

ORDINANCE NO. 472 OF THE CITY OF BUCKHANNON, AN ORDINANCE  
AMENDING AND CLARIFYING ORDINANCE NO. 367 OF THE CITY OF  
BUCKHANNON; CLARIFYING THE DEFINITION OF HABITABLE PROPERTY;  
SETTING THE MINIMUM UTILITY REQUIREMENTS FOR A PROPERTY TO BE  
CONSIDERED HABITABLE.

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WHEREAS, the City of Buckhannon enacted its Ordinance No. 367, amending certain other ordinances, on August 16, 2012; and,

WHEREAS, since that time, the benefit of experience had demonstrated that certain clarifications to Ordinance No. 367 are necessary to address circumstances arising within the city; and,

WHEREAS, one of those clarifications concerns the habitability of structures within the city when the structure does not have active electric, water, or sanitary sewer service; and,

WHEREAS, the Council of the City of Buckhannon desires to clarify that in order to be considered habitable, a structure within the municipality must have active utility services installed, particularly electric, sanitary sewer, potable water services and,

WHEREAS, at such other times as electric, sanitary sewer, or potable water services are unavailable to a structure or uninstalled, except for temporary service interruptions, a dwelling may be deemed uninhabitable under this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ORDINANCE NO. 367, ARTICLE I, SECTION 3, IS HEREBY AMENDED AND REENACTED AS FOLLOWS:

Section 3: The Housing Enforcement Officer is charged with the responsibility and authority to formally investigate any and all dwellings or other buildings or structures alleged to be unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions prevailing in any dwelling or other buildings or structures, whether used for human habitation or not, which would cause such dwellings or other buildings or structures to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare. The initiation of any investigation by the Housing Enforcement Officer may occur either (a) as a consequence of the Housing Enforcement Officer's own observation; (b) from a citizen complaint lodged with the Housing Enforcement Officer or (c) as referred by the City Council. The Housing Enforcement Officer in conducting investigations or discharging any duties established pursuant to this Ordinance shall

have the right upon granting reasonable notice to the occupants thereof, i.e., a minimum of twenty-four (24) hours written notice delivered to the occupants thereof, to enter upon and within at all reasonable times, any lots, dwellings and other buildings and structures situated within the corporate limits of the City of Buckhannon. Any entrance upon or within any premises by the Housing Enforcement Officer for the purpose of making any investigation authorized by this Ordinance shall be made in a manner as to cause the least possible inconvenience to the persons in possession of the premises. In the event that there are no occupants of the premises to be investigated, then reasonable written notice shall be delivered to the owner of the premises.

In order to be deemed habitable, a structure must have all of the following essential utility services: potable water, sanitary sewer, waste collection, and electric service. Potable water service must be provided by a public water system or a well approved by the County Sanitarian of Upshur County. Electric service must be provided by an electric utility, or by a renewable (wind or solar) generation system approved by the incumbent electric utility service or the Housing Enforcement Officer. Any structure that does not have potable water, sanitary sewer, waste collection, or electric service is liable to be found uninhabitable under this Ordinance.


EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (3rd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., June 28, 2025.

FIRST READING:	May 8, 2025
SECOND READING:	May 22, 2025
THIRD READING, PASSAGE, AND ADOPTION	May 29, 2025

  
Robert N. Skinner, III, Mayor

#### CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 472 was lawfully ordained and enacted by the Council of the City of Buckhannon at a special session of the said Council assembled on May 29, 2025.

  
Randall H. Sanders, City Recorder