

ORDINANCE 414-A

AN ORDINANCE AMENDING ORDINANCE 414 TO PROVIDE ADDITIONAL CLARIFICATION OF SPECIFIC RULES AND REGULATIONS CONCERNING THE STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES.

WHEREAS, the health and safety of both the citizens of Stilwell and municipal employees is of paramount importance; and

WHEREAS, it is the opinion of this Council that adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the City of Stilwell,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
STILWELL, OKLAHOMA:**

ORDINANCE 414 SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1. Definition

- A. Recreational vehicle (RV) - means any of the following while in use as a residence:
1. Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory equipped for the road, having a body width not exceeding eight feet and a body length not exceeding the state maximum.
 2. Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
 3. Motor home. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 4. Dependent trailer. A trailer which is dependent upon a service building for toilet and lavatory facilities.
 5. Self-contained trailer. A trailer which can operate independent of connections to sewer, water and electrical systems and containing a water flush toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and/or sewage holding tanks located within the trailer.
- B Mobile home – means a movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis over state roads and highways under a special permit, connected to utilities, and designed without a permanent foundation, for year round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit.
- C. Commercial vehicle - any vehicle over eight thousand (8,000) pounds combined laden weight used primarily for business or commercial purposes.
- D. Storage Container – A large, usually metal, box typically used for the storage or hauling of goods, commonly referred to as a “ConEx”. The containers are hauled on a semi-trailer specifically designed for the container. The

containers are also transported by train and ship. Their design and shape is that of a semi-trailer without the wheels.

SECTION 2. Residential Property

Commercial vehicles, storage containers, RVs and trailers of all types shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district, except in accordance with the following provisions.

- A. Not more than one commercial vehicle, which does not exceed one and one-half tons (1 ½) rated capacity, per family living on the premises, shall be permitted. In no case shall a commercial vehicle used for hauling explosives, gasoline, liquefied petroleum products be permitted.
- B. Not more than one RV per family living on the premises shall be permitted. They shall not be parked or stored for more than one week unless it is located behind the front building line.
- C. If permitted by this ordinance, no commercial vehicle, RV or trailer can be used for storage of goods, materials or equipment other than those items considered to be part of the commercial vehicle, RV or trailer or essential for its immediate use.
- D. Utility trailers are permitted provided they follow the requirements of this ordinance as long as they remain roadworthy, and have and display current registration if required.
- E. A mobile home can be parked or stored only in a trailer park/court which is in conformity with the ordinances of the City. Mobile homes currently in violation of this ordinance will be grandfathered in however if at any time the trailer is moved from its current location or significantly remodeled these rules will apply.
- F. Storage containers are not allowed to be placed on residential property, except under the following circumstances:
 1. Approval for the design and placement of the container will be made through the Planning and Zoning Committee and then forwarded to the City Council for confirmation.
 2. The units will be treated as an accessory building and placed in accordance with the current building code, floodplain and ordinance requirements.
 3. A permit must be obtained through the Community Development Department prior to placement.
 4. The units must be maintained consistent with current codes and ordinances so as not to become blight. This would include, but be limited to, the removal of any graffiti placed on the unit, and painting and staining as needed, etc.
- G. Parking is permitted only if the motor home or travel trailer is not used for dwelling purposes, unless the provisions following provisions are met;
 1. May be used by the owner or tenant of the premises, friends, relatives or guests for dwelling purposes for a maximum of 21 days in any calendar year, and a maximum of 14 days at any one time on any given lot.
 2. The motor home or travel trailer shall not be connected to any utility, other than temporary electrical hookups;
 3. No such motor home or travel trailer shall discharge any litter, sewage, effluent or other matter, except into sanitary facilities designed to dispose of such material.
 4. The placement of the trailer or motor home will still comply with this ordinance.
 5. A permit must be obtained prior to occupying a trailer or motor home, the permit can be obtained at the City Hall.

SECTION 3. Commercial Property

- A. A camping, travel trailer, truck camper detached from the truck, or motor home parked on commercial property shall not be occupied either temporarily or permanently, with the exception of construction trailers used as an office for building or remodeling on the property.

- B. Trailers or storage containers will be allowed provided they are maintained to a roadworthy condition, free of graffiti, placed in an approved manner so as not cause an obstruction or be obtrusive to the landscape, and maintained in accordance with all City Ordinances. No trailer or storage container will be allowed for long term storage, more than six (6) months.
- C. Trailers and commercial vehicles will be maintained in a roadworthy condition unless the commercial property is one that is used for the repair and maintenance of the commercial vehicles and trailers. The trailers and commercial vehicles will not be allowed to be kept on the property in a state of disrepair longer than necessary to make needed repairs and in no case longer than six (6) months.

SECTION 4. Exceptions

The exceptions to this ordinance are:

- A. A variance granted by the City Council or the Mayor, in special circumstances, who may grant a temporary variance for a length of time not to exceed the next regular scheduled City Council meeting.
- B. Businesses that are designed and maintained for the purpose of selling, storing, or repairing trailers and commercial vehicles. Trailers and commercial vehicles on the property must be maintained in roadworthy condition and occupancy either temporary or permanently is not allowed.
- C. Any business currently operating in a trailer within the City Limits.
- D. Any business that requires a constant rotation of storage trailers or commercial vehicles to conduct business, however the commercial vehicles and trailers must be maintained in a roadworthy condition and cannot fall into a state of disrepair.
- E. Businesses that rental trailers and commercial vehicles, however the commercial vehicles and trailers cannot be used for storage, must be roadworthy, and not be in a state of disrepair.
- F. The use of a storage container as a residence or business will be allowed under the following circumstances:
 - 1. Approval for the design and placement of the container will be made through the Planning and Zoning Committee and then forwarded to the City Council for confirmation.
 - 2. The units placed and designed in accordance with the current building code, floodplain and ordinance requirements.
 - 3. A permit must be obtained through the Community Development Department prior to placement.
 - 4. The units must be maintained consistent with current codes and ordinances so as not to become blight. This would include, but be limited to, the removal of any graffiti placed on the unit, and painting and staining as needed, etc.

SECTION 5. Enforcement

Violations of this ordinance will be handled through the City Police Department, or Code Enforcement Department. Persons, firms or corporations in violation of this ordinance can be fined in accordance with the current municipal code, plus court costs, abated or both.

SECTION 6. Repeal and Severability

- A. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
- B. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- C. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 2nd day of August, 2021.

APPROVED by the Mayor this 2nd day of August, 2021.

ATTEST:

Jean Ann Wright, Mayor

Larry A, Nettles, City Clerk-Treasurer