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## MEETING NOTICE

The Ordinance Review Committee of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Tuesday, October 03, 2023 at 10:30 AM.

The public may watch this meeting live at the following link:

<https://zoom.us/j/98511268041?pwd=WHAVNldLajlGZzNCblpVQ2htRys1QT09;>

Meeting ID: 985 1126 8041; Passcode: 109244

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

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The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

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The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

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Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to [woodcreek@woodcreektx.gov](mailto:woodcreek@woodcreektx.gov) by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

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# AGENDA

## CALL TO ORDER

## ROLL CALL and ESTABLISH QUORUM

## PUBLIC COMMENTS

## CONSENT CALENDAR

1. Approval of Regular Meeting Minutes From September 5, 2023.

## REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Report by City Manager.

Report by City Secretary.

## REPORT OF SPECIAL (Select or Ad Hoc) Committees - None

## SPECIAL ORDERS - None

## UNFINISHED BUSINESS AND GENERAL ORDERS – None

## NEW BUSINESS

- [2.](#) Workshop to Discuss Report on Invisible and Electric Fences.
- [3.](#) Discuss and Take Possible Action On the Report For Invisible and Electric Fences.
- [4.](#) Workshop to Discuss Traffic Code, Chapter 70, Schedule IV-City Parking.
- [5.](#) Discuss and Take Possible Action on Traffic Code, Chapter 70, Schedule IV-City Parking.

## ANNOUNCEMENTS

## ADJOURN

## POSTING CERTIFICATION

I certify that the above notice was posted on the **30th day of September, 2023 at 10:00AM.**

By: 

**Suzanne J. MacKenzie, City Secretary**

ORDINANCE REVIEW COMMITTEE MEETING (CITY HALL)

SEPTEMBER 5, 2023; 10:30 AM

WOODCREEK, TEXAS

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**CALL TO ORDER**

Chair Miller called the meeting to order at 10:42 AM

**ROLL CALL and ESTABLISH QUORUM**

PRESENT

Chairperson James Miller

Vice-Chairperson Joe Branco

Committee Member Donna Hector

Council Liaison Debra Hines (Councilmember Hines arrived later in the meeting)

Absent

Committee Member Karen Duncan

Committee Member Randy Renter

Alt. Committee Member Emma Davenport

Staff Present

None

**Public Comments**

No Public Comments were offered.

**CONSENT CALENDAR**

1. Approval of Regular Meeting Minutes from July 11, 2023  
A Motion was made by Member Hector to accept the minutes of the previous meeting with second by Member Branco.

A roll call vote was held.

Voting Yea: Chair Miller, Member Hector, Member Branco

Motion passed 3-0-0

**REPORTS FROM OFFICERS AND COUNCIL LIAISONS**

*Report by City Council Liaison.*

Councilmember Hines later reported on the activities of the Council wherein the ORC's work on Chapters 90, 93 & 94 were advanced to Council Workshop for consideration.

*Report by City Manager*

None given.

**UNFINISHED BUSINESS AND GENERAL ORDER**

None.

**NEW BUSINESS**

**2. Workshop to discuss invisible (Electric) fences As Animal Control Devises, including Possible Formation of an ad hoc Subcommittee.**

The Workshop was opened at 10:45 with a brief discussion of the scope of the project i.e., not to address a specific ordinance but to gather information on a) how does the County and State address this issue, and b) how do other Municipalities deal with this issue. It was decided that the project would best be handled by an ad hoc subcommittee to do the research, Member Hector and Chair Miller agreed to seat this subcommittee. The Workshop was closed at 10:50.

**3. Discuss and Take Possible Action on the Regulation Of Invisible (Electric) Fences As Animal Control Devices, including the Possible Formation of an Ad Hoc Subcommittee.**

A motion was offered by Member Hector to form an Ad Hoc Subcommittee to research how Invisible Fences are dealt with by the State, County, and other Municipalities. Motion was seconded by Member Branco.

A roll call vote was held.

