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## PART SEVENTEEN — BUILDING, LAND USE AND SUBDIVISION CODE

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### ARTICLE 1701 Authority

#### 1701.01 Authority.

#### 1701.02 Relationship to other ordinances.

#### 1701.03 Interpretation, conflict and severability.

#### CROSS REFERENCES

Zoning authority generally—see WV Code 8A-7-1 *et seq.*

#### 1701.01 Authority.

The Building, Land Use and Subdivision Code is enforceable only within the municipal boundaries of the Town and is established under the authority granted under WV Code 8A-6-2 and 8A-7-1 *et seq.* This Part is intended to comply with the provisions of 8A-6-2 and 8A-7-1 *et seq.* (Ord. 2017-08, passed 12-11-2017.)

#### 1701.02 Relationship to other ordinances.

- (a) The Building, Land Use and Subdivision Code shall include any and all other provisions of the Codified Ordinances of Harpers Ferry that are necessary for an understanding of the Building and Housing Code and the attainment of its purposes. The Town Council and the Town intend that all ordinances related to land use, and all orders, rules and regulations established under these provisions, be enforced, interpreted and construed as a uniform system of land use regulation.
- (b) All departments, officials, agents and employees of the Town that or who are vested with the duty or authority to issue permits, certificates or approvals, shall conform to the provisions of the Project and Zoning Code and the Building, Land Use and Subdivision Code, and shall issue no permit, certificate or approval for any use, Structure or activity if the same would conflict with the provisions of the Project and Zoning Code and the Building, Land Use and Subdivision Code unless otherwise provided for by law. Any permit, certificate or approval issued in conflict with the provisions of the Project and Zoning Code and the Building, Land Use and Subdivision Code shall be null and void and, in no event, shall act as a waiver of the standards and requirements of these regulations. (Ord. 2015-03, passed 01-29-2015.)

#### 1701.03 Interpretation, conflict and severability.

- (a) In their interpretation and application, the regulations in this Building, Land Use and Subdivision Code shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- (b) The Building, Land Use and Subdivision Code is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where the conditions imposed by, or under, these regulations are different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, the provisions that are more restrictive and that impose the higher or greater standards shall control, except where federal or state law otherwise forbids it.
- (c) The provisions of the Building, Land Use and Subdivision Code are severable. If any part or provision of these regulations or their application to any person or

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#### HISTORY:

Ord. 2015-03 (passed 01-29-2015, effective 02-16-2015) created Article 1701. Ord. 2015-03 was further refined by Ord. 2015-07 (passed 07-13-2015).

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circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application. (Ord. 2015-03, passed 01-29-2015.)