

CITY OF IDAHO CITY

ORDINANCE NO. 396

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, REPEALING AND REPLACING TITLE 4, CHAPTER 4 OF THE IDAHO CITY CODE REGARDING RECREATIONAL VEHICLES; ESTABLISHING CLEAR DEFINITIONS, LIMITATIONS, EXCEPTIONS, STANDARDS FOR PLACEMENT AND USE, ENFORCEMENT PROCEDURES, PENALTIES, SEVERABILITY, SAVINGS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Idaho City finds that recreational vehicles are designed and intended primarily for temporary travel, camping, recreation, and vacation use and are not generally constructed or regulated as permanent residential dwellings; and

WHEREAS, unregulated occupancy, placement, and servicing of recreational vehicles within city limits may create concerns related to sanitation, fire safety, emergency access, snow load, utility protection, neighborhood impacts, and the orderly development of residential property; and

WHEREAS, the City intends to provide clear, reasonable, and enforceable standards for temporary recreational vehicle use while preserving lawful existing uses and allowing limited temporary housing during construction or other approved circumstances;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

Section 1. REPEAL AND REPLACEMENT. Title 4, Chapter 4 of the City Code of Idaho City, currently known as the Short-Term Recreational Vehicle Use Ordinance No. 367, is hereby repealed and replaced in its entirety as set forth below.

Section 2. TITLE 4, CHAPTER 4 CREATED. A new Chapter 4 of Title 4 of the City Code of Idaho City shall read as follows:

4-4-1: SHORT TITLE AND SCOPE. This chapter shall be known as the "Recreational Vehicle Use Ordinance."

This chapter applies to recreational vehicles that are located, stored, maintained, serviced, or occupied within the city limits, unless a more specific provision of this chapter or other applicable law provides otherwise.

4-4-2: PURPOSE. The purpose of this chapter is to regulate the occupancy, placement, storage, and servicing of recreational vehicles within the city limits. These regulations are intended to protect public health, safety, sanitation, emergency access, utility systems, neighborhood character, and the orderly use of property.

4-4-3: DEFINITIONS. For purposes of this chapter, the following definitions apply.

Campground: A parcel, tract, area, or facility made available for temporary recreational camping by tents, recreational vehicles, or similar camping units. Occupancy at a campground is intended to be short-term, transient, seasonal, or recreational in nature.

A campground may include individual campsites, shared sanitation facilities, water service, fire rings, picnic areas, internal roads, or other camping-related amenities. A campground is not, solely by being a campground, a recreational vehicle park, mobile home park, residential subdivision, dwelling development, or permanent residential use.

Recreational Vehicle Park or RV Park: A lawfully approved or lawfully established parcel, tract, area, or facility designed, arranged, or operated primarily for the placement and occupancy of recreational vehicles within designated RV spaces, sites, or pads.

An RV park may include internal access, utility connections, sanitation facilities, management, or other improvements customarily associated with RV park use. Occupancy within an RV park is allowed only to the extent authorized by its lawful approval, lawful nonconforming status, this chapter, and other applicable law.

Private Residential Property: Real property within the city limits that is privately owned or lawfully possessed and used or zoned for residential purposes. This includes a parcel containing a dwelling, an approved residential building site, or a lawful residential use.

The term does not include public property, City-owned property, public streets, alleys, sidewalks, rights-of-way, parking areas, utility easements, drainage easements, commercial or industrial property, recreational vehicle parks, campgrounds, mobile home parks, or any property not owned, leased, or otherwise lawfully controlled by the recreational vehicle owner, occupant, host, or responsible person.

Occupancy or Occupied: The use of a recreational vehicle as temporary living quarters, shown by overnight sleeping or by regular and continuing use for living activities commonly associated with habitation.

Incidental or brief activities, including eating, working, cooking, maintenance, inspection, cleaning, loading, unloading, or temporary shelter during travel preparation, shall not by themselves constitute occupancy unless accompanied by overnight sleeping or regular and continuing habitation.

