

LOCAL LAW FILING

New York State Department of State
 Division of Corporations, State Records and Uniform Commercial Code
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 Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
 City
Town of Phelps
 Village

Local Law No. 4 of the year 2021

A Local Law Amending the Zoning Law of the Town of Phelps to Add Regulations Pertaining to Recreational Vehicles

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
 City
Town of Phelps
 Village

as follows:

Section 1. Purpose: The use of a recreational vehicle for nontransient purposes, as a non-temporary residence or for non-temporary living or sleeping purposes may result in substandard housing and jeopardize public health and safety. Because a person could use a recreational vehicle in such ways, it is proper for the Town to regulate how recreational vehicles can be used when they are not traveling on a public highway. The following amendments to the Town of Phelps Zoning Ordinance address this issue.

Section 2. Paragraph B. of Section 145-4 (Word usage; definitions) of the Town of Phelps Zoning Ordinance is hereby amended to add the following definitions:

RECREATIONAL VEHICLE

A wheeled vehicle primarily designed as temporary living quarters for recreational, camping or travel use, with or without a mode of power, of such size or weight as not to require a special highway movement permit and to be eligible to be licensed by the state as a recreational vehicle. The term includes camping trailers, travel trailers, fifth wheels, motor homes and truck campers, and other similar vehicles. The term further includes the vehicles that have been disassembled as to not allow it to be mobile.

RECREATIONAL VEHICLE, PARKED

A recreational vehicle situated upon property not owned by the owner or operator of the recreational vehicle.

RECREATIONAL VEHICLE, STORED

A recreational vehicle situated upon the property of the owner or operator thereof.

Section 2. Article VIII (Supplementary Regulations) of The Town of Phelps Zoning Ordinance is hereby amended with the insertion of a new Section 145-42.1 to read as follows:

§ 145-42.1 Use of stored or parked recreational vehicles for nontransient purposes, as a non-temporary residence or for non-temporary living or sleeping purposes.

- A. It shall be unlawful and a violation of this Chapter to use a stored recreational vehicle for nontransient purposes, as a non-temporary residence or for non-temporary living or sleeping purposes.
- B. Except as specifically permitted in this section, it shall be unlawful and a violation of this Chapter to use a parked recreational vehicle for nontransient purposes, as a non-temporary residence or for non-temporary living or sleeping purposes.
- C. Use of a stored or parked recreational vehicle in violation of this Chapter is declared to constitute a nuisance and shall be subject to abatement as provided in §105-5.
- D. It shall be lawful to use a parked recreational vehicle for nontransient purposes, as a non-temporary residence or for non-temporary living or sleeping purposes only as follows:
 1. Persons traveling with a recreational vehicle may reside in the recreational vehicle when parked upon private residential property with the host's permission on a temporary basis, from April 1st to November 1st in a single calendar year. Water must be available from the host and holding tanks must be emptied as required at an approved dump station.
 2. Persons to whom a valid residential building permit is given may reside in a recreational vehicle on a temporary basis, subject to the provisions of paragraph E of this section, while the principal residential structure is being constructed or while a damaged residential building is being repaired, for so long as the building permit remains in force. Water must be available and holding tanks must be emptied as required at an approved dump station.

3. Persons whose recreational vehicles are located in an approved recreational vehicle park may reside in such recreational vehicle, subject to the provisions of paragraph E of this section.

E. When the use of a parked recreational vehicle is otherwise lawful subject to the requirements of this section, such parked recreational vehicle shall be supplied with a water and septic or sewer connection and shall not be occupied by a greater number of persons than the number of beds such recreational vehicle can reasonably accommodate.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.