

Appendix E

Example Ordinances & Statutory Provisions

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The example ordinances and statutory language provided in this Appendix are intended to supplement discussions in From Liability to Viability: A Legal Toolkit to Address Neglected Properties. No warranties or representations are made with respect to these example ordinances. As this Appendix's title indicates, these ordinances are examples only; ordinances actually implemented by communities must be tailored to local needs. As with all elements of this toolkit, advice should be sought from a licensed attorney with relevant expertise.

Adoption of the State Building Code

City of Charles Town¹

CHAPTER ONE - Technical Codes

Art. [1705](#). West Virginia State Building Code.

Art. [1733](#). National Electrical Code.

ARTICLE 1705

West Virginia State Building Code

EDITOR'S NOTE: Pursuant to an ordinance passed July 15, 1991 all penalties of imprisonment presently contained in the Building and Housing Code are deleted and rescinded.

[1705.01](#) Adoption.

[1705.02](#) Amendments.

[1705.03](#) **Permit fees.**

[1705.04](#) **Building Inspector.**

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

Building regulation - see W. Va. Code 8-12-13

State Building Code - see W. Va. Code 29-3-5b

1705.01 ADOPTION.

(a) The City of Charles Town does hereby adopt the State Building Code pursuant to the City's powers contained in West Virginia Code Section 13, Article 12, Chapter 8, as the same has been promulgated pursuant to West Virginia Code Section 5b, Article 3, Chapter 29, as if the same were fully written out herein.

(b) Article Number [1705](#) of the City of Charles Town entitled West Virginia State Building Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed, except that these repealed Ordinances shall control and be applicable to all building permits issued and in effect as of the effective date of this Ordinance.

(Passed 9-3-13)

1705.02 AMENDMENTS.

The following additions, insertions and changes are hereby made to the State Building Code :

(a) Replace the International Building Code Edition 2009 with the International Building Code Edition 2012 and appendixes. Modify the International Building Code Edition 2012 of the State Code as follows:

(1) Replace with the following: Section 101.1 (page 1, second line). Insert City of Charles Town where the name 'jurisdiction' appears.

¹ CHARLES TOWN, W. VA., CODE arts. 1705, 1733 (2015).

(2) Replace with the following: Section 1612.3. Insert City of Charles Town where 'name of jurisdiction' appears.

(3) Replace with the following: Section 1612.3. Insert 'July 1, 2013', where 'date to be inserted by the jurisdiction' appears.

(4) Replace with the following: Section 3409.2. Insert 'July 1, 2013', where 'date to be inserted by the jurisdiction' appears.

(5) The following sections are removed from the code; provided, that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this code.

(6) Replace with the following: Section 113.3 Qualifications: The Board of Appeals shall consist of five members, with up to three alternates, who are qualified to pass on matter pertaining to building construction and are not employees of the jurisdiction, they may include, but are not limited to, a West Va. Registered Professional Architect, or a West Va. Licensed general Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 year.

(b) Replace the International Plumbing Code 2009 Edition with the International Plumbing Code 2012 Edition and appendixes. Replace portions as follows: experience, five of which shall be in responsible charge or work.

(1) Replace with the following: Section 101.1. Insert City of Charles Town where the name 'jurisdiction' appears.

(2) Add the following: Section 106.6.2. Insert See Schedule B where 'jurisdiction to insert appropriate schedule' appears.

(3) Add the following: Section 106.6.3. Insert 'twenty five (25%) percent' where the words 'specify percentage' and 'fifty (50%) percent' where the words 'specify percentage' appears, respectively.

(4) Add the following: Section 108.4. Insert 'misdemeanor' where the word 'offense' appears, 'five hundred dollars (\$500.00)' where 'dollar amount appears and 'thirty days' where 'time' appears, respectively.

(5) Add the following: Section 108.5. Insert 'fifty dollars (\$50.00)' where 'amount' appears and 'five hundred dollars (\$500.00)' where 'amount' appears, respectively.

(6) Replace with the following: Section 305.6.1. Insert 'eighteen (18") inches' where the word 'number' appears and insert 'two feet and six inches (2'6")' where the word "number" appears, respectively.

(c) Readopt the International Residential Code 2009. Section R101.1. Insert 'City of Charles Town'.

(1) Adopt all of the appendixes listed in the IRC 2009.

(2) The following exceptions to the code:

(a) Chapter 11, entitled "Energy Efficiency" is exempt from this rule.

(b) Section G2415.10 Minimum Burial Depth.

Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained the piping systems shall be installed in conduit or shielded in an approved manner.

(c) Section R311.7.4 Stair Treads and Risers

311.7.4.1 Riser Heights. The maximum riser shall be 8 1/4 inches.

311.7.4.2 Tread Depth. The minimum tread depth shall be 9 inches

(d) Section R403.1.7.1. Building Clearances from Ascending Slopes is not applicable to this rule.

(e) Section R403.1.7.2. Footing Setbacks from Descending Slope Surfaces is not applicable to this rule.

(3) 87-4-5. Fire Protection of Floors in Residential Buildings.

5.1 New One and Two Family Dwellings over one level in height New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide a method of fire protection of floors of a 1/2 inch (12.7 mm) gypsum wall board membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Alternatively, floor fire protection may be provided with wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance. If the flooring does not meet the requirements of this section, the dwelling must contain an Automatic Fire Sprinkler System as set forth in Section 313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings. Provided that: floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in Section R 313.2 of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

(4) 87-4-6. Exceptions.

The following structures are not subject to (building) inspection by local jurisdictions: Group U utility structures and storage shed comprising an area of not more than 200 sq. ft. which have no plumbing or electrical connections are used only for residential storage purposes. Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

(d) Replace the following: The International Mechanical Code / 2009 to be replaced with the International Mechanical Code /2012 and appendixes.

(1) Replace with the following: Section 101.1. Insert 'City of Charles Town' where name of 'jurisdiction' appears.

(2) Add the following: Section 106.5.2. Insert 'See Schedule C' where 'fee schedule' appears.

(3) Replace with the following: Section 106.5.3. Insert 'twenty five (25%) percent' where the words 'specify percentage' and 'fifty (50%) percent' where the words 'specify percentage' appears, respectively.

(4) Add the following: Section 108.4. Insert 'misdemeanor' where 'offense' appears, 'five hundred dollars (\$500.00)' where 'dollar amount' appears and 'thirty days' where 'time' appears, respectively.

(5) Add the following: Section 108.5. Insert 'fifty dollars (\$50.00)' where 'amount' appears, and 'five hundred dollars (\$500.00)' where 'amount' appears, respectively.

(e) Replace the following: International Property Maintenance Code /2009 to be replaced by the International Property Maintenance Code /2012and appendixes. Add the following: Section 101.1. Insert 'City of Charles Town' where 'name of jurisdiction' appears.

(f) Adopt the International Energy Conservation Code I 2009. Add the following: Section 101.1. Insert 'City of Charles Town' where 'name of jurisdiction' appears. For residential buildings effective November 20, 2013.

(g) Adopt the International Existing Building Code 2012 Edition and appendixes. Where reference is made to International Fire Code replace with NFPA 101 Life Safety Code /2009.

(h) Adopt the 2011 NFPA 70/National Electric Code.

(I) Adopt the International Fuel Gas Code 2012 and appendixes.

Section 404.10. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping systems shall be installed in conduit or shielded in an approved manner.

(j) Adopt NFPA 101 Life Safety Code 2009.

(k) Adopt 2009 ICC/ANSI A117.1 American National Standards for Accessibility and Usable Buildings and Facilities.

(1) Adopt 2007 ANSI/ASHRAE/IESNA Standard 90.1 for commercial buildings.

(Passed 9-3-13)

1705.03 PERMIT FEES.

(a) For New Home Construction and Additions:

A \$100.00 Building Permit Fee, plus a fee of \$0.75 per square foot finished area and \$0.10 per square foot unfinished area

(b) For Residential Renovation, Restoration, or Remodeling of Existing Structure:

A \$40.00 Building Permit Fee, plus a fee of \$0.10 per square foot

(c) For Residential Porches, Decks, Garages and other Accessory Structures:

A \$40.00 Building Permit Fee, plus a fee of \$0.10 per square foot

(d) For Demolition:

(1) Residential: A \$50.00 Building Permit Fee

(2) Commercial: A \$100.00 Building Permit Fee

(e) Re-inspection Fees:

A \$50.00 re-inspection fee if the Building Inspector is required to make more than two (2) visits for one inspection or if the electrical sticker is not in place. Job not ready for inspection will also result in \$50.00 re-inspection fee.

(f) For Commercial Construction, Additions and Accessory Structures:

A \$200.00 Building Permit Fee, plus \$0.75 per square foot finished area and \$0.10 square foot unfinished area

(g) For Commercial Renovation, Restoration, Remodeling of Existing Structure:

A \$200.00 Permit Fee plus \$0.10 per square foot

(h) For Commercial Accessory Structures with no plumbing or electricity:

A \$100.00 Permit Fee

(i) For All Temporary Structures:

A \$50.00 Building Permit Fee

(j) For All Swimming Pools:

A \$250.00 Building Permit Fee, plus \$0.10 per square foot

(k) For Roofing and Siding

(1) Residential: A \$25.00 Building Permit Fee, plus \$1.00 per 100 square feet

(2) Commercial: A \$100.00 Building Permit Fee, plus \$1.00 per 100 square feet

(l) For Sidewalks and Driveways:

(1) Residential: A \$30.00 Building Permit Fee, plus \$0.10 per square foot over 500 sq ft.

(2) Commercial: A \$100.00 Building Permit Fee, plus \$0.10 per square foot over 5 00 sq ft.

(m) Fences:

(1) Residential: A \$30.00 Building Permit Fee

- (2) Commercial: A \$100.00 Building Permit Fee
 - (n) For Plumbing Permits:
 - (1) Residential: A \$25.00 Permit Fee plus \$2.50 per fixture
 - (2) Commercial: A \$100.00 Permit Fee plus \$5.00 per fixture
 - (o) For Mechanical Permits:
 - (1) Residential: A \$25.00 Permit Fee plus:
 - \$0.02 per square foot of new conditioned space and/or
 - \$5.00 per unit replaced
 - (2) Commercial: A \$100.00 Permit Fee plus:
 - \$0.02 per square foot of new conditioned space and/or
 - \$10.00 per unit replaced
 - (p) Plan Review:
 - (1) Residential \$50.00
 - (2) Commercial \$300.00
- (Passed 9-3-13)

1705.04 BUILDING INSPECTOR.

- (a) All residential and commercial building inspections shall be conducted by properly licensed, insured and certified entities for the purpose of meeting International Code Council (ICC) and West Virginia Fire Marshal Code.
 - (b) It shall be unlawful for any person, firm, or corporation to perform building inspections, either residential or commercial, without proper certification from the International Code Council (ICC) and the West Virginia Fire Marshal's Office.
 - (c) Proof of certification from the ICC and the WV Fire Marshal's Office must be submitted to the City's Building Inspector's office prior to services being performed within the municipal boundaries.
 - (d) The City will acknowledge proper certification with the ICC and WV Fire Marshal's Office upon applying to the City for a business license.
 - (e) Any person, firm, or corporation violating the terms of this ordinance shall be subject to a penalty in the amount of no less than \$500.00 for each violation of this ordinance.
- (Passed 9-3-13)

ARTICLE 1733

National Electrical Code

- 1733.01 Adoption.
- 1733.02 Copies.
- 1733.03 Conformity with approved standards and materials required.
- 1733.04 Exceptions.
- 1733.05 Electrical Inspector.
- 1733.06 Inspections.
- 1733.07 Right of entry.
- 1733.08 Emergency disconnection of electric equipment.
- 1733.09 Appeals.
- 1733.99 Penalty.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

Regulating electric wiring - see W. Va. Code 8-12-13(2)

Inspection - see W. Va. Code 8-12-15

1733.01 ADOPTION.

(a) All of the provisions of the National Electrical Code, 2008 Edition, all supplements thereto known and designated as NFPA #70 - 2008 are hereby adopted as the standard for electrical work in the City of Charles Town, Jefferson County, West Virginia.

(b) Further, all references to the 1999 National Electrical Code as contained in the City's Ordinances are hereby amended to reference the 2008 NFPA #70 Code.

(Passed 7-19-10.)

1733.02 COPIES.

Copies of the National Electrical Code , adopted by reference as provided in Section 1733.01 may be obtained at the City Hall, George and Washington Streets, during regular business hours.

(Passed 9-8-81.)

1733.03 CONFORMITY WITH APPROVED STANDARDS AND MATERIALS REQUIRED.

(a) No electrical wiring for light, heat, power or other purposes shall be installed hereafter in any building or structure or for any outdoor electrical display or sign, nor shall any alteration or extension of any existing electrical wiring system be made except in conformity with approved electrical standards.