Voting Yea: Chair Miller, Member Hector, Member Branco  
Motion passed 3-0-0

**4. Workshop to Discuss Traffic Code, Chapter 70, Schedule IV – City Parking.**

The Workshop was opened at 10:56. The complexity of the project was discussed in relation to a recent decision by the Council for this Committee to avoid anything in Zoning. It was decided to form an ad hoc subcommittee to research this further for discussion at the October meeting.

Chair Miller agreed to get with absent Member Duncan who had previously expressed interest in this topic. The Workshop was closed at 11:20.

**5. Discuss and Take Possible Action on Traffic Code, Chapter 70, Schedule IV – City Parking.**

A motion was offered by Member Hector to refer the issue of Parking in Chapter 70 to the ad hoc subcommittee of Miller-Duncan.

A roll call vote was held.

Voting Yea: Chair Miller, Member Hector, Member Branco  
Motion passed 3-0-0

**ANNOUNCEMENTS**

It was at this point at 11:35 that Councilmember Hines gave her report as previously outlined.

**ADJOURN**

Chair Miller adjourned the meeting at 11:44

CHAIR NOTES

Report to the Mayor

Subject: The Use of Electronic or Electric Fences for Pet Control

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In analyzing the use of Electronic or Electric fences in Woodcreek, the topic was broken down into these areas of question:

1. What is the Definition of Electronic or Electric fences?
2. What type of Control over your Pet do these types assert?
3. How do Woodcreek's ordinances address these fences?
4. How do other Municipalities address them?
5. What does State and County law say about them?
6. How do the Humane Societies or Veterinaries feel about them?

What is the Definition of Electronic or Electric fences?

An **electronic fence**, otherwise known as a **pet fence** or **fenceless boundary** is an electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier. A mild electric shock is delivered by an electronic collar if its warning sound is ignored.

An **electric fence** is a barrier that uses electric shocks to deter animals and people from crossing a boundary.

What type of Control over your Pet do these types assert?

The Electronic fence is a system designed to startle, not hurt the animal. When the pet approaches the set barrier, an audible alarm sounds from a collar around its neck. If he fails to stop, a mild electric shock is sent. This type of fence is only effective when used alongside proper, compassionate training. Their effectiveness can be problematic for the following reasons:

- a) Dogs put up with the shock when the "reward" is great enough. If a dog is highly motivated to leave the property, it will withstand the shock.
- b) The system can malfunction due to electrical outages. The collar runs on batteries so one must be meticulous in checking this.
- c) The prongs on the collar can injure the skin. The prongs need to be close to the skin to deliver the shock therefore they can irritate the skin if used often.
- d) These fences do not prevent others (people nor animals) from coming in. If your dog is aggressive, you will need to warn others such as delivery persons through clearly seen signs.
- e) Electric shocks can induce fear, anxiety, and aggression. While the shock delivered to the dog is supposed to link approaching the barrier as the reason for the shock, the dog may associate it with something else, such as a person walking by.<sup>1</sup>

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<sup>1</sup> "Why Invisible Fences Don't Work" by Jennifer Coates, DVM

The Electric fence delivers a charge of up to 10,000 volts when contact is made. They generally must have an outer barrier with signage that prevents unwanted contact. They are used almost exclusively in an agricultural or rural setting.

How do Woodcreek's ordinances address these fences?

Woodcreek's ordinances are silent on these types of fences.

How do other Municipalities address them?

Some municipalities forbid the use of electronic fences; however *due process* requires that a prohibition must be stated clearly or else is unenforceable. Therefore, a lengthy description of exactly what type of fence is required to actually forbid them.

Electric fences are generally not allowed in residential areas.

What does State and County law say about them?

State Law does not prohibit electronic fences. However, County law, to which Woodcreek would be subject, states, " *The use of a wireless fence which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint;*"<sup>2</sup>

**Electric fences are prohibited on property that is designated by a Municipality or County for residential use.**<sup>3</sup>

How do the Humane Societies or Veterinaries feel about them?

