

**City of Cottonwood Shores**

**ORDINANCE 3002**

**AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS CONCERNING RECREATIONAL VEHICLES ESTABLISHING THE REQUIREMENTS AND LAWS GOVERNING SUCH WITHIN THE CITY; ESTABLISHING DEFINITIONS, PERMITS, FEES AND CHARGES FOR RECREATIONAL VEHICLES, WATERCRAFT AND ACCESSORIES; AMENDING CONFLICTING ORDINANCES; PROVIDING PENALTIES AND PROVIDING SERVABILITY, OPEN MEETINGS AND EXECUTIVE DATE CLAUSES.**

History: May 19, 2016 - Amended Ordinance to add definitions, and RV requirements within the City.

**WHEREAS:** The City Council of the City of Cottonwood Shores desires to protect the integrity, value and character of residential neighborhoods along with public health and safety.

**WHEREAS:** The City of Cottonwood Shores desires to clearly define what is considered a recreational vehicle, watercraft or accessories within the city.

**WHEREAS:** The City of Cottonwood Shores desires to identify locations and standards for storage of recreational vehicles watercraft or accessories within the city.

**WHEREAS:** The City of Cottonwood Shores desires to identify all zoning guidelines for recreational vehicles, watercraft or accessories within the city.

**WHEREAS:** The City of Cottonwood Shores desires to identify the requirements for temporary parking of recreational vehicles watercraft or accessories within the city.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES THAT:**

**Section I -- Definitions:**

As used in this ordinance, the following terms shall have the respective meanings ascribed to them:

**Accessories:** is defined as equipment or attachment specifically used with or in conjunction with any type of recreational vehicle whether said accessory is attached or not. (Example: trailer, boat trailer, sail, canopy, outboard motor, etc. as defined in recreational vehicles).

**All-Terrain Vehicle (ATV):** is defined as a motor vehicle that is equipped with a seat or seats for the use of the rider; and a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger; designed to propel itself with three or more tires in contact with the ground; designed by the manufacturer for off-highway use; not designed by the manufacturer primarily for farming or lawn care; and not more than 50 inches wide.

**Antique Vehicle:** is defined as a vehicle that is at least 25 years old or as defined by the Antique Automobile Club of America.

**Board:** is defined as the board of the Texas Department of Motor Vehicles.

**Boat:** is defined as a watercraft not more than 65 feet in length, measured from the tip of the bow in a straight line to the stern and capable of carrying one or more people and intended for use on the water.

**Canoe:** is defined as a narrow, keel less boat with pointed ends, propelled by a paddle or paddles

**Code Enforcement Officer:** is defined as the officer that is charged with the prevention, detection, investigation and enforcement of violations of statutes or City ordinances

**Code Violation:** Actions and/or conditions not in accordance with guidelines highlighted by this Ordinance that are visible to the public from a street or public area.

**Derelict:** A recreational vehicle is derelict when any of these criteria are evident: Flat tire(s), overgrown grass or other weeds surrounding vehicle, broken windows, damaged components, missing parts, or state of disassembly.

**Golf Cart:** is defined as a motor vehicle (Electric or Gasoline Operated) designed by the manufacturer primarily for use on a golf course, unless registered and modified for street usage.

**Kayak:** is similar to a canoe.

**Moped:** is defined as a motor-driven cycle that cannot attain a speed in one mile of more than 30 miles per hour and the engine of which: (A) cannot produce more than two-brake horsepower; and (B) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears

**Motorcycle:** is defined as a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

**Motorboat:** is defined as any vehicle propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed or is the principal source of propulsion.

**Outboard motor:** is defined as any self-contained internal combustion propulsion system, excluding fuel supply, which is used to propel a vehicle and which is detachable as a unit from the vehicle.

**Overnight:** is defined as a time limit of not to exceed twenty four (24) hours.

**Owner:** is defined as the person who holds the legal title of a vehicle, or outboard motor; has the legal right of possession of a vehicle, or outboard motor; or has the legal right of control of a vehicle, or outboard motor.

**Paddle Boat:** is defined as a boat propelled by a human powered paddle wheel.

**Paddle Board:** is similar to a surf board used as a standing platform for paddling in calm waters.

**Parked or Parking:** is defined as the standing of a vehicle, whether occupied or not, on public or private property outside of a building, fence, screen or structure.

**Personal Watercraft:** is defined as a type of motorboat that is specifically designed to be operated by a person or persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

**Private Bus:** defined means a bus that is not operated for hire; and is not a municipal bus or a motor bus is not utilized as a recreational vehicle with living arrangements.

**Private Property:** is defined as a legal designation of the ownership of property by non-governmental legal entities. Private property is further distinguished from personal property, which refers to property for personal use and consumption.

**Public Property:** defined means property owned or leased by this state or a political subdivision of this state.

**Recreational Off-highway Vehicle:** defined as a motor vehicle that is equipped with a seat or seats for the use of the rider; and a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers; designed to propel itself with four or more tires in contact with the ground; designed by the manufacturer for off-highway use by the operator only; and not designed by the manufacturer primarily for farming or lawn care.

