

ORDINANCE NO. 21-15

AN ORDINANCE OF THE CITY OF BROWNWOOD, TEXAS, AMENDING THE CITY'S ZONING CODE, CHAPTER 98, DIVISION 3., SECTION 98-582, RESIDENTIAL USES, BY ADDING A SUBSECTION (D) REGULATING RECREATIONAL VEHICLES ON PRIVATE PROPERTY WITHIN THE CITY; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Brownwood (the "City") desires to address the problem of persons using a recreational vehicle as a residence in areas outside of a recreational vehicle park as defined in Section 98-582(a) of the Zoning Code; and

WHEREAS, the City desires to amend the City Zoning Code, Section 98-582, by adding a subsection (d) to regulate the use of recreational vehicles on private property within the City; and

WHEREAS, the City's Planning and Zoning Commission conducted a public hearing on the proposed Zoning Code amendment, duly noticed and published as required by law, and after conducting such public hearing, recommended this ordinance be adopted by the City Council; and

WHEREAS, the City Council has also conducted a public hearing on this ordinance, duly noticed and published as required by law; and

WHEREAS, the City Council finds that this ordinance is in the best interest of the City and is enacted to achieve orderly development of the City, to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the City and its citizens; and

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

SECTION 1.0. AMENDMENT TO CHAPTER 98, SECTION 98-582, BY ADDING A SUBSECTION 98-582(d) that will read as follows:

“(d) Recreational vehicles on private property.

(1) A person may not stay in, reside, and/or occupy a Recreational Vehicle on private property other than in a designated recreational vehicle park as specified in Sec. 98-582(a), except on a temporary basis, not to exceed ten (10) days.

(2) A person may not connect a Recreational Vehicle to City supplied utilities (i.e., water and/or sewer) for the purposes of staying in, residing and/or occupying a Recreational Vehicle, other than on a temporary basis, not to exceed ten (10) days.

(3) A resident who owns a Recreational Vehicle may park at their residence for parking purposes only. Electric service may be connected to the Recreational Vehicle by an extension cord for

conditioning purposes only (heat, cool, appliances), to work on the Recreational Vehicle or for temporary use as permitted herein. The Recreational Vehicle shall at no time be used as a permanent dwelling and shall not be considered a permissible accessory building or structure.

(4) No person shall hook up a Recreational Vehicle to electrical utilities, water, city sewer, septic systems, telephone, or place a receptacle for receiving mail or any other service or device which would indicate more than the temporary use of the Recreational Vehicle as permitted herein.

(5) Property owners are responsible for Recreational Vehicles and their uses while placed on their property regardless of the ownership of the Recreational Vehicle.”

SECTION 2.0. PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Brownwood, Texas, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this ordinance is declared to be a separate offense. For violations of the provisions of this ordinance that govern fire safety, public health or sanitation, including dumping of garbage, the fine may not exceed Two Thousand (\$2,000.00) dollars per day, per violation. In the event that a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law; and each and every day said violation is continued shall constitute a separate offense. In addition to the foregoing, the owner of property who fails to enforce and/or comply with this ordinance shall be deemed guilty of a misdemeanor and the prosecution of the property owner shall be in addition to, and not in lieu of, prosecution of the Recreational Vehicle occupant and/or owner. The prosecution of a violation of this ordinance through municipal court shall not waive the City’s right to seek injunctive relief through the court system.

SECTION 3.0. SEVERABILITY CLAUSE

That if any provision, word, sentence, paragraph, clause, phrase or section of this ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0. REPEALER CLAUSE

All provisions in conflict with the provisions of this ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5.0. EFFECTIVE DATE

The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law and this ordinance shall become effective after publication of same as provided by Charter and/or state law.

PASSED AND APPROVED on First Reading this the 28th day of September, 2021.
PASSED AND APPROVED on Second Reading this the 12th day of October, 2021.
PASSED AND APPROVED on Third/Final Reading this the 12th day of October, 2021.

STEPHEN E. HAYNES, Mayor

ATTEST:

CHRISTI WYNN, City Secretary

APPROVED AS TO FORM:

PAT CHESSER, City Attorney