

CITY OF HIGHLAND HAVEN

ORDINANCE # 019 (rev #05)

February 2005

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR THE OPERATION, PARKING AND STORAGE OF RECREATIONAL VEHICLES, COMMERCIAL VEHICLES, AND AUTOMOTIVE VEHICLES INSIDE THE CITY LIMITS, PROVIDING A PENALTY FOR VIOLATION, PROVIDING A SAVING CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the Board of Aldermen determined that they should remove SECTION III (G) RECREATIONAL VEHICLES of Zoning Ordinance #007 because the section does not deal with zoning; and

WHEREAS the Board of Aldermen determined that the safety, health and welfare of the citizens of the city require establishment of specific requirements for parking of vehicles within the City of Highland Haven; and

WHEREAS the Board of Aldermen determined that Ordinance #19 should include the operation of vehicles in title of said ordinance, and;

WHEREAS, the Board of Aldermen determined that the operation of golf carts, vehicles of similar design utilized for cargo other than golf bags, and personal mobility vehicles would benefit a significant number of citizens, and

WHEREAS, such operation would not create an unacceptable and uncontrollable safety factor,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN THAT AUTHORITY FOR OPERATION OF SAID VEHICLES BE ADOPTED AND INSERTED AS PARAGRAPH (1) E OF SECTION II.

SECTION I: DEFINITIONS

1. **AUTOMOTIVE VEHICLE:** A general term for a four (4) wheeled vehicular unit or a two (2) wheeled vehicular unit primarily used to transport people, goods, or material and is not licensed for any commercial or recreational purposes by the State of Texas. The term includes one-half (1/2) ton and three-quarter (3/4) ton pick-up trucks.
2. **COMMERCIAL VEHICLE:** A general term for a vehicular unit that may be used by a business for transportation of all type of motor vehicles, goods, materials, or for work and which applies to, but is not limited to, the following specific vehicle types:
 - A. Equipment - Any machinery used for building, construction, landscaping, plumbing, septic system installation, etc..
 - B. Stock Trailer - A vehicular unit without its own motive power designed primarily to transport livestock, which in combination with the towing vehicle, is eligible to be licensed or registered and insured for highway use.
 - C. Trailer - A vehicular unit without its own motive power designed for transportation of all type of motor vehicles, goods, or materials and which has a cargo bed that is longer than 12 feet, which in combination with the towing vehicle, may be eligible to be licensed or registered and insured for highway use. All tandem axle trailers, despite cargo bed length, will be considered commercial trailers. All trailers with an overall height above the ground greater than forty-two inches will be considered commercial trailers.
 - D. Truck - A vehicular unit with its own motive power which has a greater towing and/or carrying capacity than the vehicular unit the automotive industry calls a three-quarter (3/4) ton pick-up truck without regard to any commercial license requirements by the State of Texas.
 - E. Van - A four wheeled vehicular unit with its own motive power without regard to any commercial license requirements by the State of Texas. A Van is normally used to transport goods or material and has a cargo area located behind the front seat.
3. **RECREATIONAL VEHICLE:** A general term for a vehicular unit that may be used for travel, camping, work, play, and recreation, which applies to, but is not limited to, the following specific vehicle types:
 - A. ATV - A three (3) or four (4) wheel all terrain vehicular unit that is self-propelled and generally used for recreation or work and which is not eligible to be licensed or registered for use on public roads.
 - B. Boat Trailer - A vehicular unit without its own motive power; designed to transport a recreational vessel for recreation and vacation use and which is eligible to be licensed or registered and insured for highway use.
 - C. Camping Trailer – Folding or collapsible vehicular structure, without its own power, designed as a temporary living quarters for travel, camping, recreational, and vacation use, and eligible to be licensed or registered and insured for highway use.
 - D. Golf Cart – A three (3) or four (4) wheel vehicular unit that is self-propelled and generally used for recreation and is not eligible to be licensed or registered for public roadway use.
 - E. Motor Home - A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters and generally used for camping, recreational, and vacation, and which is eligible to be licensed or registered and insured for highway use.
 - F. Recreational Vessel - A general term that applies to all types of water craft, other than a seaplane, whether propelled by wind, oars, motor or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel, when mounted upon a trailer, when parked or stored is one (1) unit.