(b) Where no specific standards are prescribed by this article or any amendment hereof or addition hereto, then conformity with the latest edition of the National Electrical Code , including supplements thereto, shall be prima facie evidence of conformity with approved standards. The materials fittings and devices enumerated in the list of inspected electrical materials of Underwriters Laboratories, Inc. or its successor, as revised from time to time shall be acceptable as suitable for use under this article.

(c) The company, firm or corporation furnishing electric service to the City shall refuse electrical service to any installation when notified by the Electrical Inspector that such work is not being installed in conformity with the National Electrical Code , adopted by reference in Section 1733.01. Further, the company, firm or corporation furnishing electrical service shall further refuse electrical service to vacant buildings, until the Electrical Inspector approves such connection.

(Ord. 9-8-81.)

1733.04 EXCEPTIONS.

(a) The provisions of this article shall not apply to minor repair work, such as replacing flush and snap switches, replacing fuses, changing lamp sockets, taping bare joints, and replacing drop cords, nor to temporary electrical home displays.

(b) This article shall not apply to maintenance and repairs on the premises of a person regularly employing electricians for that purpose, nor to installation, construction, maintenance

or repairs of public utility companies for the transmission of electricity from the source of supply to the service entrance on the premises where it is to be used, nor to the installation and maintenance of telephone and telegraph plants and equipment.

(Passed 9-8-81.)

1733.05 ELECTRICAL INSPECTOR.

(a) There is hereby created a position of Electrical Inspector for the City. The Electrical Inspector(s) for the City of Charles Town will be determined by Allegheny Power.

(b) The Electrical Inspector shall make all inspections and reinspections required in this chapter and which may be necessary from time to time. He shall perform the duties specified in this article and file reports of all electrical work inspected with the City Building Official. (Ord. 97-0012. Passed 10-6-97.)

1733.06 INSPECTIONS.

(a) It shall be the duty of any person installing wires, conduits, apparatus, fixtures or other appliances for the use or transmission of electricity for light, heat, power or other purposes falling within the provisions of this article, first to file application for electrical inspection upon the forms furnished by the Building Department for the City of Charles Town at 101 East Washington Street, Charles Town, West Virginia.

(Passed 6-3-96.)

(b) No person shall make new installations of electrical wiring, alterations or additions to the existing wiring of any building, or to wire any building for the placing therein of any electric lights, motors, heating devices or other apparatus for the use or transmission of electricity without first making application for the inspection of such work.

(c) No person shall conceal electric wiring in any building or wall until it has been inspected and approved.

(d) The Electrical Inspector shall, within a reasonable time after receiving the application for inspection of electric wiring installed or altered, make an inspection of such work and such tests as may be necessary to determine whether it conforms with the provisions of the National Electrical Code, adopted as provided in Section 1733.01, and shall make a reinspection of electrical wiring installations whenever he deems it necessary in the interest of public safety.

(e) Upon finding defects in electric wiring, upon inspection under subsection (d) hereof, it shall be the duty of the Electrical Inspector to notify the person installing such wiring of such defect and to further notify such person, firm or corporation that such work must be remedied within thirty days from date of notification.

(f) No person installing electric wiring shall fail or refuse to correct any defective wiring reported to him as provided in subsection (e), within thirty days from the date of notification thereof, or within any extension of time granted by the Electrical Inspector to remedy such defects. The penalty will be a fine not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). In addition to this penalty, the City may avail themselves all other remedies provided by law to effect compliance with this article.

(Passed 9-8-81.)

1733.07 RIGHT OF ENTRY.

The Electrical Inspector shall have the right, during reasonable hours, to enter any building in the discharge of his official duties or for the purpose of making any inspection, reinspection or test of the electrical equipment or its installation.

(Passed 9-8-81.)

1733.08 EMERGENCY DISCONNECTION OF ELECTRIC EQUIPMENT.

In cases of emergency where necessary for safety to persons or property or where electrical equipment may interfere with the work of the Fire Department, the Electrical Inspector may cause the immediate disconnection of any electrical equipment.

(Passed 9-8-81.)

1733.09 APPEALS.

Any person aggrieved by any action or decision of the Electrical Inspector under this article may appeal to Council within thirty days from the date of the action or decision in question.

(Passed 9-8-81.)

1733.99 PENALTY.

Any person violating any of the provisions of this article, except as otherwise expressly provided herein, shall be guilty of a misdemeanor and upon conviction thereof, shall fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). Failure or refusal to comply with this article, each and every day the violation continues, shall constitute a separate and distinct offense. However, this penalty shall not be the exclusive remedy of the City, the City reserving all of the remedies provided by law.

(Passed 9-8-81.)

City of Morgantown²

1713.01 ADOPTION.

(a) There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of safeguarding life and property and to ensure the quality of construction of all structures erected or removed throughout the Municipality that certain code known as the State Building Code as promulgated by the Fire Marshal under West Virginia Code 29-3-5b.

(b) The State Building Code and its application within this City shall be subject to Legislative Rules adopted by the West Virginia State Fire Commission and authorized by the West Virginia Legislature.

(Ord. 03-18. Passed 4-15-03.)

² MORGANTOWN, W.VA., CODE § 1713.01 (2015).

City of Wheeling³

PART SEVENTEEN - BUILDING AND HOUSING CODE

CHAPTER ONE - Administration

- Art. 1701. General Provisions. (Repealed)
- Art. 1705. Building Inspection Department. (Repealed)
- Art. 1709. Permits and Fees. (Repealed)

CHAPTER THREE - Model Codes Adopted

- Art. 1721. International Building Code .
- Art. 1723. International Existing Building Code .
- Art. 1724. International Fuel Gas Code .
- Art. 1725. International Mechanical Code .
- Art. 1726. American National Standards for Accessibility.
- Art. 1729. International Plumbing Code .
- Art. 1731. International Residential Code .
- Art. 1733. National Electrical Code .
- Art. 1735. International Energy Conservation Code .
- Art. 1737. Standard Excavating and Grading Code .

CHAPTER SEVEN - Housing

- Art. 1771. International Property Maintenance Code .
- Art. 1775. Administration and Enforcement.

ARTICLE 1721

International Building Code

[1721.01](#) Adoption.

[1721.02](#) Amendments.

CROSS REFERENCES

Adoption of technical codes - see W. Va. Code 8-11-4

Building regulations - see W. Va. Code 8-12-13

Permits for construction and alteration - see W. Va. Code 8-12-14

Municipal inspection - see W. Va. Code 8-12-15

1721.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2012 edition, International Building Code, Third Printing, as published by the International Code Council, to be known as the Building Code of the City of Wheeling, West Virginia, for the purpose of regulating construction, alteration, addition, removal and demolition of buildings and structures, subject to the additions and amendments hereinafter provided. The adoption of that part of the State Building Code entitled 2012 International

³ WHEELING, W. VA., CODE arts. 1721–37, 1771, 1775 (2015).

Building Code by the City of Wheeling includes Appendix E- Supplementary Accessibility Requirements; Appendix F - Rodent Proofing; Appendix G - Flood Resistant Construction; Appendix H - Signs; Appendix I - Patio Covers; and Appendix J - Grading. (Ord. 14515. Passed 10-15-13.)

1721.02 AMENDMENTS.

The International Building Code as adopted herein is hereby modified by the following additions and amendments as respectively indicated:

The new code (s) are:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Existing Building Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2009 International Energy Conservation Code
- 2009 ICC/ANSI A117.1 Accessible & Usable Buildings
- 2012 International Property Maintenance Code
- 2011 NFPA 70, National Electric Code
- WV Code §87-4-5 Fire Protection of Floors in Residential Buildings , Subsection § 5.1.

There are several amendments which are a part of the code (s) and are included in this adoption:

IBC- Section 101.4.5 Fire Prevention: Delete Entire Section from the 2012 International Building Code as the West Virginia Fire Code preempts and applies. (Ord. 14515. Passed 10-15-13.)

ARTICLE 1723

International Existing Building Code

1723.01 Adoption.

1723.02 Amendments.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

1723.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2012 edition, International Existing Building Code, Fourth Printing, as published by the International Code Council, to be known as the Existing Building Code of the City of Wheeling, West Virginia, for the purpose of establishing provisions for improving and upgrading existing buildings to conserve resources and history. (Ord. 14516. Passed 10-15-13.)

1723.02 AMENDMENTS.

The International Existing Building Code as adopted herein is hereby modified by the following additions and amendments as respectively indicated:

(a) Omit reference to 2012 International Fire Code and substitute 2009 NFPA 101, Life Safety Code , 2009 Edition, with the amendments which are explanatory in nature and no adoption is necessary.

(Ord. 14516. Passed 10-15-13.)

ARTICLE 1724

International Fuel Gas Code

1724.01 Adoption.

1724.02 Amendments.

CROSS REFERENCES

Adoption by reference see W. Va. Code 8-11-4

1724.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2012 edition, International Fuel Gas Code, Third Printing, as published by the International Code Council, to be known as the Fuel Gas Code of the City of Wheeling, West Virginia, for the purpose of establishing the requirements for fuel-gas piping systems, equipment and accessories, subject to the additions and amendments hereinafter provided. The adoption of that part of of the State Building Code entitled 2012 International Fuel Gas Code by the City of Wheeling includes Appendix A - Sizing and Capacities of Gas Piping; Appendix B- Sizing of Venting Systems ... With Type B Vents; Appendix C- Exit Terminals of Mechanical Draft systems and Direct-Vent Venting Systems; and Appendix D - Recommended Procedure for Safety Inspection of an Existing Appliance Installation. (Ord. 14517. Passed 10-15-13.)

1724.02 AMENDMENTS.

The International Fuel Gas Code as adopted herein is hereby modified by the following additions and amendments as indicated above in the Adoption Section to reflect the most current State of West Virginia Adoption of the 2012 version of the Code.

The 2012 International Fuel Gas Code - Section 404.10 is hereby adopted and states as follows:

Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping systems shall be installed in conduit or shielded in an approved manner.

(Ord. 14517. Passed 10-15-13.)

ARTICLE 1725

International Mechanical Code

1725.01 Adoption.

1725.02 Amendments.

CROSS REFERENCES

Adoption of technical codes by reference - see W. Va. Code 8-11-4

1725.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2012 edition, International Mechanical Code, Second Printing, as published by the International Code Council, to be known as the Mechanical Code of the City of Wheeling, West Virginia, for the purpose of regulating mechanical equipment and use and for the control of buildings and structures as therein provided, subject to the additions and amendments hereinafter provided. The adoption of that part of the State Building Code entitled 2012 International Mechanical Code by the City of Wheeling includes Appendix A - Combustion Air Openings and Chimney Connector Pass-Throughs. (Ord. 14518. Passed 10-15-13.)

1725.02 AMENDMENTS.

The International Building Code as adopted herein is hereby modified by the following additions and amendments as indicated above in the Adoption Section to reflect the most current State of West Virginia Adoption of the 2012 version of the Code .
(Ord. 14518. Passed 10-15-13.)

ARTICLE 1726

American National Standards for Accessibility

1726.01 Adoption.

1726.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2009 ICC/ANSI A 117.1 American National Standards for Accessibility & Usable Buildings & Facilities, First Printing, as published by the International Code Council, to be known as the Standards for Accessibility Code of the City of Wheeling, West Virginia, for the purpose of establishing provisions for accessibility standards for buildings and facilities.

(Ord. 14519. Passed 10-15-13.)

ARTICLE 1729

International Plumbing Code

1729.01 Adoption.

1729.02 Amendments.

CROSS REFERENCES

Adoption of technical codes by reference - see W. Va. Code 8-11-4

Power to regulate - see W. Va. Code 8-12-14(3)

1729.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2012 edition, International Plumbing Code, Third Printing, as published by the International Code Council, to be known as the Plumbing Code of the City of Wheeling, West Virginia, for the purpose of establishing minimum regulations governing the design, installation, and construction of plumbing systems, and by providing reasonable safeguards for sanitation to protect the public health against the hazards of inadequate, defective or unsanitary plumbing installations, subject to the additions and amendments hereinafter

provided. The adoption of that part of of the State Building Code entitled 2012 International Plumbing Code by the City of Wheeling includes Appendix D - Degree Day and Design Temperatures; Appendix E - Sizing of Water Piping Systems; Appendix F- Structural Safety; and Appendix G - Vacuum Drainage System.

(Ord. 14520. Passed 10-15-13.)

1729.02 AMENDMENTS.

The International Plumbing Code as adopted herein is hereby modified by the following additions and amendments as indicated above in the Adoption Section to reflect the most current State of West Virginia Adoption of the 2012 version of the Code.

(Ord. 14520. Passed 10-15-13.)

