



Legal Department

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505

July 24, 2015

Municipal Home Rule Board
c/o Ms. Debbie Browning
West Virginia Development Office
Building 6, Room 553
Charleston, WV 25305-1311
By email: debbie.a.browning@wv.gov

RE: Proposed Written Plan Amendment by the City of Morgantown

Ladies and Gentlemen:

Enclosed with this letter, please find the following documents for the Board's consideration at its September meeting:

- a) A proposed amendment to the City of Morgantown's written plan pursuant to the Home Rule Pilot Program, along with the adopted Ordinance authorizing submission of the proposed amendment;
- b) A publisher's certificate showing the public notice and inspection requirements for the proposed plan amendment have been completed;
- c) A copy of the Council Meeting minutes of April 21, 2015, containing the comments offered during the public hearing on the proposed amendment; and
- d) A letter certifying the proposed amendment complies with *W. Va. Code* § 8-1-5a.

If I may be of any additional assistance in this matter, please contact me.

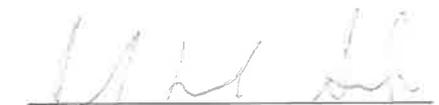
Sincerely,

Ryan Simonton
City Attorney,
City of Morgantown

AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD

The City of Morgantown hereby ordains that its City Manager is authorized to submit the attached "Proposed Amendment to the City of Morgantown Home Rule Application" to the Municipal Home Rule Board.

FIRST READING: June 2, 2015



Mayor

ADOPTED: June 16, 2015

FILED: June 17, 2015



City Clerk

RECORDED: June 17, 2015

Proposed Amendment to the City of Morgantown Home Rule Application

I. Introduction

The City of Morgantown (the “City”) has been approved to participate in West Virginia’s Municipal Home Rule Pilot Program, Phase II (“Home Rule Program”) and its initial written plan has been approved by the Municipal Home Rule Board (the “Board”).

Pursuant to *W. Va. Code* § 8-1-5a(l), “[a] municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.” The Board has provided guidance for municipalities proposing plan amendments. The guidance requires a public hearing and statement of the reasons for amendment similar to those required in an initial plan under *W. Va. Code* § 8-1-5a(f) and (g).¹

The City seeks to amend its written plan to propose an ordinance granting its fire marshals additional authority – including the authority to make arrests for certain specific violations of the Fire Prevention Code – to effectively address ongoing problems with fire prevention. The applicable laws and reasons for amendment are set out below.

II. Specific Laws Applicable

West Virginia Code sections 8-15-1, 29-3A-1 to -3, 29-3-12, and 8-14-3.

III. Limitations Presented by Applicable Law

The City’s large population of university students – equivalent in number to full-time residents – creates difficulties enforcing the Fire Prevention Code prohibition against overcrowded structures; fire marshals are faced with numerous bars and house parties that create unsafe structural loads, and the occupants are often combative and unwilling to obey orders to restore proper occupancy levels. In addition, the City suffers incidents of street and dumpster fires on par with large cities such as Columbus and Los Angeles.² These problems require the fire prevention expertise of the City’s fire marshals³ and more enforcement officers than are available in a police force in a city the size of Morgantown.

The City’s power to extinguish and prevent fire is created by *W. Va. Code* § 8-15-1, which states, “The governing body of every municipality shall have plenary power and authority to provide for the prevention and extinguishment of fires[.]” The section provides a

¹

http://www.wvcommerce.org/App_Media/assets/images/commerce/wvhomerule/forms/2014_MHR_Amend_Procedure091714.pdf

² See National Fire Incident Reporting System summary and Morgantown Fire Department statistics, attached as Exhibit 1.

³ The position of fire marshal and deputy fire marshal of the City is defined in City Code § 1511.02, a part of the proposed ordinance amendment attached as Exhibit 5.

nonexclusive list of actions the City may take but no specific statement that fire marshals may make arrests.⁴ In response to a State Fire Commission inquiry, the West Virginia Attorney General's office construed *W. Va. Code* § 8-15-1, standing alone, to permit the City to grant fire marshals limited law enforcement authority.⁵ However, the opinion is limited to consideration of *W. Va. Code* § 8-15-1 and expressly does not address the impact of other statutory or constitutional provisions.

