

## ORDINANCE NO. 21-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 86 *TRAFFIC AND VEHICLES*, BY ADDING ARTICLE VIII *RECREATIONAL VEHICLES* FOR THE PURPOSE OF ESTABLISHING STANDARDS FOR THE PARKING AND STORAGE OF RECREATIONAL VEHICLES AND PROHIBITING THE PERMANENT OR TEMPORARY HABITATION USE OF RECREATIONAL VEHICLES; AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HERewith; INCORPORATING RECITALS; AND ADOPTING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Helotes, Texas desires to amend Municipal Code of Ordinances Chapter 86 *Traffic and Vehicles* by adding Article VIII *Recreational Vehicles* in order to preserve, protect, and promote public health and safety.

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

**SECTION ONE. AMENDMENT** Municipal Code of Ordinance Chapter 86 *Traffic and Vehicles* is hereby amended by adding Article VIII *Recreational Vehicles* and shall read as follows:

**“Chapter 86 *Traffic and Vehicles*  
Article VIII *Recreational Vehicles***

**Sec. 86.130. – Purpose.**

Recreational vehicles may be parked or stored on private property in R-1 Single-family Residential District and R-TH Residential Townhome District. No recreational vehicles shall be permitted to be used for habitation. Recreational vehicle parks may be conditionally permitted by the Planning and Zoning Commission and City Council under the rules and regulations of Chapter 98.34 "Classification of new and unscheduled uses" of municipal code.

**Sec. 86.131. – Definitions.**

*Habitation* means to use for living space and shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving or being towed. The following factors may constitute acts to be considered indicative of *habitation*:

- (a) Evidence of a person entering and exiting the vehicle or trailer;

- (b) Connection of the vehicle to sewer, water, and/or electrical systems;
- (c) Use of a power generator; for more than eight (8) consecutive hours in a twenty-four (24) hour period.
- (d) Accessory structures about the vehicle;
- (e) Illumination of the interior of the vehicle;
- (f) Window masking;
- (g) Expanded bays or "pop-outs."

*Recreational vehicle or RV* means (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed not primarily for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, truck camper, and tiny house trailer which are individually defined as follows:

- (a) *Camping trailer* is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use, and of gross trailer area not to exceed four hundred (400) square feet.
- (b) *Fifth wheel trailer* is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set-up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- (c) *Motor home* is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle and not to exceed four hundred (400) square feet.
- (d) *Park trailer* is a recreational vehicle that meets the following criteria:
  1. Built on a single chassis mounted on wheels;
  2. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
  3. Certified by the manufacturer as complying with ANSI A119.5.

- (e) *Travel trailer* is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.
- (f) *Truck camper* is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (g) *Tiny house trailer* is a portable housing unit built on or permanently attached to a single chassis mounted on wheels or on a trailer and constructed to provide temporary living quarters for recreational, travel or seasonal use, consisting of a roof, floor, sides and not to exceed four hundred (400) square feet.

*Construction trailer* means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

*Recreational vehicle park* or *RV park* is a tourist facility for parking motor homes, travel trailers and other recreational vehicles on a temporary basis, generally less than 30 calendar days.

*Storage trailer and van* means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long-term or short-term occupancy, but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.

*Used or occupied* see definition of *habitation*.

*Vacation usage* means a consecutive occupancy period of three (3) days but not exceeding ten (10) days. The property owner shall apply for a vacation use permit which may be granted upon approval by the permitting official. No more than three (3) vacation use permits may be issued in a calendar year.

#### **Sec. 86.132. - Storage of RVs.**

- (a) *Street parking.* No RV shall be parked or stored for more than twenty-four (24) consecutive hours within any seven (7) day period on any public property or right-of-way within the municipal corporate boundaries.
- (b) *Storage on residential property.* RVs parked in a driveway or immediately adjacent to and parallel to the driveway may not encroach into the right-of-way such that any part of the RV extends over any sidewalk, curb, or public travel way.

(c) *Multiple RVs stored on property.* Property owners may have no more than one RV stored on their property unless the following criteria are met:

1. A minimum of 1250 square feet per RV is provided;
2. The RV is setback from all property lines by five feet (5'-0");
3. Off-street parking requirements are met.
4. Hidden from public view by fence or vegetation.