ARTICLE 1731

International Residential Code

1731.01 Adoption.

1731.02 Amendments.

CROSS REFERENCES

Adoption of technical codes - see W. Va. Code 8-11-4

Power to regulate - see W. Va. Code 8-12-13

1731.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2009 edition, International Residential Code, First and Second Printing, as published by the International Code Council, to be known as the Building Code of the City of Wheeling, West Virginia, for the purpose of regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one-and-two-family dwellings; their appurtenances and accessory structures and providing for the issuance of permits therefore and penalties for the violation thereof subject to the modifications hereinafter provided. The adoption of that part of the State Building Code entitled 2009 International Residential Code by the City of Wheeling includes Appendix E - Manufactured Housing Use as Dwellings; Appendix F - Radon Control Methods; Appendix G - Swimming Pools, Spas, and Hot Tubs; Appendix H - Patio Covers; and Appendix K - Sound Transmissions. (Ord. 14521. Passed 10-15-13.)

1731.02 AMENDMENTS.

The International Residential Code as adopted herein is hereby modified by the following additions and amendments as respectively indicated:

The new code (s) are:

- 2012 International Building Code
- 2009 International Residential Code
- 2012 International Existing Building Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2009 International Energy Conservation Code
- 2009 ICC/ANSI A117.1 Accessible & Usable Buildings
- 2012 International Property Maintenance Code

2011 NFPA 70, National Electric Code
WV Code §87-4-5, Fire Protection of Floors in Residential
Buildings, subsection § 5.1.

There are several amendments which are a part of the code (s) and are included in this adoption:

IBC - Section 101.4.5 Fire Prevention: Delete Entire Section from the 2012 International Building Code as the West Virginia Fire Code preempts and applies.

Prior Section 202 IBC- Qualifications: Delete & Replace entire Section Number 112.3, with the following text:

Section R112.3. Qualifications. The Board of Appeals shall consist of five members with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least ten years of experience, five of which shall be in responsible charge of work.

Section R311.7.4.1 Riser Height: Delete & Replace With: The maximum riser height shall be eight and one-quarter (8 1/4) inches.

Section R311.7.4.2 Tread Depth: Delete & Replace With: The minimum tread depth shall be nine (9) inches.

Section R313 Automatic Fire Sprinkler Systems: Delete Entire Section, No Replacement.

Section R403.1.7.1 Building Clearances from Ascending Slopes: is not applicable to this Rule.

Section R403.1.7.2 Footing Setbacks from Descending Slopes: is not applicable to this Rule.

Chapter 11, entitled Energy Efficiency: is exempt from this Rule.

The following Section is adopted to replace the 2009 International Residential Code, Section G2415.10:

Section G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305mm) below grade. If the minimum depth cannot be maintained, the piping systems shall be installed in conduit or shielded in an approved manner.

West Virginia Code §87-4-5 Fire Protection of Floors in Residential Buildings, subsection 5.1 as follows is hereby adopted:

West Virginia Code §87-4-5 (5.1) New One and Two Family Dwellings over one level in height. New One and Two Family Dwellings containing a basement, and New One and Two

Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide a method of fire protection of floors of a 1/2 inch (12.7 mm) gypsum wall board membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Alternatively, floor fire protection may be provided with wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance. If the flooring does not meet the requirements of this section, the dwelling must contain an Automatic Fire Sprinkler System as set forth in Section 313.2 of the 2009 edition of the International Residential Code for One And Two Family Dwellings. Provided that floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in Section R313.2 of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

TABLE R301.2(1)- Climatic & Geographic Design Criteria: Inserted in 2009 International Residential Code .

EXCEPTIONS: The following structures are not subject to inspection by local jurisdictions: Group U utility structures comprising an area of not more than 200 square feet which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections, area for non-residential use or for the storage of explosives or other hazardous or explosive materials.

(Ord. 14521. Passed 10-15-13.)

ARTICLE 1733

National Electrical Code

1733.01 Adoption.

1733.02 Amendments.

1733.99 Penalty.

CROSS REFERENCES

Adoption of technical codes - see W. Va. Code 8-11-4

Authority to regulate - see W. Va. Code 8-12-13(2)

Certification of electricians - see W. Va. Code 8-12-14a

1733.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein, in order to establish rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in buildings, structures or outdoor electrical displays or sign, that certain code known as the 2011, 12th Edition of the National Electric Code, NFPA 70, 2011 Edition, with the appendices being explanatory only and no adoption is necessary. (Ord. 14522. Passed 10-15-13.)

1733.02 AMENDMENTS.

The National Electrical Code adopted under Section 1733.01 is hereby modified by the following amendments, deletions and additions as respectively indicated:

Article 80 - Administration and Enforcement (Added).

80-1. CONFORMANCE.

No electric wiring for light, heat or power shall be installed in a building or structure, nor shall an alteration or extension of an electric wiring system be made, except in conformity with the provisions of this article.

80-2. APPROVAL OF MATERIALS, FITTINGS AND DEVICES.

Only approved materials, fittings and devices shall be used in electric wiring systems.

80-3. INSTALLATION, INSPECTION.

(a) The Electrical Inspector shall, during the installation of an electric wiring system, make inspections to assure compliance with this Building Code.

(b) No work in connection with an electric wiring system shall be covered or concealed until it has been inspected as prescribed in this section and permission to do so has been given by the Inspector.

80-4. INSPECTION ON COMPLETION OF WORK.

The Electrical Inspector shall, within a reasonable time after notice of the completion of electrical wiring, for which a permit is required by this Building Code, make an inspection of such work and such tests as may be necessary to determine that it conforms with this Building Code.

80-5. REINSPECTION.

(a) The Electrical Inspector shall make a reinspection of an electric wiring installation whenever he deems it necessary in the interest of public safety.

(b) If an electric wiring system upon reinspection is found to be defective and unsafe, the Inspector shall revoke all certificates, in effect at that time, relating to such system; and the use of such system shall be discontinued until it has been made to conform to this Building Code and a new certificate has been issued by the Inspector.

(Ord. 3306. Adopted 1-4-66.)

80-6. PERMITS.

All electrical work within the City shall comply with the rules, regulations and standards set forth in the Building Code. No person shall commence any electrical work without first obtaining a building permit to do such work from the Electrical Inspector. Permits to perform electrical work shall be issued upon application, and after payment to the Inspector of a fee based upon the following schedule. If no fee is necessary, there still must be a Building Permit issued for all electrical work.

(1) For residential new service, twenty-five dollars (\$25.00);

(2) For nonresidential new service, fifty dollars (\$50.00)

(Ord. 13740. Passed 4-7-09).

80-7. CERTIFICATE.

The certificate of occupancy required by this Building Code shall not be issued by the Electrical Inspector until the electrical work of the building has been inspected and tested and a certificate has been issued by the Inspector.

80-8. RESTRICTION ON SUPPLYING CURRENT.

It shall be unlawful to use or permit the use of, or to supply current for, electric wiring for light, heat or power in a building or structure, unless the required certificate of inspection and approval has been issued.

80-9. TEMPORARY CURRENT.

The Electrical Inspector may give temporary permission for a reasonable time, to supply and use current in part of an electric installation before such installation has been fully completed and the certificate issued.

(Ord. 3306. Adopted 1-4-66.)

1733.99 PENALTY.

(EDITOR'S NOTE: See Section 1721.02(c), (d) for general Code penalty if no specific penalty is provided.)

ARTICLE 1735

International Energy Conservation Code

1735.01 Adoption.

1735.02 Amendments.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

Building standards - see W. Va. Code 8-12-13

1735.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2009 edition, International Energy Conservation Code, Third Printing, as published by the International Code Council, to be known as the Energy Conservation Code of the City of Wheeling, West Virginia, for the purpose of establishing minimum regulations governing the consumption of energy resources in buildings and structures, or portions thereof, erected after the effective date of this section which provide facilities or shelter for human occupancy, subject to the modification herein. The adoption of that part of the State Building Code entitled 2009 International Energy Conservation Code by the City of Wheeling includes the Appendix.

(Ord. 14523. Passed 10-15-13.)

1735.02 AMENDMENTS.

The International Energy Conservation Code as adopted herein is hereby modified by the following additions and amendments as respectively indicated:

(a) These regulations shall be known as the Energy Conservation Code of the City of Wheeling, West Virginia, hereinafter referred to as "this code."

(Ord. 13243. Passed 6-21-06.)

ARTICLE 1737

Standard Excavating and Grading Code

1737.01 Adoption.

1737.02 Amendments.

1737.99 Penalty.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4.

Streets excavations - see U.S.& P.S. Art. 905.

1737.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that certain code known as the Standard Excavating and Grading Code, 1975 edition, as published by the Southern Building Code Congress, subject to the modifications hereinafter provided.

1737.02 AMENDMENTS.

The Standard Excavating and Grading Code adopted under Section 1737.01 is hereby modified by the following amendments, deletions and additions as respectively indicated:

Chapter Three - Fees (Deleted).

Chapter Four - Bonds (Deleted).

1737.99 PENALTY.

(EDITOR'S NOTE: See Section 1721.02(c), (d) for general Code penalty if no specific penalty is provided.)

CHAPTER SEVEN - Housing

Art. 1771. International Property Maintenance Code.

Art. 1775. Administration and Enforcement.

ARTICLE 1771

International Property Maintenance Code

1771.01 Adoption.

1771.02 Amendments.

CROSS REFERENCES

Repair and closing of unfit dwellings - see W. Va. Code 8-12-16

Adoption of technical codes - see W. Va. Code 8-11-4

1771.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein that part of the State Building Code entitled the 2012 edition, International Property Maintenance Code, Fourth Printing, as published by the International Code Council, to be known as the Building Code of the City of Wheeling, West Virginia, for the purpose of establishing minimum maintenance standards for all property, building and structures, and by providing the standards for supplied utilities and facilities and other physical things and conditions essential to assure that structures are safe, sanitary and fit for occupation and use, subject to the amendments hereinafter. (Ord. 14524. Passed 10-15-13.)

1771.02 AMENDMENTS.

The International Property Maintenance Code as adopted herein is hereby modified by the following additions and amendments as respectively indicated:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Wheeling, hereinafter referred to as "this code."

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

The City of Wheeling's fees for services and activities vary upon the form of compliance or enforcement action involved. Fee schedules are available at the Department of Economic and Community Development. The fees and/or applicable penalties are set and approved by action of the City Council.

112.4 Failure to comply. Unless otherwise stated in a Local, State or Federal law applicable to enforcement or the failure to comply, any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$500.00 dollars per violation. Each day that a violation persists may constitute a separate violation subject to additional fees. Reasonable costs incurred for enforcement shall also apply.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of approximately ten (10) inches in height, measured from ground level. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

304.14 Insect screens. During the period, as required by the Wheeling/Ohio County Health Department as applicable or the local Spring and Summer Seasons, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

602.3 Heat Supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period of Fall and Winter to maintain a habitable and/or above freezing temperature in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period of Fall and Winter to maintain a habitable and/or above freezing temperature during the period the spaces are occupied.

WV Code § 87-4-6, entitled, Exceptions, is hereby adopted as follows:

The following structures are not subject to inspection by local jurisdictions: Group U utility structures and storage shed comprising an area of not more than 200 sq. ft. which have no plumbing or electrical connections are used only for residential storage purposes. Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

WV Code § 87-4-7, entitled, Adoption by Local Jurisdiction, is hereby adopted as follows:

Throughout the national codes adopted there are discretionary provisions which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The Appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to authorize each local jurisdiction to further complete, by ordinance or order, those respective areas which are intended to be completed by the adopting "jurisdiction" and any of the Appendices the local jurisdiction wishes to adopt.

Each of the national codes adopted provides for a separate appeals board. However, the intent and requirements for an appeals board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the Building Code as provided in WV Code § 8-12-13 (Municipalities). The City of Wheeling has the authority to provide for enforcement through the appellate process, municipal court and State court as necessary.

(Ord. 14524. Passed 10-15-13.)

ARTICLE 1775

Administration and Enforcement

(EDITOR'S NOTE: Former Article 1775 was repealed by Ordinance 9585, passed April 24, 1990.)

ARTICLE 1775

Administration and Enforcement

(EDITOR'S NOTE: Former Article 1775 was repealed by Ordinance 9585, passed April 24, 1990.)

Nuisance Ordinances

ARTICLE 1101

Nuisances

- [1101.01](#) Public nuisances prohibited.
- [1101.02](#) Public nuisances defined.
- [1101.03](#) Abatement of public nuisances.
- [1101.04](#) Cost of abatement.
- [1101.99](#) Penalty.

CROSS REFERENCES

Power to abate - see W.Va. Code 8-12-5(23)

Abatement of nuisances - see W.Va. Code 16-3-6

1101.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City, or within the police jurisdiction of the City.

1101.02 PUBLIC NUISANCES DEFINED.

(a) Generally. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (2) In any way render the public insecure in life or in the use of property; or
- (3) Greatly offend the public morals or decency; or
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(b) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) hereof.

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (2) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death;
- (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed; or which may constitute a fire hazard;
- (4) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (5) Garbage cans which are not fly-tight;
- (6) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

⁴ CHARLES TOWN, W. VA., CODE art. 1101 (2015).