Local veterinary offices do support the use of an invisible fence if the dog is properly and professionally trained. They state that even with training they do not work 10% of the time. Also, the breed of the dog is a big factor in their success and whether they should be used.<sup>4</sup>

The Humane Society and Rescue Organizations will not allow adoption of a dog if the only means of control is an invisible fence.

Conclusion

Woodcreek's Pet Ordinance which was revised by this Committee previously defines Running at Large as: *Running at Large*. Not under the direct physical control of the owner or handler by leash, cord, chain, or similar direct physical control and not being kept physically restrained from leaving the premises of the owner.<sup>5</sup>

This would place us in alignment with County regulations. I do not see where a direct change to our Ordinances is required, but it may be wise for staff to be aware that the use of invisible

<sup>2</sup> Sixth Amended Hays County Animal Control Ordinance NO. 32190

<sup>3</sup> Texas Local Government Code, Chapter 250, Miscellaneous Regulatory Authority

<sup>4</sup> Wimberley Veterinary Clinic, Cypress Creek Clinic

<sup>5</sup> Chapter 90.01 - Definitions

fences does not constitute control of the dog/pet and that steps should be taken to assure that the animal stays on the property.



**Item to Forward to City Council: (Select one box)**

- Report / Recommendation to Council       Request for Item to be Considered by Council

**Advisory Group Sending Report/Recommendation or Request to City Council: (Select one box)**

- Comprehensive Plan Advisory Work Group       Hotel Occupancy Tax (H.O.T.) Committee  
 Ordinance Review Committee       Parks and Recreation Board  
 Planning and Zoning Commission       Platinum Roads Panel  
 Tree Board       Other: \_\_\_\_\_

**Meeting Date Advisory Group Voted to Reach Out to Council:** 10/03/2023

**Subject of Report/Recommendation OR Request for Item to be Considered:**

Evaluation of Electric Fences as a form of restraint for dog owners in the City of Woodcreek

comparing Hays County Animal Regulations and Woodcreek Ordinances 156.030, 156.057, 90.01 and 90.05

| ~ FOR CITY HALL STAFF USE ONLY ~        |  |
|---|--|
| Date Original Received at City Hall:    |  |
| Received by (City Staff Member- PRINT): |  |
| Date Reviewed/Signed by City Manager:   |  |
| Date of Next City Council Meeting:      |  |

## SUMMARY / HISTORY

The City of Woodcreek's current Ordinance:

Section 90.05(A) under Chapter 90, states: "Every dog shall be kept under the direct physical control of an owner or handler or shall be physically restrained from leaving the premises of the owner or handler of such dog. 90.01 defines "Running at Large. Not under the direct physical control of the owner or handler by leash, cord, chain, or similar direct physical control and not being kept physically restrained from leaving the premises of the owner."

Hays County Sixth Amended Animal Control Ordinance No. states:

"Section 2.17. Restraint. An animal shall be deemed to be under restraint if it is: a) tied in such a way as to prevent it from leaving or extending past the owner's premises/property and from being within ten (10) feet of any public right-of-way; b) totally enclosed in a fence constructed in such a way as to prevent it from leaving the owner's premises. The use of a wireless fence which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint; or c) accompanied by a responsible person who is controlling it on a leash.

Section 2.19. Running At Large. Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal completely to the owner's property except when a dog subject to these regulations is under the direct supervision of the owner and is: a) on a leash; b) held in the hands/arms of the owner or within the limits of the owner's private property and is obedient to that owner's verbal commands; c) within an automobile or vehicle of its owners and properly restrained; or d) participating in a field trial, dog show, or obedience classes.

Section 2.20. Secure Enclosure. A fenced area or structure that is: a) locked; b) capable of preventing the entry of the general public including children; c) capable of preventing the escape or release of a dangerous dog; d) clearly marked as containing a dangerous dog; and e) conforms to the requirements for enclosures established by the Animal Control Authority.

Texas Local Government Code 250.009 has several regulations, including "Electric fences are prohibited on property that is designated by a Municipality or County for residential use."

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## RECOMMENDATION:

The County has a larger definition of "running at large" than the City of Woodcreek, but the City is in alignment with County regulations.