**Sec. 86.133. – Habitation.**

(a) Habitation of any parked or stored RV shall be prohibited, with the following exceptions:

1. When the RV is situated in an approved RV or trailer park;
2. Vacation usage as defined in Section 86.131;

**Sec. 86.134. - Construction trailer.**

A construction trailer may be used for not more than nine (9) months during construction of a permanent dwelling on the same property. Before a construction trailer will be permitted in such an instance, the owner of the property shall secure a permit for the construction trailer from the city administrator or designee. Such permit shall be granted upon the receipt of a signed statement by the applicant that a permanent dwelling will be constructed within nine (9) months thereafter. Only one (1) construction trailer shall be permitted on any parcel of land during the construction or repair of a permanent dwelling. Expiration of the construction trailer permit shall coincide with the expiration date of the residential building permit.

**Sec. 86.135. – Utilities.**

Legally parked or stored RVs may be connected to an approved source of electricity in conformance with the adopted building and safety codes referenced under Section 86.137 Compliance with other laws and regulations. Except for legally established RV parks, direct water and sewer connections cannot be made to hook up to any RV unless permitted by an approved conditional use permit. Additionally, propane tanks must be shut off and disengaged from the RV when stored. Vacation usage, as defined in Section 86.131, shall not be construed to allow temporary servicing of the RV with water or sewer connections. No generator may be used in any RV in the municipality unless it is for temporary servicing or during a lapse of electrical power in the area in which the RV is located. No gray or black water shall be disposed of on any property.

**Sec. 86.136. - RV maintenance.**

It is unlawful and a public nuisance to park, store, or leave standing in public view, upon any public or private property, any RV that is wrecked, dismantled, unregistered, inoperative or otherwise unsightly. Any RV shall be deemed unsightly when body parts rust or become corroded, paint becomes faded, chipped, or peeled, or the RV exterior becomes otherwise dilapidated.

**Sec. 86.137. - Compliance with other laws and regulations.**

It is the intent of this chapter to supplement any state and local regulations which may be applicable. Standards adopted in Chapter 18 *Building and Building Regulations* apply to the regulation of RVs, except for International Building Code and International Residential Code.

**Sec. 86.138. – Fees.**

The city may by resolution establish fees to be paid by applicants for any type of inspection, permit, approval or other municipal processing under this chapter.

**Sec. 86.139. – Enforcement.**

This chapter shall be enforced by the city administrator or designee.

**Sec. 86.140. – Penalty.**

Except where otherwise specifically stated, violations of provisions of this chapter shall be noncriminal infractions, subject to a penalty of one hundred dollars (\$100.00). Each day of continuing noncompliance, following the municipality's issuance of a notice of noncompliance, shall be a separate violation.”

**SECTION TWO. AUTHORIZATION.** The City Council of the City of Helotes authorizes the City Administrator to take all necessary steps to implement the provisions of this Ordinance.

**SECTION THREE. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

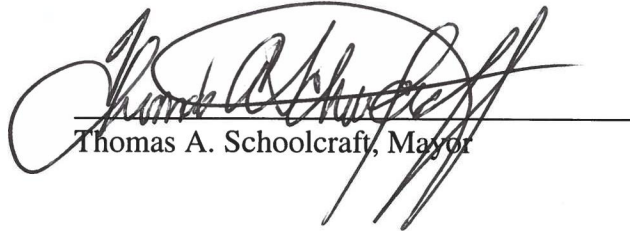
**SECTION FOUR. REPEALER.** All other Code provisions, ordinances or parts of ordinances, and other provisions in conflict herewith are repealed to the extent of said conflict.

**SECTION FIVE. FINDINGS.** The City Council finds all of the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

**SECTION SIX. EFFECTIVE DATE.** This Ordinance shall be effective immediately following its publication in the local newspaper. Thereafter, the rules contained herein will apply within the City of Helotes.

**PASSED AND APPROVED** this 8<sup>th</sup> day of April, 2021.

**CITY OF HELOTES, TEXAS:**

  
Thomas A. Schoolcraft, Mayor

**ATTEST:**

  
Celina Perez, City Secretary

Published: April 12, 2021 and April 13, 2021 - San Antonio Express News