(7) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

(8) Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City;

(9) Any barn, stable yard, shed, pen or other place where animals or fowl are kept which is not maintained in a clean condition; or any animals or fowl which because of disease, unsanitary conditions, odor or noise, discomfort or injure the health or well-being of residents of the City;

(10) All abandoned wells not securely covered or secured from public use; any obstruction to watercourses, drainage ditches or ravines;

(11) All noxious weeds as defined by the laws of the State or ordinances of the City. (A.O.)

(12) Building materials not being used for immediate construction shall be stored in an enclosed accessory or other structure.

(13) Tarping shall not constitute a storage structure for the purposes of this section and the use of tarping for such purposes is to be prohibited.

(14) Upholstered furniture constructed for interior use, carpeting, mattresses, box springs, clothing and any such fabric items shall be stored in residential dwellings or accessory structures designed for such purposes and shall not be stored or placed on the exterior of a structure. Structures intended for such storage shall be constructed so as to be secure from the elements and rodent infestation. (Ord. 01-14. Passed 9-17-01.)

(c) Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) hereof.

(1) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;

(2) All gambling devices and slot machines;

(3) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the Codified Ordinances;

(4) Any place or premises within the City where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;

(5) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State or the ordinances of the City.

(6) Any place that the owner, his agents or employees permit, condone or foster the sale or distribution of controlled substances, as defined in West Virginia Code 60A-1-101 et seq., within or upon the establishment.

(d) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) hereof.

(1) All buildings erected, repaired or altered within the fire limits of the City in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures within such district;

(2) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;

(3) All use or display of fireworks except as provided by the laws of the State and ordinances of the City;

(4) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

(5) All wires over streets, alleys or public grounds which are strung less than fifteen feet above the surface of the street or ground;

(6) All loud and discordant noises or vibrations of any kind;

(7) All debris or foreign matter or excess water in, and all obstructions of, streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

(8) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

(9) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing with the strength of a small child;

(10) Any structure, material or condition which constitutes a fire hazard or will impair extinguishing a fire;

(11) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;

(12) Any nuisance described in the laws of the State or ordinances of the City.

(A.O.)

(e) Storing, Parking or Leaving Abandoned, Dismantled or Other Such Motor Vehicle Prohibited. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is unlicensed, abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled whether attended or not, upon any public or private property within the City for a period in excess of ten days.

(1) The presence of such vehicles or parts thereof on private or public property shall be declared a public nuisance.

(2) This subsection shall not apply to any vehicle properly enclosed within a building on private property. (Ord. 01-15. Passed 9-17-01.)

1101.03 ABATEMENT OF PUBLIC NUISANCES.

(a) Inspection of Premises. Whenever complaint is made that a public nuisance exists, or has existed, within the City, the City Manager, Chief of Police, or Building Inspector, or some other City official whom the City Manager shall designate shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the City Clerk.

(b) Summary Abatement.

(1) Notice to owner. If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the City Manager may direct the Chief of Police, or a deputy sheriff, to serve a notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four hours and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

(2) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the City Manager, Chief of Police or the Building Inspector, or some other City official whom the City Manager shall designate, shall cause the abatement or removal of such public nuisance.

(c) Hearing Before Council. If the inspecting officer determines that a public nuisance exists on private premises, but the nature of such nuisance is not as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings and the City Manager shall forward the same unto Council for disposition hereinafter set forth.

(1) If Council shall receive a written report as set forth above, Council shall make a preliminary determination whether the act set forth in the written report constitutes a nuisance as defined in this article, and if Council determines that there are reasonable grounds to believe that the acts complained of in the written report, constitute a violation of this article, Council shall set a time and place for a full hearing on the allegations contained in the written report.

(2) Council shall cause a copy of the written report and notice of a hearing for it to be served upon the owner, occupant or person causing, permitting or maintaining such nuisance, preferring first to give such notice in person, but, if the owner, occupant or person causing or permitting or maintaining such nuisance cannot be found, then notice shall be served by any other means calculated to give notice of the hearing to the owner, occupant or person causing, permitting or maintaining such nuisance.

(3) At such hearing, the City Manager, Chief of Police or Building Inspector or some other City official whom the City Manager has designated, shall present evidence with regard to the allegations contained in the written report, and the owner, occupant or person causing, permitting or maintaining such nuisance may appear at such hearing and present such evidence as that person deems appropriate with regard to the matters set forth in the written report.

(4) After presentation of all matters before Council, Council shall determine whether acts set forth in the written report constitute a nuisance pursuant to this article. If Council so finds, Council shall further direct the appropriate City officials to, among other things, void any licenses issued by this City for the operation of any commercial establishment and/or direct the City Attorney to bring such action in the Circuit Court of Jefferson County, to permanently enjoin the nuisance.

1101.04 COST OF ABATEMENT.

In addition to any other penalty imposed for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the

nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

1101.99 PENALTY.

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

City of Morgantown⁵

ARTICLE 1149

Public Nuisance

- 1149.01 Purpose; public nuisance abatement.
- 1149.02 Application.
- 1149.03 Definition; public nuisance.
- 1149.04 Report, recommendations to Council and hearing.
- 1149.05 Findings of City Council.
- 1149.06 Reconsideration of permanent public nuisance.
- 1149.07 Appeals and enforcement.
- 1149.08 State Building Code and Fire Code.
- 1149.09 Severability.

CROSS REFERENCES

Power to regulate - see W. Va. Code 8-12-5(23)

1149.01 PURPOSE; PUBLIC NUISANCE ABATEMENT.

Council may, by resolution, abate anything which, in the opinion of a majority of Council, constitutes a public nuisance after due notice to all parties that could be affected and after such hearings as Council deems necessary to ascertain a factual and rational basis for the abatement of any such public nuisance.

(Ord. 08-17. Passed 6-3-08.)

1149.02 APPLICATION.

The provisions of this article shall apply to all public nuisances as hereinafter designated which are now in existence or which may hereafter exist in the City.

(Ord. 08-17. Passed 6-3-08.)

1149.03 DEFINITION; PUBLIC NUISANCE.

⁵ MORGANTOWN, W.VA., CODE art. 1149 (2015).

(a) A public nuisance is one which affects an indefinite number of persons, or the residents of a particular locality, or people coming within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Such public nuisance endangers the health, safety and welfare of the community and is dangerous and detrimental to the public health, may violate the laws of the City and/or State as well as obstructs the community from reasonable and comfortable use of property.

(b) A public nuisance may arise from the unreasonable, unwarrantable or unlawful behavior associated with the property, either real or personal, which hinders the neighboring community and the general public from enjoying the common and public rights enjoyed by the general community in like areas where no such public nuisance exists.

(c) For purposes of this article a continuing public nuisance is an uninterrupted or periodically recurring public nuisance, not necessarily a constant or unceasing injury, but a nuisance which occurs so often and is so necessarily an incident of the use of property complained of that it can fairly be said to be continuous. Such a nuisance may be of such character that its continuance is necessarily an injury which will continue without change.

(d) A continuing public nuisance may be found to be a permanent public nuisance when its continuance is necessarily an injury which will continue without change, unless Council takes such action to cease any like nuisance from becoming established and re-occurring at the particular location. It is not enough to show a slight interference to the public welfare and such will not be restrained unless the type of business or manner of operation is injurious to the public health, safety and welfare of the community or has a tendency to promote unlawful behavior or behavior which is considered by the City Administration, including its health and/or safety officials, to be a menace to public order and safety.

(e) The procedure by which the City of Morgantown will address public nuisances is set forth in the remaining sections of this article.

(Ord. 08-17. Passed 6-3-08.)

1149.04 REPORT, RECOMMENDATIONS TO COUNCIL AND HEARING.

Public safety and law enforcement officers, as well as affected members of the community, shall report findings and recommendations to the City Manager, and if the City Manager ascertains from the report and findings that the condition presents a public nuisance, as defined within this Article, the City Manager shall make his recommendation to City Council that just cause exists to abate the nuisance. Whereupon by a majority vote of City Council, a hearing shall be held after at least ten days notice is provided to the property owner, tenant, business manager and/or licensee of the time and place of such hearing, which notice shall contain a statement or specifications of the charges, grounds or reasons for such proposed contemplated action, and which shall be served upon the property owner, tenant, business manager and/or licensee as notices under the West Virginia Rules of Civil Procedure or by certified mail, return receipt requested, and shall, in addition, be posted in a conspicuous place on the premises as well as within 100 feet surrounding such premises affected by the recommendation. The term "cause" shall include the going or omitting of any act or permitting any condition to exist which causes a public nuisance as defined in this article. At which time and place, so designated in the notice, City Administration shall put forth its evidence in support of the recommendation made to City Council as well as the property owner, tenant, business manager and/or licensee shall have the right to appear and produce evidence in his/her/its behalf, and to be represented by counsel. At the conclusion of the hearing, City Council shall render a decision.

(Ord. 08-17. Passed 6-3-08.)

1149.05 FINDINGS OF CITY COUNCIL.

At the conclusion of the hearing described in Section [1149.04](#), City Council will issue its findings on the matter. In doing so, it may determine that a public nuisance does not exist, or that a public nuisance does exist and in such case, what corrective action the property owner, tenant, business manager and/or licensee must take to eliminate the public nuisance and the time period in which such action must take place. Additionally, upon a showing that there has been a continuing nuisance of similar character and circumstances at a particular location which meets the criteria for a permanent nuisance as set forth in Section [1149.03](#) of this article, City Council may declare such a permanent public nuisance and prohibit similar acts, occupations, types of businesses or structures at such location. In determining whether or not a permanent public nuisance exists, City Council shall consider reports of City administration, safety, and law enforcement officials, as well as public comment and complaints of the community spanning, at a minimum, a three year period immediately preceding the date of the hearing. (Ord. 08-17. Passed 6-3-08.)

1149.06 RECONSIDERATION OF PERMANENT PUBLIC NUISANCE.

Should City Council declare a location to be a permanent public nuisance, any further use of that same location for the same use shall not be allowed; however, reconsideration by City Council of its Declaration of Permanent Nuisance may occur if such reconsideration request is filed in writing with City Council within three (3) months of City Council's decision on the matter. The relief requested in the petition for reconsideration may be granted by City Council if, in its opinion, the petitioner has presented it with sufficient information demonstrating that, more likely than not, the elements making up and causing the nature of the permanent public nuisance in question will be eliminated. The order of City Council in granting any such petition shall indicate that the use of the premises/realty at issue will be considered probationary for a period of one year from the date the use commences, and that any reoccurrence of similar activity which lead to the prior declaration of a permanent public nuisance or would lead to a new nuisance violation shall automatically reactivate City Council's previous determination that the site is a permanent public nuisance. In that event, upon written notice by the City Manager to and received by the Petitioner, such usage of the site shall cease immediately. (Ord. 08-17. Passed 6-3-08.)

1149.07 APPEALS AND ENFORCEMENT.

In the event that such property owner, tenant, business manager and/or licensee may be aggrieved by such decision of City Council, which may include and not be limited to revocation or suspension of any licensures and/or the restricted use of such property having been declared a nuisance, petition for such review must be filed with the circuit court within a period of thirty days from and after the date of final action by Council. Any person, firm, corporation, landowner, licensee so affected has the right to apply to the circuit court for a temporary injunction pursuant to the provisions of the W. Va. Code. The Municipality is also entitled to any and all appropriate judicial relief against public nuisances. (Ord. 08-17. Passed 6-3-08.)

1149.08 STATE BUILDING CODE AND FIRE CODE .

This article shall not supersede those requirements and procedures set forth in either the West Virginia State Building Code or the West Virginia State Fire Code .
(Ord. 08-17. Passed 6-3-08.)

1149.09 SEVERABILITY.

If any section, subsection, provision, clause or phrase of this article or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other sections, subsections, provisions, clauses or phrases or applications of this article and to this end each and every section, subsection, provision, clause and phrase of this article is declared to be severable. This article is in addition to and not dependent upon other articles of this Code.

(Ord. 08-17. Passed 6-3-08.)

Vacant Building Registration

City of Morgantown⁶

ARTICLE 1718

Vacant Structure Code

- 1718.01 Adoption.
- 1718.02 Purpose.
- 1718.03 Definition.
- 1718.04 Registration.
- 1718.05 Inspection.
- 1718.06 Corrective action.
- 1718.07 Right of appeal.
- 1718.08 Reinspection.
- 1718.99 Penalty.

1718.01 ADOPTION.

There is hereby adopted a Vacant Structure Code for the City of Morgantown.
(Ord. 03-11. Passed 2-18-03.)

1718.02 PURPOSE.

The purpose of this article shall be to ensure that all vacant structures will be kept weathertight and secure from trespassers, safe for entry by police officers and fire fighters in times of

⁶ MORGANTOWN, W. VA., CODE art. 1718 (2015).

emergency, and to ensure that the structure and its contents do not present a hazard to the public during the time that the building remains vacant.
(Ord. 03-11. Passed 2-18-03.)

1718.03 DEFINITION.

For purposes of this article, “vacant structure” shall include any building which has not been occupied for either residential or business use for a period of one hundred and twenty (120) days or more.
(Ord. 03-11. Passed 2-18-03.)

