Christina Lockhart
City Secretary