

ORDINANCE NO. 030923

AN ORDINANCE OF THE CITY OF LITTLE RIVER ACADEMY, TEXAS, AMENDING ORDINANCE NO. 2020-16-03 REGULATING THE USE OF RECREATIONAL VEHICLE AND TRAVEL TRAILERS FOR RESIDENTIAL PURPOSES; PROVIDING DEFINITIONS; PROVIDING A PENALTY CLAUSE; PROVIDING FOR THE AUTHORITY TO CONSIDER AND ISSUE A SPECIAL USE PERMIT; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES CLAUSE; PROVIDING SAVINGS; SEVERABILITY; AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the establishment of reasonable regulations and limitations for the use recreational vehicles and travel trailers within the City will serve to prevent deteriorating property conditions upon private property which will damage the public welfare, property values, economy and quality of life within the City of Little River Academy ("City");

WHEREAS, the regulations of the use of recreational vehicle and travel trailer for residential purposes within the City will afford protections for the environment of the City and the health, safety and welfare of the citizens of the City of Little River Academy; and

WHEREAS, the City Council for the City of Little River Academy ("City Council") desires to adopt regulations authorizing the City Council to consider a request to issue a special use permit to a person to allow the person to reside or occupy for the purpose of residing, in any recreational vehicle or travel trailer within the City limits,

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

Section 1. Findings of Fact. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Definition of "Recreational Vehicle or Travel Trailer". For the purposes of this Ordinance, "Recreational vehicle or travel trailer" means a vehicle or similar portable structure designed for recreational use and travel having no foundation other than wheels, jacks, blocks or skirting, having six hundred (600') square feet or less of enclosed area, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes; provided, however, a mobile home or manufactured home is not a recreational vehicle or travel trailer, and, for purposes of determining the distances specified herein, the term "recreational vehicle and travel trailer" includes any portable, prefabricated, temporary room, commonly called a cabana, that is attached to such recreational vehicle.

Section 3. Unlawful Actions. (a) It shall be unlawful for any person to reside, or occupy for the purpose of residing, in any recreational vehicle or travel trailer within the City limits.

(b) It shall be unlawful for any person to install, locate or place any recreational vehicle or travel trailer on any lot or parcel of land within the City, with the intent that any person shall reside in or occupy such recreational vehicle or travel trailer; provided that it shall be a defense to this paragraph (b) that such recreational vehicle or travel trailer is located on a lot or parcel on which an occupied primary residence exists and such recreational vehicle or travel trailer is located temporarily for use by guests or members of the household of the owner or occupant of the primary residence, and the temporary occupancy does not exceed thirty (30) days in any calendar year.

Section 4. Special Use Permit; Application and Duration of Special Use Permit.

(a) A person may submit an application for a special use permit to authorize the person to reside, or occupy for the purpose of residing, in a recreational vehicle or travel trailer within the City limits. The application must be in writing and must provide a written description of the reasons and necessity for a special use permit to authorize the person to reside or occupy for the purpose of residing in a recreational vehicle or travel trailer within the City limits. The application must set forth a time period for which the Applicant wishes to reside or occupy a recreational vehicle or travel trailer within the City in excess of thirty **120 days**.

(b) The City Council shall consider all applications for a special use permit under this Ordinance. The City Council may reject any application or approve any application after consideration of the application. If the application for a special use permit is approved, the City Council shall establish the duration of the special use permit period and shall set an expiration date for the special use permit.

Section 5. Penalty. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 6. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only; provided that any and all ordinances providing for penalty if found not in conflict herewith shall remain in full force and effect.

Section 7. Savings Clause. All rights and remedies of the City of Little River Academy, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 8. 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, and to this end the provisions of this ordinance are declared to be severable.

Section 9. Open Meetings. That it is hereby officially 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 meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 10. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Local Gov't Code.

PASSED AND APPROVED by the City Council of the City of Little River Academy, Texas, on this the 9th day of March 2023.

CITY OF LITTLE RIVER ACADEMY, TEXAS


Drew Lanham, Mayor

ATTEST:


Anysia Jones, City Secretary