Other statutory provisions provide specific powers to local firefighters, *W. Va. Code* § 29-3A-1 to -3, and allow the State Fire Marshal the authority to make arrests, obtain arrest warrants, and grant certain arrest powers to deputized fire marshals, *W. Va. Code* § 29-3-12, but neither specifies that local firefighters may arrest based upon municipal authorization.⁶ In addition, *W. Va. Code* § 8-14-3 may be construed to vest all municipal arrest powers in the police department. It provides as follows:

The chief and any member of the police force or department of a municipality and any municipal sergeant shall have all of the powers, authority, rights and privileges within the corporate limits of the municipality with regard to the arrest of persons, the collection of claims, and the execution and return of any search warrant, warrant of arrest or other process, which can legally be exercised or discharged by a deputy sheriff of a county.

Id. The City recognizes that where a reasonable doubt exists as to the City's authority, the courts will find the authority does not exist. *Hyre v. Brown*, 102 W. Va. 505, 135 S.E. 656 (1926). Because the statutory provisions granting the City's power to prevent and extinguish fire and the firefighters' powers and duties do not specifically grant arrest powers, and because other statutory provisions do specifically grant police arrest powers, the City could be found not to have the authority to grant fire marshals arrest powers – although solely related to violations of the Fire Prevention Code – under current law. The City wishes to avoid the threat of litigation and assure its fire marshals can act with sound authority by seeking approval of the Board.

⁴ The full text of *W. Va. Code* § 8-15-1 is as follows:

The governing body of every municipality shall have plenary power and authority to provide for the prevention and extinguishment of fires, and, for this purpose, it may, among other things, regulate how buildings shall be constructed, procure proper engines and implements, provide for the organization, equipment and government of volunteer fire companies or of a paid fire department, prescribe the powers and duties of such companies or department and of the several officers, provide for the appointment of officers to have command of fire fighting, prescribe what their powers and duties shall be, and impose on those who fail or refuse to obey any lawful command of such officers any penalty which the governing body is authorized by law to impose for the violation of an ordinance. It may give authority to any such officer or officers to direct the pulling down or destroying of any fence, house, building or other thing, if deemed necessary to prevent the spreading of a fire.

Id.

⁵ See West Virginia Attorney General Opinion dated December 5, 2014, attached as Exhibit 2.

⁶ Copies of these provisions are attached as Exhibits 3 and 4, respectively.

IV. Proposed solution

Upon approval of the Board, the City will adopt an ordinance permitting fire marshals to arrest any individual disobeying lawful orders at the scene of a fire and any individual who violates the Fire Prevention Code prohibitions against malicious burning, obstructing a fire marshal, or failure to obey orders. Incident to the arrest powers, the fire marshals would have authority to obtain and serve warrants for violations of these provisions. A copy of the proposed ordinance is attached as Exhibit 5. The Morgantown Fire Department and Morgantown Police Department have made arrangements for the fire marshals to be given initial and annual training that will comply with *W. Va. Code* §§ 30-29-1 *et seq.*, if the written plan amendment and ordinance are approved by the Board.

Adoption of the ordinance is expected to allow the City's fire marshals to better prevent chronic overcrowding conditions that endanger individuals' safety and to enforce Fire Prevention Code provisions designed to inhibit furniture and street fires. Limiting these fires and overcrowding will prevent property damage suffered by City residents and preserve City resources for other important municipal services.

EXHIBIT 1



The City of Morgantown

West Virginia

FIRE MARSHAL DIVISION
300 SPRUCE STREET
MORGANTOWN, WV 26505
(304) 284-7480
(304) 284-7503 FAX



To: Jeff Mikorski, City Manager

From: Captain Ken Tennant, Fire Marshal *KST*

Date: February 11, 2015

Ref: Dumpster fire statistics

One of the topics of discussion from our last meeting with Republic Services was to seek statistical data on how the City of Morgantown compared with other cities that have dumpster fire problems. Republic indicated this information would help them identify locations where they may have service. Morgantown Fire was also interested in the data, as it would help to identify other university communities where fire problems are occurring.