G. Travel trailer - A rigid vehicular structure, without its own motive power, designed as a temporary dwelling for travel and generally used for camping, recreation, and vacation; eligible to be licensed or registered and insured for highway use; and when equipped for the road, has a body width of not more than eight (8) feet.

H. Truck Camper - A portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary dwelling for travel and generally used for camping, recreational, and vacation, and which in combination with the carrying vehicle, is eligible to be licensed or registered and insured for highway use.

I. Utility Trailer - A single axle vehicular unit without its own motive power, designed for or used for transportation of all type of motor vehicles, good, or materials and which has a cargo bed of less than 12 feet in length and a total height above ground of less than forty-two inches and which may be eligible to be licensed or registered and insured for highway use.

4. **HARD-SURFACED PAD** - An area of the yard that is completely covered with concrete or asphalt, at a single family residence, designed to support parking of automotive vehicles and/or recreational vehicles. The size of the concrete or asphalt hard-surfaced pad must be as large as the outside dimensions of the vehicle with a minimum width of 10 feet and a minimum length of 20 feet. All city setback and easement restrictions apply to a hard-surfaced pad. Pad construction requires a City permit.

5. **PARKED** - Means being at any residence or in any location for less than eight (8) hours during any twenty-four (24) hour period.

6. **STORED** - Means being at any residence or in any location for more than eight (8) hours during any twenty-four (24) hour period.

SECTION II: RESTRICTIONS

1. AUTOMOTIVE VEHICLES

A. An automotive vehicle without a current State license and inspection sticker may be parked or stored in District (A) "Single Family Residential" only if the vehicle is inside an enclosed and conforming structure.

B. An automotive vehicle with a current State of Texas license and inspection sticker (City may require proof of current registration) may be parked or stored in the following manner:

(1). Inside any enclosed structure or under a carport provided the structure or carport conforms to the zoning requirements.

(2) On the hard-surfaced (concrete or asphalt) driveway leading to the residence providing each automotive vehicle parked does not extend over any public right-of-way..

(3) On a hard-surfaced pad located in the side yard, in the rear yard, or in the front yard providing the automotive vehicle is parked behind the required setback, and not in any easement or public right-of-way.

(4) Temporary (less than 14 days) parking of automotive vehicles belonging to out of town guests is permitted in the street right-of-way provided such parking does not restrict access by emergency vehicles nor create a hazard to normal traffic.

(5).The aforementioned homes that were constructed prior to November 6, 1995, and did not have a hard surface driveway were grandfathered and as such are exempt from the restrictions of the Ordinance until such time as they construct a driveway or hard surface.

C. Any motorized vehicle driven within City Limits must conform to the rules of the Texas State Vehicle Code, and the driver or drivers must have a valid state drivers licence.

D. All dirt bikes, ATV's, Go-Carts are prohibited on City Streets.

E. Four wheeled golf carts and similar small engine vehicles, whether designed to transport golf clubs or other cargo, may be driven on city streets by state licensed operators. Personal mobility vehicles may be driven on city streets only by the handicapped; no license required.

2. COMMERCIAL VEHICLES

Said vehicular units may not be stored or parked on any public street. Such units will not be stored or parked on any lot in District (A.) "Single Family Residential" within the City unless it stored within an enclosed structure which conforms to the zoning requirements. Exception - Parking of commercial vehicles, or working same, on the property during the construction or remodeling of a structure and during lot development is permitted during the hours of 7:00 a.m. and 8:00 p.m.. The vehicle must not be parked in any public right-of-way. One commercial vehicle may remain at the site during construction provided it is not located in any public right-of-way and it is removed from the city within 24 hours after construction is completed. All commercial vehicles located within the City must have and display an appropriate and current State of Texas license.