The Ordinance Review Committee does not see where a direct change to our Ordinances is required, but it may be wise for Staff to be aware that the use of invisible fences does not constitute control of the dog/pet and that steps should be taken to assure that the animal stays on the property.

Submitted by: \_\_\_\_\_  
*PRINTED NAME of Chairperson*

Submitted by: \_\_\_\_\_  
*SIGNATURE of Chairperson*

Date of Submission: \_\_\_\_\_

City Manager: \_\_\_\_\_  
*(Signature)*

## SUBCHAPTER E. JUNKED VEHICLES: PUBLIC NUISANCE; ABATEMENT

Item 4.

Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this subchapter, "junked vehicle" means a vehicle that:

- (1) is self-propelled; and
- (2) is:
  - (A) wrecked, dismantled or partially dismantled, or discarded; or
  - (B) inoperable and has remained inoperable for more than:
    - (i) 72 consecutive hours, if the vehicle is on public property; or
    - (ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this subchapter, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

- (1) a motor vehicle that displays an expired license plate or does not display a license plate;
- (2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
- (3) a watercraft that:
  - (A) does not have lawfully on board an unexpired certificate of number; and
  - (B) is not a watercraft described by Section [31.055](#), Parks and Wildlife Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 746, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 798, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 500 (S.B. [350](#)), Sec. 1, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 720 (H.B. [787](#)), Sec. 9, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 753 (H.B. [1376](#)), Sec. 1, eff. September 1, 2011.

Reenacted and amended by Acts 2013, 83rd Leg., R.S., Ch. 1291 (H.B. [2305](#)), Sec. 49, eff. March 1, 2015.

Sec. 683.0711. MUNICIPAL REQUIREMENTS. An ordinance adopted by a governing body of a municipality may provide for a more inclusive definition of a junked vehicle subject to regulation under this subchapter.

Added by Acts 2003, 78th Leg., ch. 1073, Sec. 1, eff. Sept. 1, 2003.

## SCHEDULE IV. CITY PARKING.

- (A) No vehicle shall be allowed to park in a public street, alley, or public right-of-way.
- (B) Parking on private property of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, unless inside a fully enclosed garage or storage space or behind privacy fencing on a durable surface, except on a temporary basis. Temporary shall be defined as not to exceed seven 24-hour periods total in any 30-day period.
- (C) A long-term parking permit may be obtained from the city for work and commercial vehicles, except for those meant to hold human excrement, on private property for a renewable period of six months at a cost of \$50.00 per parking permitted work vehicle.

In order to obtain a long-term parking permit for a work vehicle the property owner must show that:

- (1) They have enough durable-surfaced parking space to accommodate all vehicles of the residence and the work vehicle and one additional guest parking space; and
  - (2) That the work vehicle is needed for work purposes for a member of the household; and
  - (3) Parking of said vehicle shall not result in a dangerous obstruction of view of the public right-of-way.
- (D) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly owned right-of-way, park or greenbelt is prohibited except under the following conditions:
    - (1) Parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement and no part of the vehicle projects out over the street pavement.
    - (2) Residential property owners may elect to surface parking space in the right-of-way with a pervious cover, such as gravel or crushed granite.
    - (3) Parking of personal vehicles shall be allowed on publicly owned rights-of-way, parks, and greenbelts with paved or pervious parking spaces provided by the City, subject to the restrictions of any posted signs.
  - (E) Junked Vehicles. "Junked vehicle" means a vehicle that is self-propelled and does not lawfully have attached to it an unexpired license plate and a valid motor vehicle inspection certificate and is wrecked, dismantled, or partially dismantled or discarded or inoperable and has remained inoperable for more than: 72 consecutive hours, if the vehicle is on public property, or 30 consecutive days, if vehicle is on private property. (Texas Transportation Code § 683.071)

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance. (Texas Transportation Code § 683.072)

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A person commits an offense if the person maintains a public nuisance described above as Junked Vehicle. The offense is a misdemeanor punishable by a fine not to exceed \$200.00.