The National Fire Data Center (NFDC) was able to provide the most recent statistical data on intentionally set dumpster fires. Data is collected through the National Fire Incident Reporting System (NFIRS), where fire departments submit uniform incident reports for all fires that occur. The current data set being analyzed by the NFDC includes the five-year period from 2008-2012. The years 2013-2014 will not appear in their data analysis until 2017.

A troubling statistic was identified in the information provided by NFDC. Morgantown ranked 2nd in the United States for the number of intentionally set dumpster fires from 2008-2012. The top ten locations reporting the most fires are listed below. The remaining locations are attached to this memo.

<u>Location</u>	<u>Dumpster Fires</u>
Columbus, OH	361
Morgantown, WV	267
Los Angeles, CA	246
San Antonio, TX	186
Phoenix, AZ	180
Philadelphia, PA	166
Milwaukee, WI	143
Orange County, CA	138
Portland, OR	126
Jacksonville, FL	104

STATE	Total Number of Dumpster Fires Intentionally Set (2008-2012)	Location / Department
OH	361	COLUMBUS DIVISION OF FIRE
WV	267	MORGANTOWN FD
CA	246	LOS ANGELES CITY FD
TX	186	San Antonio FD
AZ	180	City of Phoenix Fire Depart
PA	166	Philadelphia Fire Dept
WI	143	Milwaukee Fire Dept
CA	138	ORANGE COUNTY FIRE AUTHORITY
OR	126	PORTLAND FIRE BUREAU
FL	104	JACKSONVILLE FIRE DIVISION
TX	93	Wichita Falls FD
NC	79	Charlotte Fire Department
WA	79	Tacoma Fire Dept
WA	76	Longview Fire Dept
GA	70	SAVANNAH FIRE DEPARTMENT
KY	52	LOUISVILLE
MO	48	St. Joseph Fire Department
KS	46	TOPEKA FIRE DEPARTMENT
MN	46	ST. PAUL FIRE DEPT
OK	42	Oklahoma City
VA	41	Newport News Fire Department
CA	40	FRESNO COUNTY FPD
OH	34	DAYTON FIRE DEPARTMENT
TX	34	Irving FD
MD	33	MONTGOMERY CTY FIRE DEPT
OH	33	YOUNGSTOWN FIRE DEPARTMENT
NV	32	CLARK COUNTY FIRE DEPARTMENT
CA	31	SANTA CLARA CFD
NC	31	Winston-Salem Fire
OH	30	CINCINNATI FIRE DEPARTMENT
CA	27	TURLOCK FD
OR	27	EUGENE FIRE & EMS
FL	26	ST PETERSBURG FIRE DEPARTMENT
NC	26	Station 01 27405
CA	25	PORTERVILLE FD
OH	25	TOLEDO DEPT OF FIRE & RESCUE
TX	25	Dallas FD
OH	23	LIMA FIRE DEPARTMENT
CA	22	FRESNO FD
IN	22	Administration Building
FL	21	PASCO COUNTY FIRE RESCUE
LA	21	LAKE CHARLES FIRE DEPT

CA	20	KINGS CFD
GA	20	ATLANTA FIRE DEPARTMENT
IL	20	PEORIA FD
CA	19	CHICO FD
CA	19	LOMPOC FD
ME	19	Portland Fire Department
IA	18	City of Des Moines
ID	18	BOISE FIRE DEPARTMENT
MS	18	Jackson FD
TX	18	Plano FD
AZ	17	City of Yuma Fire Department
CA	17	MADERA FD
CA	17	MORENO VALLEY FD
OR	17	SALEM FD
CA	16	RIVERSIDE CFD
HI	16	Honolulu Fire Department
VA	16	Portsmouth Fire Department
CA	15	SAN DIEGO FIRE & RESCUE
IN	15	Noblesville
MO	15	Independence Fire Department
MS	15	Meridian FD
TX	15	Brownsville FD
CA	14	BRAWLEY FD
CT	14	NEW HAVEN FIRE DEPARTMENT
NJ	14	Camden City FD
OK	14	Tulsa
SC	14	UNION CITY FIRE DEPT
CA	13	LIVINGSTON FD
CT	13	MERIDEN FIRE DEPARTMENT
NE	13	Omaha Fire & Rescue
OH	13	NEWARK FIRE DEPARTMENT
VA	13	PRINCE WILLIAM FIRE & RESCUE
VA	13	Administration
WA	13	Vancouver Fire Dept
CA	12	FULLERTON FD
IL	12	SPRINGFIELD FD
MA	12	AMHERST
NM	12	Deming Fire Department
NY	12	BUFFALO (CITY) FIRE DEPARTMENT
SD	12	Sioux Falls
TX	12	Corpus Christi FD
CA	11	HUNTINGTON BEACH FD
IN	11	Station 1
MI	11	Flint FD
NM	11	Las Vegas Fire Department
TX	11	Amarillo FD
AZ	10	Coolidge Fire District