**Recreational Vehicle:** is defined as a piece of equipment (motorized or non-motorized) intended for recreational use, including but not limited to motor home(s), camping tent trailer(s) or travel trailer(s) which may be used as a temporary residence, airplane(s), boat(s), personal watercraft(s), float(s), raft(s) and similar accessories, detachable travel accessories of a type adaptable to light duty truck(s), boat trailer(s), utility trailer(s), or any other trailer(s), snowmobile(s), ATV(s), Golf Carts(s) (electric or gasoline), mopeds, motorcycles and other accessories or vehicles of similar nature which require an inspection and registration; such registration must be to owners or occupants of said address and must be kept current.

**Registration:** is defined as the (usually) compulsory registration of a vehicle, or accessories by the State. Registration may be requested by the City of Cottonwood Shores to establish clear ownership.

**Sailboat:** is defined as a boat having sails as its principal means of propulsion.

**Screened from view:** Structures (permanent or temporary) that obscure items noted in this Ordinance as warranting said action. Vehicles of all definitions herein need not be screened above 6 ft. (Refer to Ordinance 3010, Section 47, d.)

**Titling: (Boats, Watercrafts, Outboard Motor):** as defined by the Parks and Wildlife Code states: In accordance with Section 31.045. Ownership of Vessels and Outboard Motors; Certificates of Title; the ownership of a vessel or of an outboard motor is evidenced by a certificate of title issued by the department, unless the vessel or the outboard motor is new; the ownership of a new vessel or a new outboard motor is evidenced by a manufacturer's or an importer's certificate executed on a form prescribed by the department; separate certificates of title are required for vessels and for outboard motors. Effective January 1, 1994, all motorboats and all outboard motors must be titled. Also sailboats 14 feet and over in length must be titled; all motorized boats, regardless of length; all sailboats 14 feet in length or longer or any sailboat with an auxiliary

engine(s); and all internal combustion (gasoline/diesel/propane powered) outboard motors must be titled. Titling may be requested by the City of Cottonwood Shores to establish clear ownership.

**Trailer:** defined means a vehicle that is designed or used to carry a recreational vehicle wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

**Trailer – Boat:** is defined as a trailer intended for the purpose of moving boats from place to place.

**Trailer – Camping:** is defined as a trailer containing sleeping and other facilities for habitation and intended to be towed or carried by another vehicle.

**Trailer - Travel:** is defined as trailer drawn especially by an automobile and equipped for use (as while traveling) as a temporary dwelling.

**Watercraft:** is defined as a vessel capable of being used for transportation on water.

**Weekend:** is defined as the period of time between 6:00 pm Friday evening and 6:00 am Monday morning not exceeding sixty (60) hours or 84 hours on holiday weekends.

## Section II – General

No recreational vehicle, watercraft or accessories will be permitted to be used as a dwelling or temporary dwelling except in the case of camping and travel trailers. These trailers cannot be used for more than 14 (fourteen) consecutive days and shall not exceed more than thirty 30 (thirty) days in a calendar year without prior approval of the City of Cottonwood Shores. Such use shall be reported to City Hall prior to occupancy.

The City shall issue a special permit acknowledging approved dates, at no cost, providing the occupant applies for the special permit prior to initiating the 14 (fourteen) day period.

The use of a recreational vehicle, watercraft or accessories on vacant property (property where no primary residence is located) is not allowed, except during new home construction or existing home renovation, upon issuance of a special permit by the City for a recreational vehicle intended for overnight occupancy.

Such permit shall expire 180 (one hundred eighty) days from date of issuance and can be re-permitted for an additional 90 (ninety) days upon prior approval. Permit may only be issued with active building permit.

Failure to obtain a special permit prior to occupancy will be a violation of this Ordinance and will result in the removal of the recreational vehicle, watercraft or accessories at the owner's expense and possible denial of permit(s).

All recreational vehicles watercraft or accessories as defined and located within the jurisdiction of the City of Cottonwood Shores must be registered per State Law.

Failure to provide proof of proper registration of vehicle, watercraft or accessories within 30 days from date of request will require the removal of the recreational vehicle, watercraft or accessories from the property at the owner's expense unless not visible from the street.