The court shall order abatement and removal of the nuisance on conviction. (Texas Transportation Code Sec. 683.073)

- (F) Erection of signs. The City may erect signage of such design, placement, and location as may be required by law, and any other signage as City staff may determine appropriate or necessary, to notify the public.
- (G) Two-hour parking signs. In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive, the City shall erect signs reading "2 Hour Parking - Violators will be towed at vehicle owner's expense".
- (H) Penalty. Any person violating any provision of this schedule shall be subject to the penalties and provisions in § 10.99 of this Code of Ordinances, unless otherwise expressed in this chapter or State Statute.

(Ord. 15-207, 5-13-2015; Ord. 19-257, 3-13-2019; Ord. No. 22-304 , 3-9-2022)

EXISTING ORDINANCE

## RV's in residential areas

### ALLOWED

### DISALLOWED

| Vehicle   | Class B motorhome  |
|---|--|
| <p><b>Chevy Suburban</b></p> <p>Length: 18.83 ft</p> <p>Width: 6.75 ft (widest vehicle allowed in Texas is 8 or 8.5ft.)</p> <p>Height: 5.9 ft</p> | <p><b>Thor: Scope</b></p> <p>Length: 17ft 11 inches</p> <p>Width: 6ft 9 inches</p> <p>Height: 9ft 6 inches</p>           |
| <p><b>V10 Ford Excursion (2005) Valdez</b></p> <p>Length: 18.88ft</p> <p>Width: 6.46 ft</p> <p>Height: 6.38 ft</p>                                | <p><b>Winnebago: Solis</b></p> <p>Length: 19 ft. 9 inches</p> <p>Width: 6 ft 8 inches</p> <p>Height: 8 ft. 11 inches</p> |
| <p><b>Dodge Van</b></p> <p>Length: 18.58 ft – 24 ft</p> <p>Width: 6.66 ft</p> <p>Height: 8 ft – 9 ft</p>  |  |
| <p><b>Ram Truck</b></p> <p>Length: 19.4 ft</p> <p>Width: 6.8 ft</p> <p>Height: 6.4 ft</p>   |  |
|   |  |

Woodcreek City Ordinances state a variety of purposes: public health, safety, general welfare and protection of property. And probably some that I have forgotten.

There are two reasons to regulate RV's: 1) avoidance of an RV being used as an Accessory Dwelling Unit on a single family property and 2) sanitation. I would much prefer to see regulation of those issues than a blanket statement that RV's cannot be routinely parked in a driveway. (These don't apply to a variety of other items that are disallowed in the driveway.)

Texas Administrative Code seems to be fairly quiet on RV's (motor homes).

- (b) The total width of a passenger vehicle and its load may not be greater than eight feet. This subsection does not apply to a motor bus or trolley bus operated exclusively in the territory of a municipality, in suburbs contiguous to the municipality, or in the county in which the municipality is located
- Sec. 621.203. MAXIMUM LENGTH OF MOTOR VEHICLE. (a) A motor vehicle, other than a truck-tractor, may not be longer than 45 feet.
- Recreational vehicle--A vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use that either has its own mode of power or is mounted on or towed by another vehicle and is driven for personal use.

Other interpretations of Texas Code:

- There are no state laws in Texas forbidding an RV to be parked on the streets, but neither is there a state law allowing this. Each city makes its own local laws about these matters and they vary widely. That means that it is important to find out municipal rule before parking the RV on the street.
- It is legal in Texas to park an RV overnight at a truck stop
- RV Parks get a lot of attention in the Texas Administrative Code; sewage, water, fencing, location in zoning.

