

ORDINANCE NO. 1043

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13, OF THE CODE OF THE CITY OF MESQUITE; BY PROVIDING FOR THE REPEAL OF SECTION 9.01; PROVIDING CERTAIN DEFINITIONS; PROVIDING FOR THE CLASSIFICATIONS OF RECREATIONAL VEHICLES AND ESTABLISHING REGULATIONS FOR EACH CLASS; PROVIDING FOR A NON-CONFORMING USE; PROVIDING FOR A VARIANCE IN CASE OF HARDSHIP; PROHIBITING THE PARKING OF MOBILE HOMES OTHER THAN IN APPROVED MOBILE HOME PARK; PROHIBITING THE OCCUPANCY OF RECREATIONAL VEHICLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 13, of the Code of the City of Mesquite, is hereby amended as follows, in all other respects to remain in full force and effect:

- A. That Section 9.01, "Mobile Home Parking Regulations" is hereby repealed.
- B. That the following regulations and requirements relating to mobile homes, trailer houses, travel trailers, campers, motor homes and recreational vehicles are hereby established:

1. Definitions: For the purpose of this ordinance the following definitions are adopted:

Mobile Home - A vehicular, portable structure capable of being transported over the highways, and containing sleeping accommodations and exceeding eight (8) feet in width or twenty-two (22) feet in length. Such term may be used interchangeably with the term, "trailer house".

Recreational Vehicle - A vehicular, portable structure designed to be transported over the highways and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight (8) feet in width and not exceeding twenty-two (22) feet in length. Any portable, vehicular structure with living or sleeping accommodations in excess of the length and width herein, regardless of the design and the use thereof, for the purpose of this ordinance shall be classed as a mobile home. The term "Recreational Vehicle" may include the terms "travel trailer", "camper", "motor home", or any other term given such vehicle if same is within the definition herein.

In order to effect the intent of this ordinance the classification of Recreational Vehicle is further classified as Class I Recreational Vehicle and Class II Recreational Vehicle:

- (a) Class I Recreational Vehicle - A recreational vehicle is defined herein but not in excess of fifteen (15) feet in length, including campers designed for transportation on a pickup truck if not in excess of such length.
- (b) Class II Recreational Vehicle - A recreational vehicle as defined herein but exceeding fifteen (15) feet in length.

Length - That distance from end to end of the area devoted to living and storage space.

2. Mobile Homes Prohibited: It shall be unlawful to place, park or maintain any mobile home, as defined herein, on any street, alley, lot, tract or parcel of land in the City for a period in excess of twenty-four hours, except in a mobile home park or authorized mobile home storage area as authorized and permitted under the provisions of The Comprehensive Zoning Ordinance.

ORDINANCE/PAGE 3

3. Recreational Vehicles shall be allowed under the following conditions:
 - (a) Class I Recreational Vehicle - A Class I Recreational Vehicle may be parked in the driveway or in front of the building line but must not block the sidewalk area.
 - (b) Class II Recreational Vehicle - A Class II Recreational Vehicle may be parked behind the setback or building line and not within five (5) feet of any main building, and not otherwise.
4. Over Length Vehicles - Non-Conforming Status: Any recreational vehicle owned by a resident of the City and in the City at the time of passage of this ordinance, such vehicle otherwise being within the definition of a recreational vehicle herein except for the permitted length, may be continued as a legal non-conforming use as to the excess length.

To obtain such permitted non-conforming status, the owner must register the vehicle with the Office of the Chief Building Inspector within ninety (90) days after the effective date of this ordinance.

At such time as the current owner shall dispose of the non-conforming vehicle or move from the City or discontinue the keeping of such vehicle in the City for a period of six months, such non-conforming use shall cease.
5. Hardship - Variance: An owner of an over length unit in excess of permitted length not entitled to non-conforming status may make application to the Board of Adjustment for non-conforming status as in other cases; provided, however, that any variance granted on the basis of hardship shall be limited to one (1) year.
6. Occupancy prohibited: Recreational vehicles and mobile homes shall not be occupied while in the City and shall not be connected to public or private utilities except when located in an approved mobile home park.

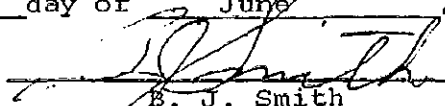
SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the ordinance as a whole.

SECTION 3. That all former ordinances or parts of ordinances thereof which may conflict, or are inconsistent with the provisions of this ordinance, or of the Code of the City of Mesquite, are hereby repealed to the extent of such conflict, provided, however, that any portion of the Code of the City of Mesquite not specifically repealed shall remain in full force and effect and in case of conflict, shall control.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Corporation Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00), for each offense, and each and every day such violation continues shall constitute a separate offense.

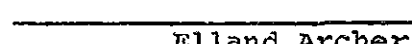
SECTION 5. The fact that present ordinances of the City of Mesquite are inadequate in regulating the storage and occupancy of mobile homes and recreational vehicles, constitutes an urgency and an emergency for the preservation of the public health, safety and welfare of its citizens and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

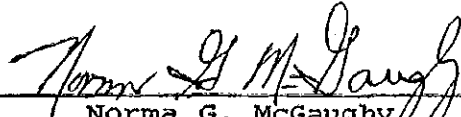
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5 day of June, A.D., 1972.


E. J. Smith
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:


Elland Archer
City Attorney


Norma G. McGaughy
City Secretary