IL	10	ELMWOOD PARK FD
LA	10	JENA VOLUNTEER FD
LA	10	MONROE FIRE DEPARTMENT
MA	10	LAWRENCE
MN	10	DULUTH FIRE DEPT
OR	10	CORVALLIS FD
TN	10	Jackson Fire Dept
AR	9	SPRINGDALE
CA	9	EUREKA FD
CA	9	GARDEN GROVE FD
CT	9	HARTFORD FIRE DEPARTMENT
HI	9	Maui Fire Department
MT	9	BILLINGS FIRE DEPARTMENT
NC	9	City of Gastonia Fire Departme
OR	9	GRANTS PASS DEPT PUB SFTY
SD	9	Lower Brule
TX	9	McAllen FD
CA	8	COSTA MESA FD
CA	8	SACRAMENTO METROPOLITAN FD
CA	8	SAN JOSE FD
FL	8	PALM BEACH COUNTY FIRE DEPT
FL	8	MELBOURNE FIRE DEPARTMENT
MA	8	NEW BEDFORD
MN	8	MINNEAPOLIS FIRE DEPT
MT	8	GREAT FALLS FIRE RESCUE
NC	8	Station 1
NM	8	BERNALILLO COUNTY
OH	8	MIDDLETOWN DIVISION OF FIRE
OH	8	HARRISON TWP FIRE DEPARTMENT
TX	8	Midland FD
TX	8	Fort Worth FD
TX	8	Austin FD
VA	8	Chesapeake Fire Department
WI	8	APPLETON FIRE DEPT
CA	7	KERN CFD
CA	7	ATWATER FD
CA	7	TEMECULA FD
CA	7	LINDSAY FD
CO	7	LONGMONT FD
GA	7	EAST POINT FIRE DEPARTMENT
IL	7	Chicago Heights Fire Departmen
IL	7	DECATUR FD
IL	7	BELLEVILLE FD
KS	7	Sedgwick County Fire District
NV	7	Carson City Fire Department
NV	7	Las Vegas Fire and Rescue
NY	7	LACKAWANNA FIRE DEPARTMENT

OH	7	CANTON FIRE DEPARTMENT
OK	7	Seminole
OR	7	ALBANY FD
OR	7	TUALATIN VALLEY F&R
SC	7	Parker District FD
TN	7	Kingsport Fire Dept
TX	7	McKinney FD
TX	7	Greenville FD
VA	7	Harrisonburg Fire Department
WA	7	RentonFire&Emergency Services
AZ	6	Winslow Fire Department
CA	6	BANNING FD
CA	6	INDIO FD
CA	6	REDDING FD
FL	6	TALLAHASSEE FIRE DEPT
IL	6	SKOKIE FD
IN	6	Station 1
MA	6	DUDLEY
MI	6	Saginaw FD
MO	6	Joplin Fire Department
NC	6	Wilmington Fire Dept.
NC	6	Raleigh Fire Department
NH	6	Manchester Fire Department
NJ	6	Mt. Laurel FD
NJ	6	Cherry Hill Fire Department
NM	6	SANTA FE FIRE DEPT.
OH	6	BOARDMAN TWP FIRE DEPARTMENT
OR	6	ROSEBURG FD
TX	6	Alief Community VFD
TX	6	Waco FD
TX	6	Tyler FD
WA	6	Yakima Fire Dept
AR	5	BRYANT
CA	5	MERCED CFD
CA	5	COACHELLA FPD
CA	5	PALM SPRINGS FD
CT	5	EAST HARTFORD FIRE DEPARTMENT
CT	5	DANBURY FIRE DEPT.
CT	5	NEW LONDON FIRE DEPARTMENT
FL	5	CLEARWATER FIRE DEPARTMENT
GA	5	MARIETTA FIRE & EMER SVCS
IA	5	MASON CITY
IL	5	BOLINGBROOK FD
IL	5	ADDISON FPD
IL	5	All Stations
IL	5	AURORA FD
KY	5	MIDDLESBORO