### **Other cities regulations:**

*Heath, Texas population 10,266 (Rockwall County)*

*Who is affected? Anyone who stores or parks their RV, travel trailer, boat, and/or trailers on a residential property or city street must comply with the City's RV parking regulations.*

*Where can RV's be parked or stored on private property? Any automobile, truck, camper, camper top, recreational vehicle, travel trailer, boat trailer or boat, utility trailer or other towable trailer or vehicle shall be parked or stored on an improved surface in front, side, or rear of any residence.*

*What is an "Improved Surface"? It's a dust-free ground surface typically paved with concrete, brick or stone paving units, or other similar dust-free paving material that is resistant to surface degradation.*

*Does my RV have to be screened from public view? Yes. If the vehicle is within the minimum eight (8) foot setback from any adjacent property line. The vehicle then has to be alternatively screened with a complaint fence or evergreen landscaping where the height of said fence, or the mature height of said landscaping, is equal or greater than the item being screened.*

*What size RV can be parked on private property? No vehicle, including recreational vehicles, travel trailers, boats or boat trailers, in excess of thirty-six (36) feet in length shall be stored or parked in any district zoned for residential uses.*

*Can I park my RV on the street? No recreational vehicle, travel trailer, boat or boat trailer shall park on a public thoroughfare in any district zoned for residential use. You are allowed to park on a residential lot for no more than 72 hours at any one time for the purpose of loading, cleaning, preparing for a trip, winterizing or preparing the vehicle for off-premise storage.*

*Where can I get more information or ask additional questions? City staff is available Monday thru Friday from 8a.m. to 5p.m. at 972-961-4893*

The Colony, Texas – on Lewisville, Lake- in Denton County. Pop: 44,535

- **ARTICLE XII. - RECREATIONAL VEHICLE REGULATIONS**
- **Sec. 6-270. - Definitions.**

The following words, terms and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

*Camper shell* shall mean a small housing or rigid canopy used as a pickup truck accessory for use as temporary living quarters during travel, recreation or vacation use. The housing is usually made of fiberglass or aluminum, is mounted atop the pickup truck's rear bed, generally covers the entirety of the pickup truck bed, and is large enough to be used for camping purposes. This structure shall be considered a dependent house trailer.

*Dependent house trailer* shall mean a trailer or structure which does not have sewer or water connections, a flushable toilet, a tub or shower, or a lavatory or sink within the unit.

*Driveway* shall mean the vehicular accessway from a street to a dwelling or garage that is located between the street right-of-way and the front plane of the building upon and which a hard surface is placed and used for vehicles to travel or park upon.

*Independent house trailer* shall mean a trailer which has approved sewer and water connections to accommodate, and containing, a flushable toilet, a tub or shower, and a lavatory or sink within the unit.



*Owner* shall mean any person who has control, direction, maintenance or supervision of such trailer, whether as owner or otherwise.

*Overnight stay* shall mean the habitation of a recreational vehicle between the hours of 8:00 p.m. and 8:00 a.m.

*Person* shall mean any individual, firm, trust, partnership, public or private association or corporation.

*Recreational vehicle* shall mean an independent house trailer including, but not limited to, any of the following:

(1) *Folding camping trailer*. Also known as a pop-up trailer; a light-weight unit with sides that collapse for towing, mounted on wheels and designed for travel, recreation and vacation use.

(2) *Travel trailer*. A portable structure built on a chassis; designed to be used as a temporary living quarters for travel, recreational or vacation uses; and, when factory equipped for the road, it shall have a body width not exceeding 8½ feet, and a body length not exceeding 40 feet. Travel trailers are nonmotorized and must be pulled by a motor vehicle in a fifth wheel or bumper pull capacity.

(3) *Motor home*. A vehicular unit which does not exceed the length and width limitations provided by law, is built on a self-propelled motor vehicle chassis and is primarily designed to provide temporary living quarters for travel, recreation and vacation use.

*Recreational vehicle park* shall mean any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term accommodation up to and including 30 days or less for placement of two or more recreational vehicles, and shall include all buildings used or maintained for use of the occupants in the park.

*Residential zoning district* shall mean SF-1, SF-2, SF-3, SF-4, D, and TH zoning districts as defined by the Code of Ordinances, Appendix A, as amended. Residential properties in planned development (PD) districts shall be included if storage is permitted in the approved special regulation adopted in accordance with the Code of Ordinances, Appendix A, as amended, concept or development plan.

