

(First Published in the Clyde Republican on April 18, 2024)

**CITY OF CLYDE, KANSAS
ORDINANCE NO. 721**

AN ORDINANCE EMPOWERING THE CITY COUNCIL OF THE CITY OF CLYDE, KANSAS, TO GOVERN THE PARKING OF CAMPERS AND RECREATION VEHICLES WITHIN THE CITY LIMITS OF CLYDE, KANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLYDE, KANSAS:

Section 1. PURPOSE. The City Council has found that there exists within the corporate limits of the City, campers and/or recreation vehicles that are parked and/or occupied for long term periods. It is hereby deemed necessary by the City Council to require or cause campers and recreation vehicles to be regulated as provided in this ordinance and to promote the health, safety and the general welfare of the City and its citizens.

Section 2. DEFINITIONS AND EXPLANATIONS. For the purpose of this ordinance, the following words and terms shall have the following meanings and explanations:

- (a) Enforcing Officer means the person appointed by the City Council or his or her authorized representative.
- (b) Camper and recreation vehicles shall include the following, if they have sleeping areas:

- Campers
- Recreation Vehicles
- 5th Wheel Trailers
- Expandable Trailers
- Travel Trailers
- Trailers
- Park Model RVs
- Sport Utility RVs
- Horse Trailers
- Ice Fish Houses
- Teardrop Trailers
- Pop-up Campers
- Class A Motorhomes
- Class B Motorhomes
- Class C Motorhomes
- Truck Campers
- Tiny Houses
- Any other moveable Vehicles

(c) Occupied means that someone is staying in the camper or recreation vehicle for most of the time or sleeping in the camper or recreation vehicle may be for a fee or no fee.

(d) 2 or more occupied campers or recreation vehicles are subject to Ordinance 609 as amended.

(e) This Ordinance does not apply to:

1 or more unoccupied camper(s) or recreation vehicle(s) owned by the current resident.

(f) This Ordinance does apply to:

2 or more unoccupied campers or recreation vehicles, 1 occupied camper or recreation vehicle for more than 2 weeks

or

1 occupied camper or recreation vehicle for less than 2 weeks

(g) Each Cloud County Kansas, Parcel Listing shall be considered 1 property, whether one or more lots.

(h) The permit shall be approved by the City of Clyde.

Section 3. RULES.

(a) No camper or recreation vehicle shall remain parked in the City Limits for more than 2 weeks, unless it is vacant and no one is residing or sleeping in the camper or recreation vehicle.

(b) Each property owner may have 1 or more unoccupied campers or recreation vehicles parked on the property as long as no one is residing or sleeping in the camper or recreation vehicle for more than 2 weeks.

(c) If a property owner has 1 occupied camper or recreation vehicle parked on their property with someone residing or sleeping in the camper or recreation vehicle for more than 2 weeks, then the property owner needs the approval of the City by obtaining a permit. The permit shall be applied for by the property owner and shall include:

(1) Must designate where on the property the camper or recreation vehicle will be located, with at least a five (5) foot setback from all property lines.

(2) The camper or recreation vehicle shall be hooked up to electricity

- (3) The camper or recreation vehicle shall either be hooked up to the city sewer or the holding tank must be periodically dumped at an approved dump site or in the property owner's sewer cleanout. Cannot use a portable waste holding tank.
 - (4) No dumping or discharging waste water or sewage on the ground or in a storm sewer.
 - (5) The camper or recreation vehicle must be hooked up to city water or well water.
 - (6) No generators are allowed.
 - (7) No parking on city streets or city property.
 - (8) Must follow all city ordinances including all pet ordinances.
 - (9) The camper or recreation vehicle must have current tags.
 - (10) Only 1 occupied camper or recreation vehicle is allowed per each Cloud County, Kansas, Parcel Listing.
 - (11) The property owner must obtain an Annual Permit and pay an annual permit fee of Twenty-five dollars (\$25.00). The Annual Permit shall be for the period January 1 to December 31.
 - (12) The Annual Permit shall be approved by the City in writing.
- (d) All campers and recreation vehicles within the City Limits must have current tags.
- (e) All campers and recreation vehicles must have the permission of the property owner to be parked in the City Limits.
- (f) If a resident has an unoccupied camper or RV for less than 2 weeks, they are subject to the following rules:
- (1) Must have at least a five (5) foot setback from all property lines.
 - (2) No dumping or discharging waste water or sewage on the ground or in a storm sewer.
 - (3) No generators are allowed.
 - (4) No parking on city streets or city property.

- (5) Must follow all city ordinances including all pet ordinances.
- (6) The camper or recreation vehicle must have current tags.
- (7) There is no Permit or permit fee required.