LA	5	OUACHITA FIRE PROT DIST 1
MD	5	BALTIMORE CO FD
MI	5	LIVONIA FIRE & RESCUE
NC	5	Durham Fire Department
NY	5	SYRACUSE CITY FIRE DEPT
OH	5	ELYRIA FIRE DEPARTMENT
OR	5	GLADSTONE FD
RI	5	Providence Fire Dept.
SC	5	GREENVILLE CITY FIRE DEPT.
TN	5	Shelby County Fire Dept
TX	5	Stephenville FD
TX	5	Big Spring FD
VA	5	Norfolk Fire-Rescue
WA	5	Kennewick Fire Dept
WA	5	Richland Fire Dept
WA	5	Olympia Fire Dept
WY	5	GILLETTE/CAMPBELL CO
AZ	4	Peoria Fire Department
CA	4	ARCATA FPD
CA	4	GLENDALE FD
CA	4	ORANGE FD
CA	4	DESERT HOT SPRINGS FD
CA	4	PALM DESERT CFD
CA	4	SAN FRANCISCO FD
CA	4	GILROY FD
CA	4	MARYSVILLE FD
CO	4	SOUTH METRO FIRE RESCUE
CO	4	BOULDER FIRE-RESCUE
CO	4	DENVER FD
CT	4	CITY OF BRIDGEPORT FIRE DEPT.
DE	4	Wilmington Fire Dept
FL	4	GREENACRES CITY FIRE DEPT
FL	4	MARGATE FIRE DEPARTMENT
GA	4	PERRY FIRE DEPARTMENT
IL	4	JOLIET FD
IN	4	Station 1
IN	4	Lafayette Fire Department
KS	4	LAWRENCE/DG CO FIRE & MEDICAL
KS	4	WICHITA FIRE DEPARTMENT
KS	4	Wabaunsee County Fire District
KY	4	INDEPENDENCE
LA	4	CAL-CAM VOLUNTEER FD
LA	4	KENNER FIRE DEPARTMENT
LA	4	Lafayette Fire Department
MA	4	FALL RIVER
MI	4	Grosse Pointe Park PSD
MN	4	MOORHEAD FIRE DEPT

MO	4	Central County Fire & Rescue
MO	4	St. Louis Fire Department
MS	4	Biloxi FD
NC	4	Chapel Hill Fire Department
NC	4	Red Springs Fire Dept.
ND	4	Fargo Fire Department
NE	4	Kearney FD Station 1
NJ	4	RUTHERFORD FIRE DEPT
NJ	4	VINELAND FIRE DEPT
NJ	4	North Plainfield Fire Dept.
NM	4	Carlsbad Fire Department
NM	4	Gallup Fire Department
OH	4	EUCLID FIRE DEPARTMENT
OK	4	Lawton
OK	4	Sapulpa
OR	4	MEDFORD FD
OR	4	NEWBERG FD
OR	4	KLAMATH CO FD #1
OR	4	SOUTH LANE COUNTY F & R
TX	4	Northwest VFD
TX	4	Abilene FD
TX	4	Del Rio FD
UT	4	Salt Lake City FD
VA	4	Petersburg Fire and Rescue
WA	4	Pasco Fire Dept
WA	4	Riverside Fire Authority
WA	4	Snohomish #4, Snohomish
WA	4	Lacey Fire District 3
WI	4	City of Madison Fire Departmen
AK	3	North Star Fire Service Area
AL	3	Atmore FD
AL	3	Roanoke VFD
AZ	3	Bullhead City FD
CA	3	FREMONT FD
CA	3	BUTTE CFD
CA	3	CONTRA COSTA COUNTY FD
CA	3	CALEXICO FD
CA	3	MERCED FD
CA	3	CDF-RIVERSIDE
CA	3	HIGHLAND FD
CA	3	YUCAIPA FD
CA	3	WOODLAKE FPD
CT	3	COLCHESTER HAYWARD VOL FIRE CO
FL	3	MIAMI BEACH FIRE DEPT
FL	3	LARGO FIRE DEPARTMENT
FL	3	PINELLAS PARK FIRE DEPARTMENT
FL	3	DELRAY BEACH FIRE DEPARTMENT

