

## **ORDINANCE NO. 665**

**AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING CHAPTER 15 “NUISANCES” OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI “OUTDOOR STORAGE”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kennedale, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council desires to regulate outdoor storage on residential property to further advance the City Council’s objective of supporting great neighborhoods within the City of Kennedale; and

**WHEREAS**, the City Council finds that regulating outdoor storage on residential property is necessary for the health, safety and welfare of the general public, and the protection of landowners and residents of the City of Kennedale.

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

### **SECTION 1.**

That Chapter 15 “Nuisances,” of the Kennedale Code of Ordinances is hereby amended by adding a new Article VI. “Outdoor Storage,” to read as follows:

#### **“ARTICLE VI. – OUTDOOR STORAGE**

##### **Sec. 15-170. – Outdoor Storage.**

(a) For the purposes of this section, outside storage includes, but is not limited to, the following items stored other than in an enclosed building:

- (1) Building materials;
- (2) Supplies associated with home occupation;
- (3) Equipment or materials not typically associated with residential use;
- (4) Chemicals, pool equipment, and lawn materials;
- (5) Play equipment such as play structures, trampolines, and moveable swimming pools;

- (6) Furniture intended or designed for indoor use;
- (7) Appliances intended or designed for indoor use;
- (8) Building fixtures designed for indoor use;
- (9) Motor vehicle parts or accessories;
- (10) Barbeque grills, lawn maintenance equipment, or firewood;
- (11) Agricultural equipment; or
- (12) Other items or personal property which are not customarily used or stored outside and which are not made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(b) It is unlawful for any person to suffer, allow, permit, conduct, or maintain any outside storage on any residential lot or tract within the City of Kennedale. Each day during which outside storage occurs is a separate offense.

(c) The following are affirmative defenses to prosecution under subsection (b):

- (1) That the outside storage is of a type described in subsection (a)(1), and building materials stored on site are:
  - (a) actively used in a construction project for which a valid permit is in effect and for which reasonable progress is being made or the building materials are associated with work of a nature for which no permit is required, and the materials are stored on site for only one period of time no longer than ten (10) consecutive days; or
  - (b) stored in the rear yard and are screened.
- (2) That the outside storage is of a type described in subsection (a)(2)-(12), and is stored in the rear yard and screened.
- (3) That the outside storage is of a type described in (a)(10) and is located in the side or rear yard. Such items located in the rear or side yard are not required to be screened.
- (4) That the outside storage is of a type described in (a)(11) on a residential lot or tract greater than two acres, two of which may be trailers parked on an unimproved surface; provided, however, that the surface must be behind the front building line and a minimum of 150 feet from the street and adjacent property lines.
- (5) That the outside storage are the following items and stored under a carport on a lot or tract on which there is no garage:
  - (a) washer or dryer which is connected and regularly used;

- (b) Furniture designed for outdoor use;
  - (c) motorized lawn equipment;
  - (d) storage containers, if stored in an orderly manner against permanent wall; or
  - (e) household items, yard tools, and cleaning implements, if stored in an orderly manner against a permanent wall using a pegboards, shelves, hoods, storage containers, or tool chests.
- (6) That the outside storage are the following items:
- (a) Moveable toys and play equipment such as tricycles, pedal cars, and basketball goals;
  - (b) Furniture designed and intended for outdoor use; or
  - (c) Play structures located at a state licensed daycare.
- (d) For the purposes of this section, “screened” means screened from view from the public right-of-way by a solid fence, wall, landscaping, or other material allowed by City regulations.

## **SECTION 2.**

This Ordinance shall be cumulative of all provisions of all ordinances of the City of Kennedale, Texas, and the Kennedale Code of Ordinances, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

## **SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 4.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than \$2,000.00 for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined \$500.00 for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 5.**

The City Secretary of the City of Kennedale is hereby directed to publish this Ordinance as required by law.

**SECTION 6.**

This Ordinance shall take effect after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THIS THE 16<sup>TH</sup> DAY OF JULY, 2019.**

**APPROVED:**

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**MAYOR BRIAN JOHNSON**

[CITY SEAL]

**ATTEST:**

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**CITY SECRETARY LESLIE E. GALLOWAY**

**APPROVED AS TO FORM AND LEGALITY:**

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**CITY ATTORNEY DREW LARKIN**