Section 4. ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this ordinance, including the following:

- (a) Inspect any property where a camper or recreation vehicle is parked;
- (b) Have the authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the premises. If entry is denied, the enforcing officer may seek an order for this purpose from a Court of competent jurisdiction;
- (c) Report all campers or recreation vehicles which he or she believes to be in violation of this Ordinance to the City Council;
- (d) Receive petitions as provided in Section 5 of this ordinance.

Section 5. PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer or the City by at least two residents of separate households, charging that any camper or recreation vehicle is violating this Ordinance or whenever It appears to the enforcing officer on his or her own motion that the camper or recreation vehicle is in violation of this Ordinance, he or she shall, if a preliminary investigation discloses a basis for such charges, report such findings to the City Council.

Section 6. NOTICE OF HEARING. The City Council upon receiving a report or petition as provided in Sections 4 or 5 shall by resolution fix a time and place at which the property owner, the property owner's agent, any lienholder of record and any occupant of the premises may appear and show cause why the camper or recreation vehicle is not in violation of this Ordinance.

- (a) The complaining parties and the immediate neighbors shall be notified of the hearing.
- (b) Notice of this hearing shall be published in the local newspaper at least 4 days before the date of the hearing.

Section 7. SERVICE OF NOTICE OF HEARING.

(a) The resolution shall be delivered to the property owner(s) at least 4 days before the date set for the hearing.

(b) A copy of this resolution shall be personally delivered, personally served or mailed by certified mail within four (4) days after the date of the resolution to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."

Section 8. HEARING, ORDER. If, after notice and hearing, the City determines that a camper or recreation vehicle is in violation of this Ordinance, the City shall state in a resolution its findings of fact in support of such determination and shall cause the resolution to be personally delivered, personally served or mailed by certified mail to the property owners, agents, lienholders of record and occupants in the same manner as provided for the Notice of Hearing. The resolution shall give the property owner five (5) days to fix the problem or have the camper or recreation vehicle removed from the City Limits and a statement that if the property owner fails to fix the problem or remove the camper or recreation vehicle from the City Limits within five (5) days, the enforcing officer or the City Council will cause the camper or recreation vehicle to be towed.

Section 9. DUTY OF PROPERTY OWNER. Whenever any camper or recreation vehicle shall be found within the City Limits for more than 2 weeks, it shall be the duty and obligation of the property owner to make sure they are in compliance with this ordinance or the property owner shall remove the camper or recreation vehicle.

Section 10. FAILURE TO COMPLY. If, within the time specified in the order or resolution, the property owner fails to comply with the order to remove the camper or recreation vehicle, the enforcing officer or the City Council may cause the camper or recreation vehicle to be towed and removed from the premises.

Section 11. ASSESSMENT OF COSTS.

(a) The cost to the City of any notices, removal or other expenses by the enforcing officer or the City shall be reported to the City Clerk.

(b) The City Clerk shall give notice to the property owner by restricted mail of the cost and expenses of the enforcing office or the City. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the enforcing officer may sell the camper or recreation vehicle and apply the proceeds or any necessary portion thereof to pay the cost of the enforcing officer and the City. Any

proceeds in excess of that required to recover the costs shall be paid to the property owner where the camper or recreation vehicle was located.

(d) If the costs remain unpaid and if the proceeds of the sale is insufficient to recover the cost, or if there is no sale, the City Clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

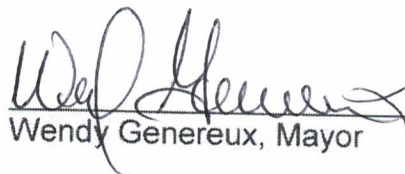
Section 12. APPEALS FROM ORDER. Any person affected by an order or resolution issued by the City Council under this ordinance may, within 10 days following service of the order or resolution, appeal to the City of Clyde Board of Zoning Appeals; and after the Board of Zoning Appeals issues an order, then the person affected by the order may petition the District Court of Cloud County Kansas, for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

Section 13. SCOPE OF ORDINANCE. Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance.

Section 14. PENALTY. Any property owner violating any provision of this Ordinance shall upon a conviction thereof, be fined in an amount of not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.

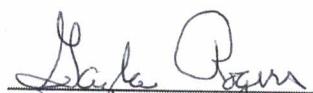
Section 15. This Ordinance shall be in full force and effect from and after its adoption and publication in the official City newspaper.

ADOPTED AND APPROVED by the Clyde City Council, this April 3, 2024.

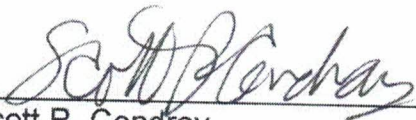

Wendy Genereux, Mayor

(SEAL)

ATTEST:


Gayla Rogers, City Clerk

APPROVED AS TO FORM:



Scott R. Condray
CONDRA Y & THOMPSON, LLC
Attorney for the City of Clyde, Kansas