1718.04 REGISTRATION.

At the time of adoption of this article, all owners of realty within the City of Morgantown that contain a vacant structure, as defined in Section 1718.03 above, shall register the same with the office of the Chief Building Inspector of the City. For those structures that qualify as a vacant structure after the adoption of this article, the owner thereof shall be required to register the structure with the Chief Building Inspector’s office within 30 days after the structure meets the definition of a vacant structure. Registrations shall be required annually, and at the time the vacant structure is registered, the registration form must be accompanied by a registration fee in the amount of fifty dollars (\$50.00). The registration form shall require information from the registrant deemed necessary by the Chief Building Inspector, Fire Chief, and Police Chief of the City, so as to ensure that the purpose of this article is met. Specifically, the above named City Officers shall determine the structural integrity of the building, the repairs necessary to ensure its structural integrity and that it will be safe for entry by fire fighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time the building remains vacant. The above named officers shall have the authority to issue orders to the owner for corrective action deemed necessary. The Chief Building Inspector and Fire Chief shall relay upon the West Virginia State Building Code and Fire Codes, as well as other applicable law, for guidance during any such structural review.
(Ord. 10-44. Passed 12-7-10.)

1718.05 INSPECTION.

At the time of registration, the Chief Building Inspector, Fire Chief, and Police Chief shall determine whether it is necessary for any or all of them to inspect the structure so as to identify any public safety issues needing address. If an inspection is deemed necessary, the owner will be notified of the same and arrangements made for the same. If the owner fails or refuses to consent to and arrange for an inspection, the City will seek a search warrant from a court of competent jurisdiction to authorize inspection of the premises for the purpose of determining the structural integrity of the building, the repairs necessary to insure its structural integrity and that it will be safe for entry by fire fighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time that the building remains vacant.
(Ord. 03-11. Passed 2-18-03.)

1718.06 CORRECTIVE ACTION.

The property owners shall be notified in writing of any corrective action deemed necessary by City Officials, the applicable code provisions or regulations, and will be afforded a reasonable time to the corrective action.

(Ord. 03-11. Passed 2-18-03.)

1718.07 RIGHT OF APPEAL.

Any owner of a vacant structure who believes that the corrective action required of him or her pursuant to Section 1718.06 above shall have the right to appeal such decision to City Council. The appeal shall be filed on a form prescribed by the City within ten (10) days of having received the written notice of corrective action from the City. City Council shall afford the property owner a public hearing and the opportunity to explain why he or she believes the corrective action at issue is unreasonable. At the conclusion of the public hearing, City Council shall determine whether the property owner's request shall be granted. Should City Council deny the relief as requested, the property owner shall be required to take the corrective action within ten (10) days of City Council's decision.

(Ord. 03-11. Passed 2-18-03.)

1718.08 REINSPECTION.

All vacant structures shall be reinspected by the City Officials named herein on an annual basis.

(Ord. 03-11. Passed 2-18-03.)

1718.99 PENALTY.

Any person who fails to comply with the provisions of this article, or fails to take the corrective action required by City Officials so as to assure that a vacant structure meets the requirements of this article, shall be guilty of a misdemeanor, punishable by a fine of no more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

(Ord. 03-11. Passed 2-18-03.)

City of Wheeling⁷

ARTICLE 1718

Vacant Structure Code

[1718.01](#) **Adoption.**

[1718.02](#) **Purpose.**

[1718.03](#) **Definitions.**

[1718.04](#) **Inspection.**

[1718.05](#) **Corrective action.**

[1718.06](#) **Registration generally.**

[1718.07](#) **Right of appeal.**

[1718.08](#) **Amending information.**

[1718.09](#) **Reinspection.**

⁷ WHEELING, W. VA., CODE art. 1718 (2015).

[1718.10](#) **Non-payment of fees/liens.**

[1718.11](#) **Liens generally/forfeiture of property proceedings.**

[1718.12](#) **Relation to other codes and laws.**

[1718.13](#) **Provisions adopted pursuant to Pilot Home Rule Authority - sunset/continuation provision.**

[1718.14](#) **Severability.**

CROSS REFERENCES

General Powers of Municipalities and Governing Bodies – W. Va. Code § 8-12-5

Pilot Home Rule Authority – W. Va. Code § 8-1-5a

Registration Uninhabitable Property – W. Va. Code § 8-12-16a

Special Charges for Municipal Services – W. Va. Code § 8-13-13

Special Charges for Municipal Services – Business and Taxation Code - Chapter Six, Article [800](#)

Building and Housing Codified Ordinances – [Part Seventeen](#) Generally

Uninhabitable Structures – Codified Ordinances Article [1722](#)

Health and Sanitation – Codified Ordinances [part Eleven](#) Generally

Fire Prevention – Codified Ordinances [Part Fifteen](#) Generally

1718.01 ADOPTION.

There is hereby adopted a Vacant Structure Code for the City of Wheeling.
(Ord. 13816. Passed 7-21-09.)

1718.02 PURPOSE.

(a) The City has determined that an uninspected and unmonitored vacant building may present a fire hazard, may provide temporary occupancy by transients (including drug users and traffickers), may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that the health, safety and welfare of the public is served by the regulation of such vacant buildings.

(b) Owners of uninspected and unmonitored vacant buildings shall register such vacant buildings with the City, make payment of a fee for the registration thereof, and otherwise conform to these vacant building regulations.

(c) This article ensures that, through a registration, inspection, and monitoring process, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not present otherwise a public hazard.

(d) The City, by and through its departments (particularly the Economic and Community Development Department (ECDD)) shall inspect and monitor vacant buildings (especially vacant downtown buildings), shall assess the effects of the condition of those buildings on nearby structures, and shall promote substantial efforts to rehabilitate and develop such buildings when appropriate.

These provisions will streamline and consolidate the existing procedure (that is, complaint, research, notification, inspection, orders, fines, liens, appeals and due process lien enforcement), by placing the responsibility to register and maintain vacant structures on the building owner before a building's condition falls into disrepair or otherwise merits a complaint. (Ord. 13816. Passed 7-21-09.)

1718.03 DEFINITIONS.

(a) Definitions. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(1) Boarded: A building or structure subject to the provision of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(2) Exterior maintenance and major systems: The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, area of the lot, as applicable and as enforced by the ECDD, particularly in connection with codes adopted by the City as well as all applicable local, state and federal laws.

(3) Occupied: Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid city business license, or the most recent, federal, state or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bonafide pre-rental inspection.

(4) Open: A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and/or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(5) Owner: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

(6) Vacant: a building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides, dwells, or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis. A building or structure shall be deemed vacant and subject to the registration and possible penalty provisions provided herein if the exterior maintenance and major systems of the building and the surrounding real property thereof, as defined in this section, are in violation of the building codes or health and sanitation codes and if there is not proof of continual utility service evidencing actual use of electric, gas (i.e., applicable heating sources), water service, etc. Continued is meant to be without more than one thirty (30) day interruption in any given three hundred sixty (360) day period. In order for such continual utility service to be considered as being actually in use as described in this section, it must be more than merely registered to the owner for purposes of billing and must be utilized, at a minimum, in order to keep the property and the major systems of the building in compliance with building and safety codes . The person or entity asserting that there has been

continued utility service has the burden to produce actual bills evidencing utility service for the relevant period.

(b) All vacant structures shall also comply with the following criteria:

(1) Exterior property areas are to be mowed regularly and non-cultivated gardens maintained at no more than 17 inches of growth. All noxious weeds are prohibited.

(2) Structure is to be broom swept and cleared of all contents, not including building materials or components to be used in the future renovation at that structure.

(3) Electrical service is to be provided to the building via temporary pole service on the exterior of the structure or create a permanent service for the structure and install two GFCI protected receptacles.

(4) NEC and OSHA compliant string lighting is to be provided to the entire structure so that it may be illuminated as needed to view the structure.

(5) Unstable interior and exterior surfaces and components are to be removed. Unstable or unsound accessory buildings are to be razed or renovated.

(6) Using wood sheet goods; all loose, deteriorated and broken windows and doors are to be covered to eliminate the danger of their falling and to prevent the unwanted entry of trespassers. Such wood sheet goods are to be cut and neatly fit, not just nailed over the opening.

(7) All loose or deteriorated trim, gutter or overhang extensions (masonry or frame) are to be removed or reattached to prevent falling.

(8) Regular routine monitoring of the structure is to occur by the owner to ensure that the building is being kept in compliance with the above items.

(9) Utilities need to be connected to the structure.

(c) Applicability. The requirements of this section shall be applicable to each owner of any building that is found to be vacant pursuant to the language contained herein. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the ECDD. The registration fee(s) as required by this section shall be billed by the City and shall be paid by last day of the month when the property has been registered. For purposes of this section, the following shall also be applicable:

(1) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;

(2) If an estate, the name and business address of the executor of the estate;

(3) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(4) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(5) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(6) If an individual person, the name and residence address of that individual person. (Ord. 13816. Passed 7-21-09.)

1718.04 INSPECTION.

At the time of registration, the Chief Building Inspector, Fire Chief, City Engineer and Police Chief shall determine whether it is necessary for any or all of them to inspect the structure so as

to identify any public safety issues needing addressed. Inspections shall also be available to verify the status of any property concerning occupancy, vacancy, etc. If an internal inspection is deemed necessary, the owner will be notified of the same and arrangements made for the same. If the owner fails or refuses to consent to and arrange for an inspection, the city will seek an administrative search warrant from a court of competent jurisdiction, which shall include the Municipal Court, to authorize inspection of the premises for the purpose of determining the structural integrity of the building, the repairs necessary to insure its structural integrity and that it will be safe for entry by fire fighters and police officers in time of emergency, and that the build in and its contents do not present a hazard to the public during the time that the building remains vacant.

(Ord. 13816. Passed 7-21-09.)

1718.05 CORRECTIVE ACTION.

The property owners shall be notified in writing of any corrective action deemed necessary for life, safety and building code matters by City officials, the applicable code provisions or regulations, and will be afforded a reasonable time to the corrective action. Corrective action concerning the occupancy of vacant structures is discussed later herein.

(Ord. 13816. Passed 7-21-09.)

1718.06 REGISTRATION GENERALLY.

(a) At the time of adoption of this article, all owners of realty within the City of Wheeling that contain a vacant structure, as defined above, shall register the same with the office of the Building Inspection of the City. For those structures that qualify as a vacant structure and after the adoption of this article, the owner thereof shall be required to register the structure with the Building Inspection Office within 30 days after the structure is found to meet the definition of a vacant structure. The registration form shall require information from the registrant deemed necessary by the City Manager, Building Inspector, Fire Chief, City Engineer and Police Chief of the City, so as to ensure that the purpose of this article is met. Specifically, the above named City officers shall have the authority to require that the property owner provide a professional opinion (architect, engineer, etc.) to determine the structural integrity of the building, the repairs necessary to ensure its structural integrity and that it will be safe for entry by fire fighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time the building remains vacant. The above named officers shall have the authority to issue orders to the owner for corrective action deemed necessary. The Building Inspector and Fire Chief shall rely upon the West Virginia State Building Code and Fire Code, as well as other applicable law, for guidance during any such structural review.

(b) Registration statement and fees; local agent. If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be

construed to exonerate the owner, agent or responsible party for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering, but each structure constitutes a separate fee. The owner of the vacant property as of the last day of the month when the property has been registered of each calendar year shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed by the City; and based on the duration of the vacancy as determined by the following scale:

- (1) No fee for properties that are vacant for less than one year;
- (2) \$500.00 for properties that are vacant for at least one year but less than two years;
- (3) \$1,000.00 for properties that are vacant for at least two years but less than three years;
- (4) \$2,000.00 for properties that are vacant for at least three years but less than four years;
- (5) \$3,500.00 for properties that are vacant for at least four years but less than five years;

and

(6) \$4,000.00 for properties that are vacant for at least five years, plus an additional \$300.00 for each year in excess of five years.

(Ord. 13816. Passed 7-21-09; Ord. 14153. Passed 6-21-11.)

1718.07 RIGHT OF APPEAL.

(a) Appeal Rights. The owner shall have the right to appeal the imposition of the registration fees to the City Manager; upon filing an application in writing to the department of licenses and inspections no later than 15 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in this article specifically.

(b) One Time Waiver of Registration Fee. A one-time waiver of the registration fee, or an extension of a waiver for up to 90 days from the date of the current billing statement, may be granted by the City Manager or his designee upon application of the owner and upon review and advice of the Building Code Licensure, Public Health and Safety Officials and City Engineer; if the owner:

- (1) Demonstrates with satisfactory proof to the City Manager or his designee that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building ;
- (2) Objectively demonstrates to the City Manager or his designee a reasonable anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building;
- (3) Provides satisfactory proof to the City Manager or his designee that he/she was actively attempting to sell or lease the property during the vacancy period; or
- (4) Provides satisfactory proof to the City Manager, to be evaluated on a case-by-case basis, that the vacancy is temporary and may be due to illness of the owner, active military service, or some other reasonable explanation believed to be short term in nature and document able as necessary.