Recreational Vehicle (RV): A motorized or towable vehicle, including a travel trailer, fifth-wheel trailer, camping trailer, truck camper, motorhome, or similar unit, designed, constructed, and intended primarily for temporary recreational, travel, camping, seasonal, or transient use.

An RV may be occupied only as expressly allowed by this chapter. Longer-term occupancy or approved utility connection under this chapter shall not, by itself, reclassify an otherwise qualifying RV as a Tiny House on Wheels or other dwelling.

A recreational vehicle does not include any Tiny House on Wheels (THOW), park model home, manufactured home, mobile home, modular dwelling, or other structure that is designed and constructed as a residential dwelling rather than as a vehicle or trailer for temporary travel or recreational use. Classification shall not depend solely on the duration of lawful occupancy allowed by this chapter or on temporary or City-approved utility connections.

Classification shall be based on objective evidence of the unit's design, construction, certification, marketing, intended purpose, and actual use. State motor vehicle registration, title, certification, or licensing may be considered but shall not be conclusive where the unit's design and construction demonstrate that it is a dwelling or residential structure for land use purposes.

Tiny House on Wheels (THOW): A structure constructed on a wheeled chassis or trailer that is designed and constructed primarily as a dwelling unit or residential structure, rather than

as a motor vehicle, travel trailer, camping trailer, truck camper, motorhome, or similar recreational vehicle.

A THOW commonly includes residential-style construction or systems such as permanent sleeping, cooking, sanitation, climate control, storage, utility, or building-envelope features associated with a dwelling.

A structure may be classified as a THOW based on the totality of objective circumstances, including whether it was designed, advertised, sold, or constructed as a residence; whether it is used as a primary residence, accessory dwelling unit, guest house, or long-term rental outside an approval granted under this chapter; whether it contains residential-style construction not typical of an RV; or whether it has been placed or modified in a manner inconsistent with mobility. Lawful longer-term RV occupancy approved under Section 4-4-7 shall not be the sole basis for THOW classification.

A THOW shall be regulated as a dwelling or residential structure and shall not be considered a Recreational Vehicle, regardless of registration, title, certification, or mobility. No THOW shall be permitted where only Recreational Vehicles are authorized unless specifically approved as a dwelling in compliance with all applicable zoning, building, health, sanitation, and permitting requirements.

Stored Recreational Vehicle: A recreational vehicle parked or kept on property that is not occupied, not connected for habitation, and not being used for sleeping, living, cooking, or other human habitation.

Longer-Term Occupancy: Occupancy of an RV for an extended period when expressly approved under Section 4-4-7. Occupancy on private residential property shall not be considered longer-term occupancy solely because of the number of days occupied, provided the use complies with this chapter and all other applicable law.

Safe and Operable Condition: A condition in which the RV is capable of being lawfully moved on public roads when required by law, is structurally sound for its intended temporary use, and does not present an observable fire, electrical, sanitation, structural, or emergency-access hazard.

Unsafe Accumulation: Snow, ice, refuse, materials, or other conditions that obstruct safe ingress or egress, impair emergency access, create a fire or sanitation hazard, damage or threaten utility connections, or create a risk of collapse, injury, or unlawful discharge.

Lawfully Established Recreational Vehicle Park: A recreational vehicle park that was lawfully approved, permitted, established, operated, or recognized under applicable City ordinances or approvals at the time of establishment or operation, including any lawful nonconforming recreational vehicle park use. The term includes recreational vehicle parks that may not hold a current conditional use permit or modern approval document if the park or use was otherwise lawfully established and has not been abandoned.

4-4-4: GENERAL RULE; PRIVATE RESIDENTIAL PROPERTY USES. A property owner may keep and make ordinary non-occupied use of a recreational vehicle on private residential property, subject to the limitations in this chapter and other applicable law.