**Storage of Recreational Vehicles, Watercraft and Accessories**

- A. Single-Family Residential Districts - R1. The outdoor storage or parking of any recreational vehicle, watercraft, accessories or vehicles of a similar nature shall be prohibited for a period greater than sixty (60) hours (eighty-four (84) hours on holiday weekends) in all single-family residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:
  - 1. All such vehicles, watercraft or accessories shall be placed or located behind the front right of way or property easement, and no closer than five (5) feet to any side or rear lot line.
  - 2. Storage or parking shall be limited to contiguous lot or lots upon which is located the owner's inhabited residence.
  - 3. Any recreational vehicle or other vehicles, watercraft or accessories intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or water facilities unless properly permitted for such use.
  - 4. Recreational vehicles, watercraft and accessories may be parked in residential districts for a period of two days for the purpose of making minor repairs. No major repairs (i.e. engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreational vehicle, vessel watercraft or accessories unless the recreational vehicle, watercraft or accessories have been screened from public view.
- B. Multiple-Family Districts – R3. The outdoor storage or parking of any recreational vehicle, vessel watercraft, accessories or vehicles of a similar nature shall be prohibited for a period greater than sixty (60) hours (eighty-four (84) hours on holiday weekends) in all multiple-family residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:
  - 1. All such vehicles, watercraft or accessories shall be placed or located behind the front right of way or property easement, and no closer than five (5) feet to any side or rear lot line.
  - 2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit or units or a parking area designated by the development. The vehicle, watercraft or accessories shall be owned or leased by the occupant.
  - 3. Any recreational vehicle or other vehicles, watercraft or accessories may not be occupied in R3 zoning.
  - 4. Repairs to recreational vehicles, watercraft and accessories may not occur in multi-family zoning.
- C. Non-Residential Districts. The storage of recreational vehicles, watercraft and accessories in non-residential districts when it is not associated with the business of the property shall be prohibited unless screened from public view.

**Recreational Vehicles, Watercraft or Accessories Parking on Public Roadways**

1. It shall be unlawful for any person to park or place any recreational vehicle, watercraft, non-motorized vehicle or recreational vehicle or accessories on any public roadway within the city limits, except associated with moving the vehicle and must be connected or otherwise secured to a motor vehicle in accordance with all state and local laws. Parking may not occur for more than 60 minutes.

For prosecution under subsection (1) of this section, it is presumed that the registered owner or the owner or occupant of the property adjacent to the location of the offense, if the identity of the registered owner cannot be determined, is the person who parked or placed the boat, non-motorized vehicle or recreational vehicle in violation of subsection (1) of this section, at the time and place of the offense charged.

**Section III – Permits and Fees:**

**14 Day Permit:** a permit that will allow a recreational vehicle, watercraft or accessories to be placed on a lot or parcel of land upon which is located an inhabited dwelling unit and the recreational vehicle, watercraft or accessories is not owned or leased by the property owner. This permit is valid for a period not to exceed 14 days. There is no charge for this permit.

**Penalty Permit Fees** – if habitation of a recreational vehicle, watercraft or accessories for which a permit is required pursuant to this section, is initiated, started or proceeded without the appropriate permit first being obtained, the fees and charges shall be \$100.00 for issuance of permit specified and will require an inspection of sewer disposal after permit has expired.

**180 Day Permit:** a permit that allows a recreation vehicle, watercraft or accessories to be placed on a lot or parcel of land (property where no primary residence is located) only during the construction of a new home or existing home renovation for a period of no more than 180 (one hundred eighty) days from the date of issuance. Said permit may be re-issued for an additional 90 (ninety) days, not to exceed one (1) year total. Fee for original 180 day permit and each re-issued permit shall be \$50.00.

(**Note:** All plans for construction must be submitted and approved and all fees paid before permit can be issued) and an active building permit is a prerequisite to receive an occupancy permit for a recreational vehicle that is intended for overnight occupation.

All permits for habitation must be visible from the street. Non-compliance will result in a citation being issued by the Code Enforcement Officer or Police Official.

**Section IV: Enforcement**

**a) Civil and Criminal Penalties**

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any Police Officer, Code Enforcement Officer or City Official is authorized to enforce the provisions of this Ordinance. Any person violating any provision of this Ordinance is subject to suit for

injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

**b) Criminal Prosecution**

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C Misdemeanor.

Any person or entity shall be suspended from obtaining any additional permits if said person or entity owes unpaid fines, fees or charges to the City.

**c) Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following.

- 1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- 2) A civil penalty up to one hundred dollars (\$100.00) a day after owner is notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- 3) Any other available relief.

**Section V -- Jurisdiction**

The provisions of this Ordinance shall apply within the corporate limits of the City as defined by state law.

**Section VI -- Repeal of Conflicting Ordinances:**

All Ordinances or parts of Ordinance in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section VII -- Severability:**

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof, which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

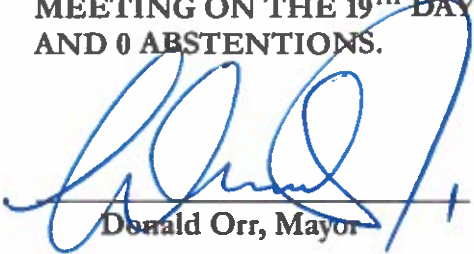
**Section VIII -- Effective Date:**

This Ordinance shall take effect immediately from and after the passage and publication in the manner set forth with the provisions of the Local Government Code.

**Section IX -- Open Meetings:**

It is hereby found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meetings was given as required by the Open Meetings Act (Chapter 551, Texas Local Government Code).

**AMENDED ORDINANCE PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT AT A MEETING ON THE 19<sup>TH</sup> DAY OF MAY, 2016 WITH 5 VOTES IN FAVOR, 0 VOTES AGAINST AND 0 ABSTENTIONS.**



Donald Orr, Mayor



Attest:



Sheila C. Moore  
City Administrator/City Secretary