(c) Within 30 days, or as soon thereafter as possible, after the waiver application is received by the City Manager or his designee shall grant or deny the waiver, or request for extension, in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver or request for extension to the City Manager or his designee, and the City Manager or his designee rendered a decision which the owner seeks to appeal to the City Council, the owner must file an application in writing no later than 30 calendar days from the date of the City Manager or his designee's decision. City Council shall either grant or deny the appeal. Thereafter the decision of City Council is final unless within thirty (30)

days of such decision the owner appeals for injunctive relief to the Circuit Court of Ohio County. (Ord. 13816. Passed 7-21-09.)

1718.08 AMENDING INFORMATION.

(a) Duty to Amend Registration Statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the department of licenses and inspections with 30 days of the occurrence of such change and advise the department in writing of those changes.

(b) Exceptions. This section shall not apply to any building owned by the United States, the state, the City, or any of their respective agencies or political subdivisions.

(c) Violations and Penalties for Failure to Register. The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building upon adoption of this section or to pay any fees required to be paid pursuant to the provisions of this section, within thirty days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each failure or refusal to pay a required vacant building fee, as applicable. In such cases, whenever the minimum fine of one hundred dollars (\$100.00) is imposed, it shall not be subject to suspension or reduction for any reason. (Ord. 13816. Passed 7-21-09.)

1718.09 REINSPECTION.

All vacant structures are subject to reinspection on an annual basis or as deemed necessary pursuant to Section 1718.04.

(Ord. 13816. Passed 7-21-09.)

1718.10 NON-PAYMENT OF FEES/LIENS.

(a) Delinquent Registration Fees as a Lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b)(4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the City and the City may commence a civil action to collect such unpaid debt.

(b) "Lien" or "liens" as used in this section shall arise whenever the fees and charges as described in this section are levied or imposed. The liens created in this article shall be subject to the provisions of Part Seven - Business Regulation and Taxation Code of the City of Wheeling, Chapter Six - Special Charges for Municipal Services, Article 800 concerning lien security and priority.

(c) If an owner fails to pay the registration fee as assessed and the City begins the collection action to enforce its lien, then the Code Enforcement Officer shall post the written notice on the property and send the written notice to the owner(s) by certified and regular mail.

(d) The City may take action to sell the subject property by means of forfeiture and the court ordered enforcement process to collect the debt owed the City. Should the City take the steps necessary to sell the subject property, the City shall do so, subject to all liens and real and personal property taxes that are due. Purchasers of the subject property shall be similarly responsible for registration pursuant to this section in the same manner as the prior owner and must begin the registration process anew if said property remains vacant.

(Ord. 13816. Passed 7-21-09.)

1718.11 LIENS GENERALLY/FORFEITURE OF PROPERTY PROCEEDINGS.

For unpaid fees, please see the Codified Ordinances of the City of Wheeling, Part Seven - Business Regulation and Taxation Code - Chapter Six – Special Charges for Municipal Services, Article 800. (Ord. 13816. Passed 7-21-09.)

1718.12 RELATION TO OTHER CODES AND LAWS.

It is to be understood that the intent and purpose of this Article are separate and distinct from other parts and sections of the Codified Ordinances of the City of Wheeling and the general laws of the State of West Virginia which may also be applicable. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code , and any other applicable provisions of the City of Wheeling municipal code . (Ord. 13816. Passed 7-21-09.)

1718.13 PROVISIONS ADOPTED PURSUANT TO PILOT HOME RULE AUTHORITY - SUNSET/CONTINUATION PROVISION.

Certain provisions of the Codified Ordinances of the City of Wheeling found in this Article, being Part Thirteen-Planning and Zoning Code were adopted pursuant to the authority granted to the municipality under the Pilot home Rule authority found in West Virginia Code § 8-1-5a passed by the West Virginia Legislature in 2007. Therefore, any actions begun during the Pilot Program period, pursuant to Ordinances adopted by the municipality under its Home Rule Authority, shall remain in full force and effect throughout all proceedings initiated within the five (5) year initial time frame given to the Pilot Home Rule municipalities to enact legislation. Similarly, should any future deadline be set by the legislature for the extinguishing of the Pilot Home Rule Authority found in West Virginia Code § 8-1-5a, all proceedings or actions exercising the Home Rule Authority found in said section initiated prior to such deadline shall remain in full force and effect throughout such proceedings or actions. Should the legislature extend the Home Rule Authority so that the initial period of five (5) years does not sunset, then the powers of the City of Wheeling pursuant to its Home Rule Authority and the provisions adopted under such authority shall continue and remain in full force and effect. (Ord. 13816. Passed 7-21-09.)

1718.14 SEVERABILITY.

The provisions of this Article 1718 are severable. If any part of this Article 1718 is held to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter and of this Article 1718 shall remain in full force and effect. (Ord. 13816. Passed 7-21-09.)

Uninhabitable Structures

City of Wheeling⁸

ARTICLE 1722

Uninhabitable Structures

- [1722.01](#) Application.
- [1722.02](#) Definitions.
- [1722.03](#) Abatement of buildings determined to be public nuisances.
- [1722.04](#) Uninhabitable structures as public nuisance.
- [1722.05](#) Standards for abatement.
- [1722.06](#) Duties of Building Codes Official.
- [1722.07](#) Powers of Building Codes Official.
- [1722.08](#) Right of entry.
- [1722.09](#) Report of proceedings and recommendations to Council.
- [1722.10](#) Assessment and lien on property affected; civil action.
- [1722.11](#) Service of notices, complaints and orders.
- [1722.12](#) Hearings and appeals.
- [1722.99](#) Penalty.

CROSS REFERENCES

Power to abate public nuisances - see W. Va. Code 8-12-5(23)

Repair and demolition of uninhabitable structures - see W. Va. Code 8-12-16

1722.01 APPLICATION.

The provisions of this article shall apply to all structures as hereinafter designated which are now in existence or which may hereafter be constructed in the City.
(Ord. 11711. Passed 1-5-99.)

1722.02 DEFINITIONS.

The following terms whenever used or referred to in this article have the following meanings, unless a different meaning clearly appears from the context.

- (a) “Owner” means the holder in fee simple of the title to the structure in question.
 - (b) “Parties in interest” means all individuals, firms, associations, and corporations, including mortgagees and other lien holders, who have an interest of record in such building, and any who are in possession thereof.
 - (c) “Dwelling” means any dwelling, building, structure or part thereof, used or designed to be so used for human habitation or occupancy and includes, but is not limited to, residential dwellings, commercial buildings, garages or storage facilities.
- (Ord. 11711. Passed 1-5-99.)

1722.03 ABATEMENT OF BUILDINGS DETERMINED TO BE PUBLIC NUISANCES.

⁸ WHEELING, W. VA., CODE art. 1722 (2015).

The uninhabitable condition of structures as defined in this article results in a condition inimical to public health, safety and general welfare, and as such is a public nuisance, and shall be abated voluntarily or by demolition or removal in accordance with the procedure provided for in this article.

(Ord. 11711. Passed 1-5-99.) 1722.04 UNINHABITABLE STRUCTURES AS PUBLIC NUISANCE.

For the purpose of this article, any dwelling which does not possess adequate light, air, electric and/or gas energy sources and sanitary facilities; or, is dilapidated, decayed, unsafe or unsanitary and fails to provide the amenities essential to decent living and is likely to work injury to the health, safety or general welfare of those living therein and/or is unfit for human habitation is hereby declared a public nuisance, and ordered abated by demolition or cause to be abated by a majority vote of Council.

(Ord. 11711. Passed 1-5-99.)

1722.05 STANDARDS FOR ABATEMENT.

If the structure is in such condition as to be in violation of Section 1722.04 and if occupied, it shall be ordered to be vacated and abated by demolition or to be cause to be abated by Council.

(Ord. 11711. Passed 1-5-99.)

1722.06 DUTIES OF BUILDING CODES OFFICIAL.

The Building Codes Official, or his authorized agent, shall:

(a) Inspect any structure about which a responsible complaint is filed with the City Administration by any person to the effect that a dwelling is or may be existing in violation of this article;

(b) Inspect any structure reported by any member of the Fire, Police or any other department of the City as probably existing in violation of the terms of this article;

(c) Appear at any hearing and testify as to the condition or defects which make such structure a public nuisance.

(Ord. 11711. Passed 1-5-99.)

1722.07 POWERS OF BUILDING CODES OFFICIAL.

The Building Codes Official shall exercise such powers as may be necessary or convenient to carry out and effectuate the purposes of this article.

(Ord. 11711. Passed 1-5-99.)

1722.08 RIGHT OF ENTRY.

Whenever necessary the Building Codes Official, or his designee, may, upon proper authorization, enter such structures at all reasonable times to inspect same or perform any duties required under this article; provided that:

(a) If such structure is occupied, he shall first present proper credentials and request entry, and

(b) If such structure is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building and request entry.

If any request for entry is refused, then the Building Codes Official or his designee shall have recourse to every remedy provided by law to secure entry.

(Ord. 11711. Passed 1-5-99.)

1722.09 REPORT OF PROCEEDINGS AND RECOMMENDATIONS TO COUNCIL.

The Building Codes Official shall report his findings and recommendations to the City Manager; and if the City Manager ascertains from the report and findings that the condition of such structure is such that it is a public nuisance, he shall forthwith cause the Building Codes Official to notify the owner or those in possession, or both, as the case may be that if such public nuisance is not abated within thirty days from the receipt of such notification, the City Manager shall make his recommendation to Council, whereupon by a majority vote of Council any such structure may be declared a public nuisance and abated by demolition or cause to be abated. (Ord. 11711. Passed 1-5-99.)

1722.10 ASSESSMENT AND LIEN ON PROPERTY AFFECTED; CIVIL ACTION.

In the event any expense or costs are incurred pursuant to Section 1722.09, then any such expense or costs over and above the proceeds of sale and salvage of all or any part of the building shall be assessed against the real estate. Such assessment shall bear interest at ten percent (10%) per annum and shall be immediately due and payable. If such assessment is not paid within thirty days after the same is made, the City Clerk may certify the amount of any such assessment with a description of the property chargeable therewith, and the name of the owner thereof, to the Clerk of the County Commission of the County to be recorded in the trust deed books of such Clerk's office; also such assessment shall be and constitute a lien against such property. In lieu of assessing a lien, the City reserves the right, pursuant to West Virginia Code 8-12-16, to institute a civil action in a court of competent jurisdiction against the landowner or other responsible party for all costs incurred by the City with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action. Not less than ten days prior to instituting a civil action as provided for in this section, the City at the direction of Council, shall send notice to the landowner by certified mail, return receipt requested, advising the landowner of the City's intention to institute such action. The notice shall be sent to the most recent address of the landowner of record in the Ohio County Assessor's office. If, for any reason, such certified mail is returned without evidence of proper receipt thereof, then in such event, the City shall cause a Class III-0 legal advertisement to be published in a newspaper of general circulation within the City and post a notice on the front door or other conspicuous location on the subject property. In the event any landowner desires to contest any demand brought forth pursuant to this section, the landowner may seek relief in a court of competent jurisdiction.

(Ord. 11711. Passed 1-5-99.)

1722.11 SERVICE OF NOTICES, COMPLAINTS AND ORDERS.

All notices, complaints or orders issued pursuant to the provisions of this article shall be served in accordance with the law of this State concerning the service of process in civil actions, and shall, in addition thereto, be posted in a conspicuous place on the premises affected by the complaint or order.

(Ord. 11711. Passed 1-5-99.)

1722.12 HEARINGS AND APPEALS.

If any person, firm or corporation disagrees with or otherwise feels aggrieved by any actions taken or decisions made by Council in accordance herewith, they shall have the right to a hearing upon verified petition, assigning specific grounds, within ten days of any such action or decision by Council, which petition shall be filed with the City Clerk who shall present it to Council at the

next regular meeting. Council shall then set a time and place for a hearing and so notify the aggrieved party. Any person, firm or corporation has the right to apply to the Circuit Court for a temporary injunction pursuant to the provision in West Virginia Code 8-12- 16(d).

(Ord. 11711. Passed 1-5-99.)

1722.99 PENALTY.

Please see assessment and lien on property affected as described in Section [1722.10](#).

(Ord. 11711. Passed 1-5-99.)

Onsite Citations

City of Charleston⁹

Sec. 3-26. - Enforcement of external sanitation and common nuisance violations.

(a) Purpose and applicability.

(1) The purpose of this section is to provide additional and alternative methods and processes to enforce the municipal code provisions regarding exterior sanitation and common nuisances related to property located within the city in a fair, speedy and inexpensive manner, and to improve compliance with such provisions.

(2) This section shall be in addition to those methods and processes otherwise contained in the Municipal Code of the City of Charleston and shall be applied at the discretion of the enforcement official enforcing the provisions of this section.

