

CITY OF PENELOPE, TEXAS

ORDINANCE NO. 0725004

AN ORDINANCE OF THE CITY OF PENELOPE, TEXAS, ESTABLISHING DEFINITIONS AND REGULATIONS FOR RECREATIONAL VEHICLES AND ADOPTING A PROCEDURE FOR ABATEMENT AND REMOVAL OF RECREATIONAL VEHICLES PARKED IN THE RIGHT-OF-WAY; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, PENALTIES, PUBLICATION, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Penelope, Texas ("City"), is a Type A general-law municipality located in Hill County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, Texas Transportation Code section 542.202 specifically authorizes local authorities to regulate the stopping, standing, or parking of a vehicle; and

WHEREAS, pursuant to Texas Transportation Code section 545.3051 allows for the removal of personal property from a roadway or right-of-way; and

WHEREAS, pursuant to Texas Local Government Code section 552.015 specifically authorizes a Type A general-law municipality to regulate public wells, pumps, cisterns, hydrants, and reservoirs located inside or outside the municipality including the municipality public streets; and

WHEREAS, City Council finds that adopting Ordinance No. 0725004, is necessary and proper and in the best interests of the City and the public.

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

SECTION 1. Findings of Fact. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Enactment. The City of Penelope, Texas, hereby adopts Ordinance No. 0725004, a copy of which is attached hereto as "**Exhibit A**" and incorporated fully by reference for all purposes.

SECTION 3. Repealer. This Ordinance shall be cumulative of all provisions of the Ordinances of the City of Penelope, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which

case the conflicting provisions of such Ordinances are hereby repealed in so far only as to any direct conflict with the provisions of this Ordinance.

SECTION 4. Severability. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable. If any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable by a court or administrative agency with jurisdiction over the matter, such declaration shall not be construed to affect any other valid phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. Penalties. The penalties for any person violating any of the provisions of this Ordinance, shall be as set forth in Exhibit "A."

SECTION 6. Publication. The City Secretary is hereby directed to record and publish this Ordinance, as authorized by Chapter 52, Texas Local Government Code.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

SECTION 8. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, CONSIDERED, PASSED, AND APPROVED BY THE CITY COUNCIL OF PENELOPE, TEXAS, AT A REGULAR MEETING ON THE 30 DAY OF July, 2025.

Approved this the 30 day of July, 2025.


Phillip Esparza, Mayor

ATTEST:


Debbie Lednický, City Secretary

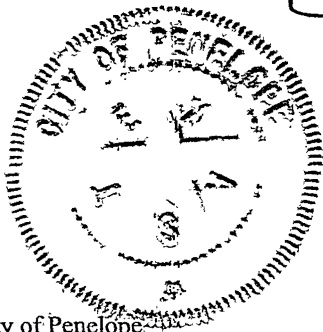


EXHIBIT “A”

ORDINANCE NO. 0725004

(As adopted by City of Penelope, Ordinance No. 0725004, on July 30, 2025.)

RECREATIONAL VEHICLES

DIVISION I

Generally

Section 1. Definitions.

As used in this ordinance:

Park or parking. Means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Personal property. Means a vehicle unlawfully stopped as described by Texas Transportation Code Section 545.305, including a recreational vehicle stopped, standing, or parked in violation of this ordinance.

Recreational vehicle. A vehicular or portable unit which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, truck campers, camping trailers, or motor homes. A recreational vehicle as described under this section is one that contains permanently installed sleeping facilities or human sanitary treatment or disposal facilities or both. For purposes of this section, the term shall also include motor homes, tour buses, campers, pick up coaches, and tiny houses on wheels.

Roadway. Means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

Right-of-way. Means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest, this includes the entire width of land between the public boundaries or property lines of a highway. The public right-of-way (ROW) usually extends from the center of roadway to the private property line, typically 9.5 feet from back of curb.

Stand or standing. Means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

Stop or stopping. Means to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic-control sign or signal.

Section 2. Parking, storage, and occupancy restricted.

- (a) No person shall allow or permit a recreational vehicle to stop, stand, or park on any public roadway or right-of-way except for a period not to exceed twenty-four (24) hours, for the express purpose of loading or unloading the vehicle, preparing the vehicle for use, or preparing the vehicle for storage.

Exhibit A

- (b) No person shall allow or permit a recreational vehicle that is temporarily parked as allowed by subsection (a) to be parked within 35 feet of a stop sign or intersection or parked in such a manner that creates a safety hazard.
- (c) No person shall allow or permit a recreational vehicle to be used as a permanent residence or commercial office space.
- (d) No person shall allow or permit a recreational vehicle to be occupied or used for living, sleeping, or overnight accommodation for a period of time that exceeds one twenty-four hour period within thirty consecutive days.
- (e) A person may seek City Council permission to use a recreational vehicle as a temporary residence if the individual is building a permanent residence on the same property where the recreational vehicle will be located. Temporary residence shall mean occupation of the recreational vehicle for no longer than one calendar year.
 - a. A person who wishes to use a recreational vehicle as a temporary residence must submit a written request to the City Council prior to occupying the recreational vehicle.
 - b. A person who wishes to extend occupation of the recreational vehicle beyond one year must submit a written request to extend the occupation no later than 30 days prior to the expiration of the permit. The written request must explain the conditions that caused the delay in appropriate permanent housing. The applicant should be prepared to present to City Council the conditions present necessitating the extension.

Section 3. Removal of Unlawfully Parked Vehicle

- (a) Any recreational vehicle that is parked in violation of this ordinance may be removed at the direction of the Mayor or his designee and stored until claimed by the rightful owner or person who has the immediate right to such property, or until disposed of under the provisions of state law. Personal property may be removed under this section without the consent of the owner or carrier of the property.
- (b) The owner of a vehicle that is removed or stored under this section is liable for all reasonable towing and storage fees incurred.

Section 4. Unauthorized Connections to Water or Sewer System

- (a) No person shall allow or permit a recreational vehicle to tap, open, alter or disturb, make connections to or with any main or lateral of the city water or sewer system unless authorized to do so by the city.
- (b) No person shall tamper, or allow or permit tampering, with the city's water and sewer system facilities, including meters.
- (c) No person shall utilize or take or allow or permit the taking of water from a service connection

Exhibit A

not installed or specifically provided for the property upon which it is utilized without specific permission from the city.

Section 5. Disconnection of Unlawful Connection

- (a) If unauthorized usage or an illegal connection is found, the city may terminate or disconnect the water system service or sewer system service, and remove any city property from the premises, including any city water meter.
- (b) The person, customer, or property owner shall have the right to request an administrative hearing before the City Council to contest the termination of regular service, the refusal to restore regular service, the disconnection of the water service connection, or the removal of city property from the premises, including any city meter.
- (c) Reconnection to the city's utilities will only occur after the illegal connection is terminated and a reconnection fee of \$500 is paid to the city.

Section 6. Enforcement and Penalties

- (a) It is an offense for any person, firm, company, or corporation to violate, disobey, omit, neglect, refuse to comply with, or resist the enforcement of any provision of this ordinance.
- (b) Each day that a violation of this ordinance occurs or is permitted to exist shall constitute a separate offense. A violation of this subsection is a Class C misdemeanor and is punishable by a fine of no more than \$500 for each offense.

Section 7. Presumptions.

It is presumed that the registered owner of an unattended vehicle in violation of this ordinance is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred. Additionally, it is presumed that the property owner as recorded in the Hill County Central Appraisal District Records is the person who allowed or permitted an unlawful water connection.