A.The homes that were constructed prior to November 6, 1995, and do not have a hard surface driveway were also grandfathered and as such are exempt from the restrictions of this part of the Ordinance until such time as they construct a hard surface driveway.

3. RECREATIONAL VEHICLES

A recreational vehicle without an appropriate and current State of Texas license (City may require proof of current registration) will not be parked in District (A). Any owner, lessee, or driver of a recreational vehicle that has an appropriate and current State of Texas license, may park and store no more than two recreational vehicles, only one of which may be of the type used for camping, recreation and vacation on a lot in District (A.) "Single Family Residential" subject to the following:

A. The lot is developed with a single family residence.

B. Such recreational vehicle will be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.

C. If such recreational vehicle is equipped with liquefied petroleum gas containers, such containers will meet

the standards of either the Interstate Commerce Commission or the Federal Department of Transportation or the American Society of Mechanical Engineers, as such standards exist on the date of passage hereof. The valves of such liquefied petroleum gas containers must be closed while the vehicle is not being readied for immediate use, and immediate corrective action must be taken if leakage is detected from such liquefied petroleum gas containers.

D. At no time will such parked or stored recreational vehicle be occupied or used for living, sleeping, camping, or housekeeping purposes except as provided in subparagraph (F) of this section.

E. No recreational vehicle will be connected to any septic or alternative wastewater system.

F. It will be lawful for only nonpaying guests at a residence in a residential district to occupy one recreational vehicle parked or stored subject to the provisions of this ordinance, for sleeping purposes only for a period not exceeding fourteen (14) consecutive days. The total number of days during which a recreational vehicle may be occupied under this subsection will not exceed thirty (30) days in any calendar year.

G. A recreational vehicle may be parked or stored in the following manner:

(1). Inside any enclosed structure which structure otherwise conforms to the zoning requirements.

(2). On a hard-surfaced pad outside in the side yard or in the rear yard, behind the required setback, and not in any easement.

(3). Parking one (1) recreational vehicle is permitted outside within the required front yard setback on a hard-surfaced (concrete or asphalt) drive way or a hard-surfaced pad provided.

(a). Space is not available in the side yard, behind the required front yard setback, or there is no reasonable access to either the side or rear yard. A lot will be deemed to have reasonable access to the rear yard if access can be had without substantial damage to existing trees with a diameter greater than twelve (12) inches. A fence will not be deemed to prevent reasonable access. A corner lot will normally be deemed to have reasonable access to the rear yard.

(b). The recreational vehicle must not be parked so as to extend over any public right-of-way.

SECTION III: PENALTY FOR VIOLATION

Any person, partnership, or corporation violating any provision of this ordinance or failing to comply therewith or with any of the requirements thereof, will be charged with a misdemeanor, and will be subject to a fine of not less than fifty dollars (\$50.00) and not more the five hundred dollars (\$500.00), and each day of such violations continues will constitute a separate offense.

SECTION IV: ERRORS AND OMISSIONS

If any section, part, subdivision, clause or provision of this ordinance is adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part or parts that have been adjudged invalid or unconstitutional.

SECTION V: AUTHORIZATION

Since Ordinance #019 replaces SECTION III(G) RECREATIONAL VEHICLES of Zoning Ordinance #007 The Board of Aldermen, by vote, determined that Ordinance #019 will, for the health, safety, and welfare of the citizens of Highland Haven, Texas, become effective immediately upon passage.

SECTION VI: APPLICATION

This ordinance applies to all lots and tracts of land located within the City Limits of Highland Haven.

PASSED AND APPROVED THE 15th DAY OF FEBRUARY 2005, BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS.

Roscoe L. Holt, Mayor

Jeanne Ormiston, City Secretary