(3) This section shall apply to the following exterior sanitation and common nuisance violations contained in the Building Code and Zoning Ordinance, incorporated by reference into Chapters 14 and 91, respectively, of the Municipal Code of the City of Charleston:

a. Sanitation (IPMC 302.1 or any corresponding section to the extent amended);

b. Drainage (IPMC 302.2 or any corresponding section to the extent amended);

c. Sidewalks in disrepair (IPMC 302.3 or any corresponding section to the extent amended);

d. High weeds/grass (IPMC 302.4 or any corresponding section to the extent amended) and (City Code [section 50-124](#));

e. Graffiti (IPMC 302.9 or any corresponding section to the extent amended);

⁹ CHARLESTON, W. VA., CODE § 3.26–3.27 (2015).

f. Exterior garbage accumulation (IPMC 307.1 or any corresponding section to the extent amended) and (City Code [section 50-124](#));

g. Open storage in residential districts (3-060-C-5, 3-070-C-1 and 3-070-C-2, or any corresponding section to the extent amended);

h. Nonresident recreational vehicles (3-060-C-5 or any corresponding section to the extent amended).

(4) Any and all planning, zoning, building, and law enforcement officers shall have authority to enforce the provisions of this section and shall be referred to herein collectively as "enforcement officials."

(b) Investigations. Upon receipt of information or observation of circumstances indicating the likelihood of a violation of any provision of the Municipal Code of the City of Charleston regarding external sanitation or common nuisance, the enforcement official shall investigate the facts and may, to the extent permitted by law, make an inspection of the premises.

(c) Notice of violation.

(1) If an enforcement official determines that a code violation exists, the enforcement official shall provide written notice of such violation to the person having either ownership or control of any land, building, structure, sign, property, licensed or permitted business or operation which is in violation, and shall order that the violation be corrected. Notice of the violation shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by an enforcement official. If service is made by certified mail pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the notice of the violation is refused, the enforcement official, promptly upon the receipt of the notice of such refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, (1) a copy of the notice of the violation(s) (2) a notice that despite such refusal, the notice of the violation(s) is valid, and (3) advising that the City will proceed to enforce the notice of violation(s). So long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the notice of violation(s) will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

(2) Any notice of violation(s) under this section shall be in writing and shall contain the following:

a. The date the notice of violation is given;

b. The name and address of the person(s) charged with the violation;

- c. The section of the ordinance being violated;
- d. The nature of the violation;
- e. A statement of the action required to be taken in order to correct the violation;
- f. The time period allowed for the violation to be corrected prior to the issuance of a citation. When determining the time period allowed for correction, the enforcement official shall take into consideration the threat posed by the violation to the health, safety and welfare of the public and the nature of the work required to correct the violation, provided that no such time period for correction shall be less than five days;
- g. The maximum fines that may be assessed if the violation is not corrected; and
- h. The name, address and telephone number of the enforcement official issuing the notice of violation.

(d) Issuance of citations.

(1) If the violation has not been corrected within the period established in the notice of violation, or is a repeat violation as set forth in [section 3-26\(g\)](#), the enforcement official may issue a citation to the violator. The citation shall be in writing and shall contain the following:

- a. The date the citation is issued;
- b. The name and address of the person(s) charged with the violation;
- c. The section of the ordinance that has been violated;
- d. The nature of the violation;
- e. The place and time the violation occurred;
- f. The date the notice of violation was given;
- g. The amount of the fine imposed for the violation;
- h. The name, address, and telephone number of the enforcement official issuing the citation; and
- i. The name, address and telephone number of the office of the city collector, where fines are to be paid, and of the municipal court, where citations may be appealed.

(2) A citation shall be in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by an enforcement official. If service is made by

certified mail pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the citation is refused, the enforcement official, promptly upon the receipt of the notice of such refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, (1) a copy of the citation, (2) a notice that despite such refusal, the citation is valid, and (3) notice that the City will proceed to enforce the citation; so long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the citation will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

(e) Penalties. Any person issued a citation pursuant to subsection [3-26\(d\)](#) shall be punished by a fine as follows: within any 12-month period, \$100.00 for the first citation, \$200.00 for the second citation, \$300.00 for the third citation, and \$500.00 for the fourth citation and each citation thereafter.

(f) Nonpayment of fines. All fines imposed by citations under this section shall be due within ten days of service of the citation except as otherwise set forth herein. The failure to pay when due any fine imposed under this section shall constitute a failure to appear or otherwise respond under W Code 8-10-2b(c) and may result in notification to the DMV.

(g) Repeat violations. If a person has been previously served with a notice of violation for a violation contained in subsection [3-26\(a\)\(3\)](#), whether or not the violation is timely corrected or a citation is issued, he shall not be entitled to receive an additional notice(s) of violation for the same category of violation if the same category of violation is repeated within a six-month period of the issuance of either a notice of violation or a citation, the enforcement official may proceed in accordance with subsection [3-26\(d\)](#) without further notice to the violator.

(h) Appeal.

(1) Any person who is issued a citation shall pay the fine indicated for the violation, as set forth in subsection [3-26\(e\)](#), in full to the office of the city collector within ten days of service of the citation. Any person alleging he or she was improperly issued such citation may, within ten days of service of such citation, file a petition for appeal of the citation, along with the required bond, with the municipal court clerk in accordance with the following:

a. In order to properly and timely appeal his or her citation, within ten days of service of the citation, the recipient of the citation shall pay the required amount of the applicable fine in full to the municipal court clerk, which amount will be held by the municipal court as bond pending hearing and resolution of the case by the municipal court and the municipal court clerk shall issue a receipt to the recipient of the citation showing the amount of the bond paid. In addition to the bond, the recipient of the citation shall file with the municipal court clerk a petition for appeal of the citation. If any petition for appeal filed in accordance with this section is not timely filed or is not accompanied with the required bond, the recipient of the citation shall be deemed to have waived his or her right to appeal the citation, and such petition shall be summarily denied as untimely filed; provided, however, that nothing set forth hereinabove shall prevent the municipal court judge from finding, upon a proper application and showing, that the recipient of

the citation suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted.

b. Any petition for appeal filed with the municipal court clerk must be in writing, on the form to be provided by the municipal court clerk, and must be signed by the recipient of the citation affirming that the contents of the petition are true and accurate to the best of the recipient of the citation's knowledge at that time. Such petition for appeal shall state the facts and reasons in support of the petition. Upon filing any such petition for appeal with the municipal court clerk, the recipient of the citation shall serve a copy of the petition and receipt showing proof of bond, or application for waiver thereof, upon the city attorney.

(2) Upon filing of a petition for appeal with the municipal court clerk, the clerk or his or her designee shall place the case on the municipal court docket, set the case for hearing within 30 days from the date of the filing of the petition for appeal, provide a notice of hearing to the recipient of the citation, and forward a copy of the petition to the enforcement official who issued the citation. Upon receipt of the petition, the enforcement official shall cause a copy of the citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein.

(3) The municipal court shall treat the citation itself as the original complaint before the court. At the close of all of the evidence presented at the hearing on the petition for appeal, should the municipal judge find against the recipient of the citation, the bond posted by the recipient of the citation shall be applied as payment for the fine imposed for the violation. In the event the municipal court judge finds that the recipient of the citation suffers from financial hardship, the municipal court judge may permit alternative sentencing pursuant to [section 38-126](#) of the Municipal Code. Should the court find in favor of the recipient of the citation, the bond, if applicable, shall be refunded to the recipient of the citation by the municipal court clerk, and the citation shall be dismissed.

(Ord. No. 7381, 4-6-2009; Bill No. 7582, 6-17-2013)

Sec. 3-27. - Authority of city to file liens on real property for costs incurred in abating exterior sanitation and common nuisance violations and for costs incurred in repairing, relaying, or constructing sidewalks.

The city may file a lien on real property for costs incurred in abating exterior sanitation and common nuisance violations, which include, but are not limited to, those violations set forth in subsection [3-26\(a\)\(3\)](#), and when the following occurs:

(1) A property owner, after receiving lawful notice pursuant to subsection [3-26\(c\)](#) or pursuant to any other applicable provision of the Municipal Code, fails to abate the violation; and

(2) The enforcement official lawfully enters said property and performs the work necessary to abate the violation; and

(3) A notice of the costs of abatement is sent to the property owner and those costs are not remitted within a time satisfactory to the city.

(b) The city may file a lien on real property for costs incurred in repairing, relaying, or constructing sidewalks in accordance with [Chapter 102, Section 52](#) of the Municipal Code of the City of Charleston.

(Ord. No. 7390, 4-16-2009)

Statutory Provisions

URA & LRA Statutes related to Membership

Membership

Urban Renewal Authority Membership¹⁰

§16-18-5 (e) When the governing body of a municipality adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. If the resolution adopted is one approving the exercise of powers hereunder by an urban renewal and redevelopment authority, the mayor, by and with the advice and consent of the governing body shall appoint a board of commissioners of the authority created for such municipality which shall consist of no less than five commissioners nor more than seven, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of no less than five commissioners nor more than seven. The commissioners who are first appointed pursuant to this article shall be designated to serve for terms of one, two, three and four years, and three of said commissioners for five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term.

(f) If a regional authority is created as herein provided, one person shall be appointed as a commissioner of such authority for each community for which such authority is created. When the area of operation of a regional authority is increased to include an additional community or communities as herein provided, one additional person shall be appointed as a commissioner of such authority for each such additional community. Each such commissioner appointed for a municipality shall be appointed by the mayor thereof, by and with the advice and consent of the governing body, and each such commissioner appointed for a county shall be appointed by the

¹⁰ W. VA. CODE ANN. § 16-18-5(e)-(j) (West 2015).

governing body thereof. The first appointment of commissioner of a regional authority may be made at or after the time of the adoption of the resolution declaring the need for such authority or declaring the need for the inclusion of such community in the area of operation of such authority. The commissioners of a regional authority and their successors shall be appointed as aforesaid for terms of five years except that all vacancies shall be filled for the unexpired terms.

If the area of operation of a regional authority consists at any time of an even number of communities, the commissioners of the regional authority already appointed in the manner described above shall appoint the additional commissioner whose term of office shall be as provided for a commissioner of a regional authority except that such terms shall end at any earlier time that the area of operation of the regional authority shall be changed to consist of an odd number of communities. The commissioners of such authority already appointed in the manner described above shall likewise appoint each person to succeed such additional commissioner: Provided, That the term of office of such person begins during the terms of office of the commissioners appointing him. A certificate of the appointment of any such additional commissioner of such regional authority shall be filed with the other records of the regional authority and shall be conclusive evidence of the due and proper appointment of such additional commissioner.

(g) A commissioner of an authority shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the municipal or county clerk, as the case may be, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers hereunder vested in each urban renewal and redevelopment authority shall be exercised by the board of commissioners thereof. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the authority and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. Meetings of the board of an authority may be held anywhere within the perimeter boundaries of the area of operation of the authority. Any persons may be appointed as commissioners of the authority if they reside within such area, and are otherwise eligible for such appointments under this article.

The commissioners of an authority shall elect a chairman and vice chairman from among the commissioners. An authority may employ an executive director, technical experts and such other

officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may, with the approval of the mayor (or of the governing body in the case of a county), call upon the chief law officer of the communities within its area of operation or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

(h) For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the official or public body which appointed such commissioner, but a commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least ten days prior to such hearing and have had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereof, shall be filed in the office of the municipal or county clerk, as the case may be.

(i) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of or bonds issued by an authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of the appropriate resolution prescribed in subsection (a) or (c) above. Each such resolution shall be deemed sufficient if it authorizes the exercise of powers hereunder by the authority or other public body and finds in substantially the terms provided in subsection (b) (no further details being necessary) that the conditions therein enumerated exist. A copy of such resolution duly certified by the municipal or county clerk, as the case may be, shall be admissible in evidence in any suit, action or proceeding.

(j) No commissioner or employee of an authority shall voluntarily acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned by the authority to be included in any such project, or in any contract or proposed contract in connection with any such project. Where the acquisition is not voluntary such commissioner or employee shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. A commissioner or employee who owns or controls any interest, direct or indirect, in such property shall not participate in any action by the authority affecting the property. If any commissioner or employee of an authority owned or controlled within the preceding two years an interest, direct or indirect, in any property included or planned by the authority to be included in any redevelopment project, he immediately shall disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. Any violation of the provisions of this section shall constitute misconduct in office.

LRA Membership¹¹

§31-18E-5. Board of directors of a land reuse agency.

(a) *Membership.* -- A board shall consist of an odd number of members and be not less than five members nor more than eleven members. Unless restricted by the actions or agreements specified in section four of this article and subject to the limits stated in this section, the size of the board may be adjusted in accordance with bylaws of the land reuse agency.

