

**ORDINANCE NO. 395 OF THE CITY OF BUCKHANNON, AN ORDINANCE ENACTING
REGULATIONS OF RECREATIONAL VEHICLES WITHIN THE CORPORATE LIMITS OF
THE CITY OF BUCKHANNON; EXCEPTIONS; PENALTIES
BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF**

BUCKHANNON, UPSHUR COUNTY, WEST VIRGINIA, that the Council does hereby ENACT Ordinance No. 395 to regulate generally the use of recreational vehicles within the corporate limits of the City of Buckhannon and imposing penalties for violations of said regulations:

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395.01. STATEMENT OF PURPOSE

The purpose of this article is to regulate the use of recreational vehicles, campers and other nonpermanent structures for permanent human habitation within the corporate limits of the City of Buckhannon. The Buckhannon City Council specifically finds that the use of recreational vehicles, motorized homes, travel trailers, campers and the like in the city for permanent human habitation is deleterious to the health, safety and welfare not only of the persons residing therein but, additionally, to the public at large. Portable heating devices, nonstandard electrical connections, a lack of approved sanitary facilities including, but not limited to, bathrooms with toilets, sinks or showers or bathtubs and standard kitchen facilities, among other facilities associated with safe places of permanent human habitation, all lend themselves to unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time; occasioned in part because camper vehicles and other nonpermanent structures are not intended for use as places of permanent human habitation and do not adequately provide for the needs associated with human habitation.

395.02 DEFINITIONS

As used in this section,

(1) **“Recreational vehicle”** means any vehicular-type structure, primarily used as temporary living quarters for recreation, camping or travel use, or primarily used to transport watercraft. The term includes, without limitation, the following kinds of recreational equipment:

A. Travel trailer, i.e. a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified “travel trailer” by the manufacturer and includes those items typically referred to as “fifth wheels”;

B. Pick-up camper, i.e. a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use;

C. Motorized home, i.e. a portable dwelling designed and constructed as an integral part of a self-propelled vehicle, and designed for travel, recreational and vacation use and converted vehicles such as buses, trucks or trailers;

D. Folding tent trailer, i.e. a canvas folding structure, mounted on wheels and designed for travel, recreational and vacation use; and

E. Boats and boat trailers, including boats, floats and rafts, plus the normal equipment to transport the same on a street or highway.

395.03 OCCUPYING RECREATIONAL VEHICLES WITHIN CORPORATE LIMITS PROHIBITED

Notwithstanding any Code provision to the contrary,

(a) it shall be unlawful to occupy any motor home, recreational vehicle, camper or trailer for residential purposes anywhere in the City except in a duly established trailer park or mobile home park maintained in accordance with the ordinances of the City, provided that occupying for residential purposes for a period of not more than three months on the owner's property shall not be considered to be a violation of this section, if occupied while the owners of such recreational vehicle are building, rebuilding or improving their residence. No recreational vehicle may be used as a residence for any period of time on a City street. Any use of a recreational vehicle in the City for any length of time as a residence, shall require a permit from the Code Enforcement Officer who may grant a renewal upon request for a period not in excess of three months in any calendar year.

(b) For recreational vehicles lawfully stationed in designated mobile home or trailer park it shall be unlawful to permit any portion of the recreational vehicle, including "slide outs" to be located closer than ten feet side to side, eight feet end to side or 6 feet end to end from any other recreational vehicle, dwelling home or structure.

395.04 STORAGE OF RECREATIONAL VEHICLES ON PRIVATE PROPERTY

No more than one (1) recreational vehicle of a particular use and no more than three (3) recreation vehicles of different uses are permitted upon the premises of any resident of the City provided that no living quarters shall be maintained or any business practiced in the recreational vehicle while the same is being parked or stored. When such recreational vehicles are parked or stored on the owner's premises, they shall be parked as far from the street line as the design of the premises will allow.

395.05 PARKING OF RECREATION VEHICLES ON PUBLIC STREETS PROHIBITED

Except as provided in the Codified Ordinances, no person shall park any recreational vehicle, as the same is defined herein, on any street, alley, highway or other public place within the City.

395.06 EXCEPTIONS

(a) Nothing contained in this article shall be construed to apply to mobile homes, house trailers or recreation vehicles parked on premises within the City for the purpose of use as a construction office during construction, remodeling or demolition of improvements on the premises, or parked on the business premises of the user thereof, or to trailers used for the transportation of goods, wares and merchandise in commerce, while being loaded or unloaded or while parked on the business premises of the owner thereof, or upon the business premises kept by persons doing business with the owner thereof, or while being parked within legal loading and unloading zones within the City.

(b) Residents and family or friends who come to visit may temporarily occupy a recreational vehicle on developed property, but may only do so for a period of seven (7) days without a permit. Every person residing in a recreational vehicle under this exception cannot exceed a total of twenty-eight (28) days of occupancy in a calendar year.

(c) Parking on public streets, alleys, highways and other public places will be permitted during events that have been approved by the City Council.

395.99 PENALTY.

Whoever violates any provision of this Article shall be guilty of a misdemeanor and fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty (30) days, or both. Each day any such violation continues shall constitute a separate offense.

EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e. October 31, 2015.

FIRST READING: September 17, 2015

SECOND READING, PASSAGE & ADOPTION: October 1, 2015

Richard W. Edwards, Mayor

CERTIFICATE OF ENACTMENT

I, Amberle Jenkins, Assistant City Recorder, do hereby certify that the foregoing Ordinance No. 395 was lawfully ordained and enacted by the Council of the City of Buckhannon during a regular session of the said Council assembled on the 1st day of October 2015.

Amberle Jenkins, Assistant City Recorder