Ordinary non-occupied use includes keeping, parking, storing, maintaining, repairing, preparing for travel, loading, unloading, cleaning, inspecting, and similar activity, provided the recreational vehicle is located outside public rights-of-way.

Occupancy of a recreational vehicle on private residential property is allowed for temporary guest, travel, camping, seasonal, caretaker, or similar use without a fixed stay limit under this chapter, if all of the following conditions are met:

- A. The use complies with Section 4-4-5;
- B. The use does not create an unlawful discharge, nuisance, obstruction of emergency access, fire hazard, sanitation hazard, unsafe utility connection, or other condition prohibited by this chapter or other applicable law
- C. No more than one (1) recreational vehicle is occupied at any one time on a single parcel of private residential property, except within a lawfully approved or lawfully established recreational vehicle park or campground, or as otherwise expressly authorized in writing by the City Council or its designee; and
- D. No separate permit is required for occupancy allowed by this section unless another City Code provision independently requires approval.

City approval under Section 4-4-7 is required for longer-term occupancy only when this chapter expressly requires such approval. Approval is required when:

- A. City-approved utility connections are requested or required;
- B. The use is associated with construction or repair under Section 4-4-6 and requires longer-term occupancy approval;
- C. The use is located outside private residential property unless otherwise authorized; or
- D. Another applicable City approval requires review.

Nothing in this section authorizes a Tiny House on Wheels, park model home, manufactured home, mobile home, modular dwelling, or other dwelling or residential structure where only recreational vehicles are authorized. Nothing in this section waives applicable zoning, fire, sanitation, utility, building, health, or Title 10 requirements.

4-4-4A: SHORT-TERM OCCUPANCY NOT ON PRIVATE RESIDENTIAL PROPERTY. Short-term occupancy of a recreational vehicle on property that is not private residential property is prohibited unless one of the following applies:

- A. The use is expressly authorized in writing by the City Council or its designee;
- B. The use is allowed by a City-issued permit for a specific event or temporary use;
- C. The use occurs within a lawfully approved or lawfully established recreational vehicle park or campground; or
- D. The use is otherwise authorized by applicable law.

For purposes of this section, property that is not private residential property includes public property, City-owned property, public streets, alleys, sidewalks, rights-of-way, parking areas, utility easements, drainage easements, commercial or industrial property, recreational vehicle parks, campgrounds, mobile home parks, and any other property outside the definition of private residential property.

Authorization under this section is limited to the specific location, use, and conditions stated in the written authorization, permit, lawful approval, or lawful existing status. No fixed

occupancy duration applies under this chapter unless a specific duration is stated in the written authorization, permit, lawful approval, applicable facility rules, or other applicable law. This section does not create any right to occupy public property or property owned or controlled by another person.

4-4-5: STANDARDS FOR ALL OCCUPIED RECREATIONAL VEHICLES. Any recreational vehicle lawfully occupied under this chapter shall comply with the standards listed below.

- A. Except as expressly authorized under Section 4-4-4A or within a lawfully approved or lawfully established recreational vehicle park or campground, the recreational vehicle shall be located entirely on private residential property and shall not be placed in a public street, alley, sidewalk, right-of-way, utility easement, drainage easement, or area needed for emergency access.
- B. The recreational vehicle shall comply with applicable zoning setbacks, fire separation requirements, and any other placement requirements of the City Code.
- C. The recreational vehicle shall maintain current registration, licensing, and safe and operable condition if registration is required by law, and shall not be converted into a permanent structure. Ordinary leveling blocks, wheel chocks, stabilizing jacks, temporary skirting needed for weather protection, and temporary removal of wheels or running gear for lawful repair or maintenance shall not be prohibited if the RV remains capable of being returned to mobile condition and the work does not create a nuisance, safety hazard, or unapproved permanent installation.
- D. Wastewater, gray water, sewage, and refuse shall be disposed of only through approved sanitary facilities. No person shall discharge, drain, or allow the release of sewage, gray water, wastewater, or other waste onto the ground, into streets, ditches, storm drains, waterways, or any unapproved location.
- E. Any connection to City water or sewer service shall be approved by the City and shall be protected from freezing, leakage, cross-connection, backflow, damage, and unauthorized use.
- F. During the months of October through May, the owner or occupant shall take reasonable measures to prevent unsafe accumulation of snow or ice on or around the recreational vehicle, utility connections, exits, and access routes, and to maintain safe access for emergency responders.
- G. Existing lawful recreational vehicle parks or campgrounds shall not be deemed noncompliant solely because an existing site, setback, utility connection, access route, spacing, or internal layout does not satisfy a newly stated standard in this section, provided the condition was lawful when established or is otherwise protected as a lawful nonconforming use and does not create an imminent fire, sanitation, utility, emergency-access, or public safety hazard. Expansion, relocation, increased density, or material alteration of an approved or lawful layout shall remain subject to applicable City review and approval.