*Sanitary station* shall mean a facility consisting of:

- (1) A four-inch sewer riser pipe connected to a sewerage system;
- (2) Surrounded at the inlet end by a concrete apron sloped to the drain;
- (3) Provided with a suitable hinged cover; and
- (4) A water outlet with necessary appurtenances used for removing and disposing of wastes from a recreational vehicle's holding tanks.

*Street* shall mean and include any street, alley, avenue, lane, boulevard, drive, public place, or highway commonly used for the purpose of travel within the corporate limits of the city.

*Storage of recreational vehicles* shall mean a recreational vehicle as defined above that is parked, stored, or otherwise maintained on a lot or property, as permitted herein, that:

- (1) Is not occupied for living or sleeping purposes.
- (2) Is not connected to electricity or water service; and
- (3) Is stored in its collapsed position if it is of the collapsible type.

(Ord. No. 2010-1871, § 3, 10-5-2010)

- **Sec. 6-271. - Recreational vehicle parks.**

Recreational vehicle parks shall be permitted only in zoning districts allowed by the comprehensive zoning ordinance, as provided in the Code of Ordinances, Appendix A, as amended.

(Ord. No. 2010-1871, § 3, 10-5-2010)

- **Sec. 6-272. - Storage of recreational vehicles—By zoning districts.**

*Residential zoning districts.* Storage of recreational vehicles in residential zoning districts is permitted only under the following guidelines:

- (1) Vehicles shall not be commercial type;
- (2) No more than one recreational vehicle is permitted per lot;
- (3) Vehicles shall be parked on a permanent, hard-surfaced area which shall consist of concrete, asphalt, brick, or comparable surface;
- (4) The parking pad site must be of an adequate size to accommodate parking of all tires on the vehicle at one time;
- (5) Vehicles must be stored in the side or rear yard upon an improved surface, or on a designated front entry driveway;
- (6) No vehicles can be parked upon any public street or alley within the city in accordance with [section 19-24](#) of the Code of Ordinances; and
- (7) Vehicles shall not block public sidewalks, streets or alleys.

(Ord. No. 2010-1871, § 3, 10-5-2010; Ord. No. 2011-1885, § 3, 2-15-2011)

- **Sec. 6-273. - General regulations.**

(a) *Discharging of gray and black water.* No person shall cause, permit or allow liquid wastes from sinks, commonly known as gray water, or toilets, commonly known as black water, shall be discharged onto or allowed to accumulate on the ground surface. Gray and black water must be discharged in an approved sanitary station.

(b) *Private driveways and storage areas.* Private driveways and storage surfaces shall be maintained in good, safe condition and be free of litter, holes, excavation, protrusions, cracks or other failures that may affect the use, safety, appearance, or drainage of the property or of the adjoining property.

(c) *Temporary on-street parking.* Notwithstanding [section 19-24](#) of the Code of Ordinances, a recreational vehicle may be temporarily parked on the street for the purpose of loading and unloading for not more than seven occasions each calendar year. Each occasion shall be defined as one continuous 24-hour period, or part thereof, for loading and one 24-hour continuous period for unloading. Each occasion shall be separated by at least two full calendar days regardless of the length of time used for loading or unloading of the vehicle.

(d) *Electrical connections.* Recreational vehicles may be connected to the primary structure's electrical wiring system when an approved type of disconnecting device and over current protective equipment are provided. The service per outlet shall be 120 volts AC, 15 amperes or 30 amperes or in accordance with the adopted National Electric Code, whichever is more restrictive.

(1) Outlet receptacles at each driveway or storage area shall be located not more than 25 feet from the recreational vehicle. Receptacles shall be of weatherproof construction installed in accordance with the adopted National Electric Code.

(2) Recreational vehicles shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and plug.

(3) All exposed noncurrent-carrying metal parts shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.

(e)

*Overnight stay in recreational vehicles—By zoning districts.*

(1) *Nonresidential zoning districts.* Overnight stay in nonresidential zoning districts is not permitted. Recreational vehicles, however, may be used for temporary construction trailers as an accessory use to an active construction site and occupied during active construction activity during the hours of 6:00 a.m. to 9:00 p.m.