(b) *Eligibility to serve on board.* --

(1) Notwithstanding any law to the contrary, a public officer is eligible to serve as a board member, and the acceptance of the appointment neither terminates nor impairs that public office;

(2) A municipal employee is eligible to serve as a board member;

(3) An established land reuse agency board shall include at least one voting member who:

(A) Is a resident of the land reuse jurisdiction;

(B) Is not a public official or municipal employee; and

(C) Maintains membership with a recognized civic organization within the land reuse jurisdiction;

(4) A member removed under subdivision (3), subsection (d) of this section is ineligible for reappointment to the board unless the reappointment is confirmed unanimously by the board;

(5) As used in this subsection, the term "public officer" means an individual who is elected to office.

(c) *Officers.* -- The members of the board shall select annually from among their members a chair, vice chair, secretary, treasurer and other officers as the board determines.

(d) *Rules.* -- The board shall establish rules on all of the following:

(1) Duties of officers;

(2) Attendance and participation of members in its regular and special meetings;

(3) A procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and

¹¹ W. VA. CODE ANN. § 16-18E-5 to -6 (West 2015).

(4) Other matters necessary to govern the conduct of a land reuse agency.

(e) *Vacancies.* -- A vacancy on the board shall be filled in the same manner as the original appointment. Upon removal under subdivision (3), subsection (d) of this section, the position becomes vacant.

(f) *Compensation.* -- Board members serve without compensation. The board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the land reuse agency.

(g) *Meetings.* -- (1) The board shall meet as follows:

(A) In regular session according to a schedule adopted by the board;

(B) In special session:

(I) As convened by the chair; or

(ii) Upon written notice signed by a majority of the members;

(2) A majority of the board, excluding vacancies, is a quorum. Physical presence is required under this paragraph.

(h) *Voting.* -- (1) Except as set forth in subdivision (2) or (3) of this subsection or elsewhere in this article, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

(2) Action of the board on the following matters must be approved by a majority of the entire board membership:

(A) Adoption of bylaws;

(B) Adoption of rules under subsection (d) of this section;

(C) Hiring or firing of an employee or contractor of the land reuse agency. This function may, by majority vote of the entire board membership, be delegated by the board to a specified officer or committee of the land reuse agency;

(D) Incurring of debt;

(E) Adoption or amendment of the annual budget; or

(F) Sale, lease, encumbrance or alienation of real property or personal property with a value of more than \$50,000.

(3) A resolution under section fourteen of this article, relating to dissolution of a land reuse agency, must be approved by two thirds of the entire board membership.

(4) A member of the board may not vote by proxy.

(5) A member may request a recorded vote on any resolution or action of the land reuse agency.

(i) *Immunity.* -- A land reuse jurisdiction which establishes a land reuse agency and a municipality or county which are parties to an intergovernmental cooperation agreement establishing a land reuse agency shall not be liable personally on the bonds or other obligations of the land reuse agency. Rights of creditors of a land reuse agency are solely against the land reuse agency.

§31-18E-6. Staff of the land reuse agency.

(a) *Employees.* -- A land reuse agency may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals and may determine the qualifications and fix the compensation and benefits of those employees.

(b) *Contracts.* -- A land reuse agency may enter into a contract with a municipality or county for:

- (1) The municipality or county to provide staffing services to the land reuse agency; or
- (2) The land reuse agency to provide staffing services to the municipality or county.

URA Redevelopment Plan¹²

§16-18-6

(d) The authority may itself prepare or cause to be prepared a redevelopment plan or any person or agency, public or private, may submit such a plan to an authority. A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to:

(1) The boundaries of the redevelopment project area, with a map showing the existing uses and conditions of the real property therein;

(2) A land use plan showing proposed uses of the area;

(3) Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment;

(4) A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;

(5) A site plan of the area; and

(6) A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

(e) Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission of the community in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the community as a whole. The planning commission shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the community for approval.

(f) Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular

¹² W. VA. CODE ANN. § 16-18-6 (West 2015).

parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, slums, or conditions of blight, and the provision of adequate, safe and sanitary dwelling accommodations.

(g) The recommendation of a redevelopment plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission concerning the redevelopment plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the redevelopment project; and a statement of a feasible method proposed for the relocation of families to be displaced from the redevelopment project area.

(h) The governing body of the community shall hold a public hearing on any redevelopment plan or substantial modification thereof recommended by the authority, after public notice thereof by publication as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the community. Public notice shall also include notice by certified letter, return receipt requested to each property owner of record of all affected properties of the proposed project. The notice shall include:

(1) Notice of the public hearing time, date and location;

(2) The right to have an inspection by the municipal authority to determine if the property is blighted or unblighted;

(3) The inspection procedures; and

(4) The rights the property owner has pursuant to section six-a of this article relating to unblighted properties in blighted or slum areas.

The last publication shall be at least ten days prior to the date set for the hearing. The notice shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be redeveloped under the plan. All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views respecting the proposed redevelopment plan. The municipal authority shall consider reasonable alternatives for the redevelopment project that will minimize the use of eminent domain against any properties that are not blighted.

(i) Following such hearing, the governing body may approve a redevelopment plan if it finds that said plan is feasible and in conformity with the general plan for the development of the community as a whole: *Provided*, That if the redevelopment project area is a blighted area, the governing body must also find that a shortage of housing of sound standards and designs, adequate for family life, exists in the community; the need for housing accommodations has been

or will be increased as a result of the clearance of slums in other areas under redevelopment; the conditions of blight in the redevelopment project area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals or welfare; and that the development of the blighted area for predominantly residential uses is an integral part of and essential to the program of the community for the elimination of slum areas. A redevelopment plan which has not been approved by the governing body when recommended by the authority may again be recommended to it with any modifications deemed advisable.

(j) A redevelopment plan may be modified at any time by the authority: *Provided*, That if modified after the lease or sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper or redevelopers of such real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the governing body the modification must similarly be approved by the governing body.

Harrison County Adoption of International Property Maintenance Code

See PDF attached.

AN AMENDED ORDINANCE ADOPTING THE "INTERNATIONAL PROPERTY MAINTENANCE CODE", AS AUTHORIZED BY THE WEST VIRGINIA STATE FIRE COMMISSION, WHICH PROVIDES FOR THE REGULATION OF ALL MATTERS AFFECTING OR RELATING TO THE REPAIR AND MAINTENANCE OF STRUCTURES AND PREMISES WITHIN THE UNINCORPORATED AREAS OF HARRISON COUNTY.

WHEREAS, the Legislative Rule of the State Fire Commission, Title 87, Series 4 (87CSR4) of the West Virginia Code of State Regulations, permits adoption of the International Property Maintenance Code without requiring adoption of the other national codes and standards included under the West Virginia State Building Code; and

WHEREAS, it is deemed necessary to properly regulate all matters relating to the repair and maintenance of all buildings, structures and premises within the unincorporated areas of Harrison County; and

WHEREAS, it is the intent of the Harrison County Commission to establish minimum property maintenance standards by adopting and putting into force and effect the International Property Maintenance Code pursuant to West Virginia Code § 7 - 1 - 3n and Title 87, Series 4 (87CSR4).

NOW, THEREFORE, THE HARRISON COUNTY COMMISSION ORDAINS THAT

Section 1. ADOPT: The International Property Maintenance Code, as amended or revised by the WV State Fire Commission prior to or subsequent to adoption of this Ordinance, is hereby adopted, and all model codes and standards adopted thereunder are hereby adopted by reference as if fully set forth verbatim herein.

Section 2. APPLICABILITY: The provisions of this Ordinance and the International Property Maintenance Code adopted hereunder shall not apply to structures and premises occupied or used for agricultural purposes. For the purpose of this Ordinance, the term "agriculture" shall be deemed to mean the cultivation of plant crops or the raising of livestock. Agriculture is the organized use of land for the production of plant or animal food, fiber or landscape products. Beef and dairy farms, grain farms, orchards, plant nurseries, and tree farms are forms of agriculture.

Section 3. SAVINGS: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or rights acquitted or liability incurred, or any cause or causes under any act or ordinance repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. CONFLICTING ORDINANCES: Any existing ordinance that is more stringent or imposes a higher standard than is required by the International Property Maintenance Code shall govern, provided such ordinance is not inconsistent with the laws of the State of West Virginia and is not contrary to recognized standards and good engineering practices. Any existing ordinance that is less stringent or imposes a lesser standard than is required by the above-referenced code is hereby amended to comply therewith.

Section 5. DUTIES AND POWERS OF THE CODE OFFICIAL: The Code Official shall enforce the provisions of the International Property Maintenance Code. Priority shall be given to conditions that pose a public health and/or safety hazard, or that affect the general public. The code official shall issue all necessary notices and orders to ensure compliance. Upon failure of any person to comply with a notice of violation within the stipulated time, the

code official shall issue a citation requiring that person to appear in Magistrate Court, or file a misdemeanor Complaint in Magistrate Court alleging said violation.

Section 6. INDEMNIFICATION OF CODE OFFICIAL: The code official, officer or employee charged with the enforcement of the International Property Maintenance Code, and the members of the Board of Appeals, while acting on behalf of the Harrison County Commission, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties, and under the provisions of the International Property Maintenance Code shall be defended by the legal representative of the Harrison County Commission until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the International Property Maintenance Code; and any officer acting in good faith and without malice shall be free from liability for acts performed under any of its provisions, or by reason of any act or omission in the performance of official duties in connection therewith.

Section 7. DUTIES OF LAW ENFORCEMENT PERSONNEL: It shall be the duty of the Harrison County Sheriff's Department to assist in the enforcement of the International Property Maintenance Code.

Section 8. VIOLATION PENALTIES: The Violation Penalties section of the International Property Maintenance Code is hereby amended and completed as follows:

Any person who shall violate a provision of the International Property Maintenance Code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense. Failure to comply with a demolition order shall be deemed a violation subject to the penalties prescribed herein.

Section 9. SEVERABILITY: If any section, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reasons whatsoever, such decisions shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 10. JURISDICTION: Jurisdiction over the enforcement of this Ordinance shall be in the Magistrate Court of Harrison County.

Section 11. EFFECTIVE DATE: This Ordinance shall be deemed effective on the 4th day of October, 2012.

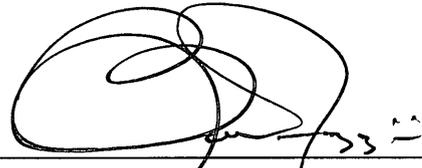
INTRODUCED and PASSED, as amended, at a regular meeting by the Harrison County Commission on first reading this 20th day of September, 2012.

INTRODUCED and PASSED, as amended, at a regular meeting by the Harrison County Commission on second reading this 27th day of September, 2012.

PASSED and ADOPTED, as amended, at a regular meeting by the Harrison County

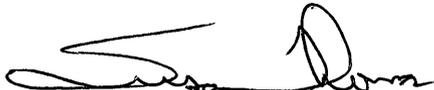
Commission on third and final reading this 4th day of October, 2012

_____.



President, Harrison County Commission

ATTEST:



Susan Thomas, County Clerk

PUBLISHER'S CERTIFICATE

I, Sara V. Shingleton,
Classified Manager of THE EXPONENT
TELEGRAM, a newspaper of general circulation
published in the city of Clarksburg, County and state
aforesaid, do hereby certify that the annexed:

PUBLIC HEARING

was published in THE EXPONENT-TELEGRAM 1
time(s) commencing on 09/28/2012 and ending on
09/28/2012 at the request of

HARRISON CO. PLANNING COMM..

Given under my hand this 09/28/12.

The publisher's fee for said publication is: \$34.01.

Sara V Shingleton
Classified Manager of The Exponent-Telegram

Subscribed to and sworn to before me this 09/28/12

Sarah Hurst
Notary Public in and for Harrison County, WV

My commission expires on

The 29th day of August 2017

NOTICE OF PUBLIC HEARING HARRISON COUNTY COMMISSION
The Harrison County Commission shall hold a public hearing on Thursday, October 4, 2012 at 9:30 a.m. regarding the adoption of the following ordinance:
AN ORDINANCE ADOPTING THE "INTERNATIONAL PROPERTY MAINTENANCE CODE" AS AUTHORIZED BY THE WEST VIRGINIA STATE FIRE COMMISSION, WHICH PROVIDES FOR THE REGULATION OF ALL MATTERS AFFECTING OR RELATING TO THE REPAIR AND MAINTENANCE OF STRUCTURES AND PREMISES WITHIN THE UNINCORPORATED AREAS OF HARRISON COUNTY.
The public hearing shall be conducted in the Harrison County Courtroom, Third Floor, Harrison County Courthouse, 301 West Main Street, Clarksburg, WV 26301. Interested parties may appear at this hearing and be heard with respect to the proposed ordinance. Copies of this ordinance are available for public inspection in the Harrison County Commission Office - Third Floor, and the Harrison County Planning Commission Office - Sixth Floor, of the Harrison County Courthouse, 301 West Main Street, Clarksburg, WV 26301.
Any person needing special accommodations in order to attend this meeting should contact the Harrison County Planning Commission at 304-624-8690.