4-4-6: TEMPORARY USE DURING CONSTRUCTION OR REPAIR. A recreational vehicle may be occupied as temporary housing on the same property where a permitted permanent dwelling is being constructed, substantially remodeled, repaired after casualty damage, or otherwise made habitable, if all of the following conditions are met:

- A. A valid building permit or other City approval has been issued for the permanent dwelling or repair work;
- B. The permanent dwelling is not habitable or not yet available for occupancy;
- C. The recreational vehicle is occupied only by the property owner, tenant, contractor, or person directly associated with the construction, repair, or remodeling work;
- D. The temporary use shall not continue beyond the expiration, suspension, revocation, or completion of the applicable permit or approval, unless extended in writing by the City Council or its designee; and
- E. All standards in Section 4-4-5 are met.
- F. This temporary-use allowance applies only to a unit that remains classified as a recreational vehicle under Section 4-4-3 and does not authorize use of a Tiny House on Wheels or other dwelling or residential structure unless separately approved in compliance with applicable requirements.

4-4-7: LONGER-TERM OCCUPANCY WITH APPROVED UTILITIES. A recreational vehicle may be occupied with City-approved utility connections, or under any other circumstance requiring longer-term occupancy approval under this chapter, only with written approval by the City Council or its designee. Occupancy on private residential property does not require approval under this section solely because of the number of days occupied.

Longer-term occupancy associated with construction or repair under Section 4-4-6 shall comply with Section 4-4-6 and shall also comply with this section when City-approved utility connections or longer-term occupancy approval are required. The following conditions apply:

- A. The recreational vehicle is connected to City water and sewer service through City-approved connections, or to other lawful utility service approved by the City where City service is not available;
- B. The use complies with zoning, building, fire, utility, nuisance, and health requirements applicable to the property;
- C. The recreational vehicle shall maintain current registration and licensing if required by law, shall remain in safe and operable condition, and shall remain capable of being returned to mobile condition;

- D. Except as expressly authorized under Section 4-4-4A or allowed within a lawfully approved or lawfully established recreational vehicle park or campground, the recreational vehicle shall not be located in a right-of-way, easement, drainage area, or access route;
- E. The unit remains classified as a recreational vehicle under Section 4-4-3 and is not a Tiny House on Wheels, park model home, manufactured home, mobile home, modular dwelling, or other dwelling or residential structure; and
- F. The applicant shall provide written documentation showing the proposed location, owner consent if the applicant is not the property owner, utility connection approval, sanitation arrangements, expected duration, and contact information for the responsible person; and
- G. The City may impose written conditions reasonably related to sanitation, emergency access, utility safety, setbacks, fire separation, snow and ice management, nuisance prevention, and other requirements of this chapter. Conditions shall be stated with sufficient clarity to allow the applicant to understand and comply with them.
- H. For a recreational vehicle located within a lawfully approved or lawfully established recreational vehicle park or campground, ordinary tenant turnover, replacement of a recreational vehicle within an existing lawful space, and continued occupancy consistent with the park's or campground's lawful approval or lawful nonconforming status shall not, by themselves, constitute expansion, relocation, abandonment, or a material change of use.