(2) *Residential zoning districts.* Overnight stay in a recreational vehicle in residential zoning districts in accordance with this section is permitted only under the following guidelines:

a. Recreational vehicles shall be parked on a permanent, hard-surfaced driveway which shall consist of concrete, asphalt, brick, or comparable surface that provides access to a garage, carport or other approved parking area;

b. Recreational vehicles must be parked in the front, side or rear yard upon any driveway or improved surface required above;

c. Overnight stay is limited to a maximum of 14 days during a calendar year.

d. Electrical and water connections to the vehicle must be in accordance with manufacturer recommendations; however, no water or electrical connection can be longer than 25 feet between the recreational vehicle and its source.

(Ord. No. 2010-1871, § 3, 10-5-2010)

- **Sec. 6-274. - Deed restrictions.**

Nothing contained within this article shall be construed to supersede any private deed restrictions or covenants which permits the use of vehicle regulations contained herein.

(Ord. No. 2010-1871, § 3, 10-5-2010)

- **Sec. 6-275. - Penalty for violation.**

Any person, firm, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the city, shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense. Every day a violation occurs shall constitute a separate offense.

(Ord. No. 2010-1871, § 3, 10-5-2010)

- **SCHEDULE IV. - CITY PARKING.**

(A) No vehicle shall be allowed to park in a public street, alley, or public right-of-way.

(B) Parking on private property of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, unless inside a fully enclosed garage or storage space or behind privacy fencing on a durable surface, except on a temporary basis. Temporary shall be defined as not to exceed seven 24-hour periods total in any 30-day period.

(C) A long-term parking permit may be obtained from the city for work and commercial vehicles, except for those meant to hold human excrement, on private property for a renewable period of six months at a cost of \$50.00 per parking permitted work vehicle.

In order to obtain a long-term parking permit for a work vehicle the property owner must show that:

- (1) They have enough durable-surfaced parking space to accommodate all vehicles of the residence and the work vehicle and one additional guest parking space; and
- (2) That the work vehicle is needed for work purposes for a member of the household; and
- (3) Parking of said vehicle shall not result in a dangerous obstruction of view of the public right-of-way.

(D) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly owned right-of-way, park or greenbelt is prohibited except under the following conditions:

- (1) Parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement and no part of the vehicle projects out over the street pavement.
- (2) Residential property owners may elect to surface parking space in the right-of-way with a pervious cover, such as gravel or crushed granite.
- (3) Parking of personal vehicles shall be allowed on publicly owned rights-of-way, parks, and greenbelts with paved or pervious parking spaces provided by the City, subject to the restrictions of any posted signs.

(E) Junked Vehicles. "Junked vehicle" means a vehicle that is self-propelled and does not lawfully have attached to it an unexpired license plate and a valid motor vehicle inspection certificate and is wrecked, dismantled, or partially dismantled or discarded or inoperable and has remained inoperable for more than: 72 consecutive hours, if the vehicle is on public property, or 30 consecutive days, if vehicle is on private property. (Texas Transportation Code § 683.071)

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;

- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance. (Texas Transportation Code § 683.072)

A person commits an offense if the person maintains a public nuisance described above as Junked Vehicle. The offense is a misdemeanor punishable by a fine not to exceed \$200.00.

The court shall order abatement and removal of the nuisance on conviction. (Texas Transportation Code Sec. 683.073)

(F) **Erection of signs. The City may erect signage of such design, placement, and location as may be required by law, and any other signage as City staff may determine appropriate or necessary, to notify the public.**

(G) **Two-hour parking signs. In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive,** the City shall erect signs reading "2 Hour Parking - Violators will be towed at vehicle owner's expense".

(H) Penalty. Any person violating any provision of this schedule shall be subject to the penalties and provisions in [§ 10.99](#) of this Code of Ordinances, unless otherwise expressed in this chapter or State Statute.

(Ord. 15-207, 5-13-2015; Ord. 19-257, 3-13-2019; [Ord. No. 22-304](#), 3-9-2022)