4-4-8: EXISTING LAWFUL OCCUPANCY, EXISTING RV PARKS, AND EXISTING CAMPGROUNDS. A recreational vehicle lawfully used for residential or longer-term occupancy before the effective date of this ordinance may continue in the same location and under substantially the same physical placement, utility connection, occupancy, and use conditions existing on that date, provided the use does not expand, relocate to another property, create a public nuisance, or violate other applicable law.

For purposes of this section, "substantially the same conditions" means no material increase in occupancy intensity, number of sites, utility demand, footprint, duration beyond the lawful pre-existing use, or adverse impact.

Lawful existing occupancy within a lawfully approved or lawfully established recreational vehicle park or campground, including any lawful nonconforming use, may continue consistent with the park's or campground's lawful status.

The following actions shall not, by themselves, terminate lawful use rights or constitute abandonment, expansion, relocation, or a material change of use:

- A. Ordinary tenant turnover;
- B. Sale or transfer of an individual recreational vehicle;
- C. Replacement of a recreational vehicle with a comparable recreational vehicle within the same lawful space; or
- D. Continued use of an existing lawful space.

Routine maintenance, repair, modernization, utility repair, hookup repair, road repair, snow-management improvements, safety improvements, and like-for-like replacement within the existing footprint or lawful layout shall not be treated as expansion or relocation, provided the

work does not increase the number of spaces, materially alter the approved or lawful layout, create a nuisance, or create an imminent safety, sanitation, utility, fire, or emergency-access hazard.

This protection applies only to lawful pre-existing recreational vehicle occupancy, lawful existing recreational vehicle park use, or lawful existing campground use. It does not authorize any Tiny House on Wheels, park model home, manufactured home, mobile home, modular dwelling, or other dwelling or residential structure unless such structure is separately lawful and approved under applicable zoning, building, health, sanitation, and permitting requirements.

This protection shall terminate only upon abandonment, relocation to another property, material expansion, material change of use, or replacement with a unit or structure that is not a recreational vehicle or is not comparable to the prior lawful recreational vehicle use.

A recreational vehicle that was lawfully used as permanent or residential housing before the effective date of Ordinance No. 367 in 2022 may be repaired, maintained, modernized, or replaced with another recreational vehicle without loss of lawful existing or grandfathered status, provided the repaired or replacement recreational vehicle remains within the same lawful space or footprint, does not increase the number of occupied spaces, does not materially expand or relocate the use, remains classified as a recreational vehicle under this chapter, and does not create an imminent fire, sanitation, utility, emergency-access, or public safety hazard. Replacement of such a grandfathered recreational vehicle with another recreational vehicle under this paragraph shall not require discretionary City approval solely because the individual unit is replaced.

A change in ownership, management, operator, tenant, or responsible party shall not require a new approval or terminate lawful status solely because of the change, so long as the lawful use continues on the same parcel and remains consistent with the applicable approval, lawful establishment, or lawful nonconforming status.

4-4-9: PROHIBITED CONDITIONS. No person shall occupy, permit occupancy of, or maintain a recreational vehicle under any condition that creates or involves any of the following:

- A. A nuisance;
- B. An unsafe structure;
- C. A fire hazard;
- D. A sanitation hazard;
- E. Obstruction of emergency access;
- F. An illegal utility connection;
- G. An unlawful discharge of waste;
- H. Occupancy of more than one (1) recreational vehicle at one time on a single parcel of private residential property, except as expressly allowed by this chapter; or
- I. Violation of any other provision of the City Code.

4-4-10: ENFORCEMENT. The City may enforce this chapter through inspection, written notice of violation, citation, civil enforcement, utility enforcement, nuisance abatement, or any other remedy available under the City Code or Idaho law.

Except where an immediate threat to public health, safety, sanitation, utility systems, or emergency access exists, the City shall provide written notice before issuing a citation or pursuing penalties. The written notice shall describe:

- A. The violation;
- B. The corrective action required; and
- C. A reasonable correction period of not less than seven (7) calendar days.

The City may allow a shorter correction period when necessary to address an urgent condition and may extend the correction period for good cause shown.

A property owner, recreational vehicle owner, occupant, or other responsible person may be held responsible only if that person owns, occupies, controls, permits, maintains, causes, or knowingly allows the violation after receiving notice or after the violation is otherwise known to that person. Nothing in this section shall limit the City's ability to take immediate action to abate an imminent threat or unlawful discharge as allowed by law.

4-4-11: PENALTIES. Penalties for violations of this chapter shall be applied as follows:

- A. A first violation shall be an infraction punishable by a penalty not to exceed fifty dollars (\$50).
- B. A second violation within three (3) years shall be an infraction punishable by a penalty not to exceed one hundred dollars (\$100).
- C. A third or subsequent violation within three (3) years may be prosecuted as a misdemeanor punishable as provided by Idaho law, provided the responsible person received notice and a reasonable opportunity to correct the first and second violations unless an imminent threat or unlawful discharge justified immediate enforcement.

Each twenty-four (24) hour period that a violation continues after the applicable correction period expires may be treated as a separate violation for purposes of daily penalties and enforcement remedies. However, continuous noncompliance arising from the same initial notice shall not, by itself, escalate the matter to a second, third, or subsequent violation unless the City issues a separate notice for a new or repeated violation after the responsible person has corrected, ceased, or had a reasonable opportunity to correct the prior violation.

4-4-12: COMPLIANCE WITH BUILDING CODES AND OTHER REGULATIONS. Nothing in this chapter shall be construed to waive, modify, or supersede any requirement of the building codes, fire codes, zoning regulations, floodplain regulations, utility standards, public health requirements, dwelling or residential structure classification requirements, or other regulations adopted by the City, including the 2018 International Building Code as adopted and amended by the City or the State of Idaho, where applicable.

Nothing in this chapter shall be interpreted to require a lawfully approved or lawfully established recreational vehicle park or campground to obtain new approval solely because of this chapter's adoption, a change in ownership or management, ordinary tenant turnover, ordinary recreational vehicle turnover, or ordinary maintenance or repair, provided the use remains on the same parcel and does not materially expand, relocate, increase the number of spaces, or create an imminent public health or safety hazard.

Nothing in this chapter shall be interpreted to prohibit or unreasonably restrict ordinary operations within a lawfully approved or lawfully established recreational vehicle park or campground, including short-term recreational camping, weekly guest stays, seasonal camp hosts, and temporary occupancy by workers engaged in construction, utility, emergency response, wildfire, road, telecommunications, infrastructure, seasonal, migrant, agricultural, or contract

work, provided such use remains consistent with the facility's lawful status and does not create an imminent fire, sanitation, utility, emergency-access, nuisance, or public safety hazard.

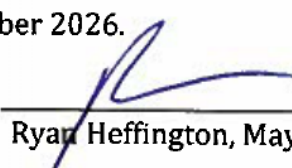
Section 3. SAVINGS CLAUSE. The repeal or replacement of any prior ordinance shall not affect any enforcement action, penalty, violation, right, duty, or liability that accrued before the effective date of this ordinance.

Section 4. SEVERABILITY. If any section, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

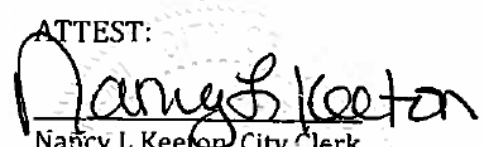
Section 5. EFFECTIVE DATE. This ordinance shall be in full force and effect upon passage, approval, and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 9th day of September 2026.

APPROVED BY THE MAYOR of the City of Idaho City this 9th day of September 2026.


Ryan Heffington, Mayor

ATTEST:


Nancy L. Keeton, City Clerk