FL	3	NORTH PORT FIRE & RESCUE DIST.
FL	3	Crestview Fire Department
GA	3	Macon-Bibb Fire Department
GA	3	Rome Fire Dept.
GA	3	SPALDING COUNTY FIRE DEPT
GA	3	LAFAYETTE FIRE DEPARTMENT
ID	3	NAMPA FIRE DEPARTMENT
IL	3	QUINCY FD
IL	3	PARK FOREST FD
IL	3	TINLEY PARK VFD
IN	3	FWFD STATION 1
KS	3	OLATHE FIRE DEPARTMENT
KS	3	HUTCHINSON FIRE DEPARTMENT
KS	3	Salina Fire Department
LA	3	BOSSIER CITY FIRE DEPT
LA	3	SHREVEPORT FIRE DEPARTMENT
MA	3	EVERETT
MD	3	CUMBERLAND FIRE DEPT
MI	3	Benton Charter Twp FD
MI	3	Canton FD
MO	3	Liberty Fire Department
MO	3	Kirkwood Fire Department
MS	3	HORN LAKE FIRE DEPARTMENT
NC	3	ASHEVILLE FIRE RESCUE
NC	3	Fayetteville Fire Department
NC	3	Rocky Mount Fire Dept.
NC	3	High Point Fire Department
NE	3	Grand Island City Fire Dept
NJ	3	WILDWOOD FIRE DEPT
NM	3	FARMINGTON
NM	3	Belen Fire Department
NV	3	Henderson Fire Department
NY	3	WATERTOWN (CITY) FD
NY	3	GREECE-RIDGE FIRE DEPARTMENT
NY	3	WHITE PLAINS FIRE DEPARTMENT
OH	3	CLEVELAND FIRE DEPARTMENT
OH	3	GREENFIELD FIRE DEPARTMENT
OH	3	SIDNEY FIRE DEPARTMENT
OH	3	LEBANON FIRE DIVISION
OK	3	Noble
OR	3	LAKE OSWEGO FD
OR	3	SUISLAW F&R
PA	3	Williamsport Bureau of Fire
SC	3	Horry County Fire Rescue
SD	3	Dupree
TN	3	Cleveland Fire Department
TX	3	Richardson FD

TX	3	Odessa FD
TX	3	El Paso County ESD #1
TX	3	El Paso FD
TX	3	Houston FD
TX	3	San Marcos FD
TX	3	Victoria FD
TX	3	Chico VFD
VA	3	Chesterfield Fire & EMS
VA	3	COUNTY OF YORK
VA	3	Lynchburg Fire Department
WA	3	Clark County Fire and Rescue
WA	3	Snohomish #8, Lake Stevens
WA	3	Tumwater Fire Dept
WI	3	Green Bay Fire Department
WI	3	MANITOWOC FIRE DEPT
WV	3	HUNTINGTON FIRE DEPARTMENT
WV	3	TYLER MOUNTAIN VFD
AL	2	Selma FD
AL	2	Opelika FD
AR	2	ALTUS
AR	2	HOPE
AR	2	CAMDEN
AR	2	NORTH LITTLE ROCK
AR	2	Little Rock Fire Department
AZ	2	Lake Havasu City Fire Departme
AZ	2	Surprise Administration
AZ	2	Mohave Valley Fire Station #1
AZ	2	NORTHWEST FIRE DISTRICT
CA	2	NICE VFD
CA	2	AROMAS TRI COUNTY FPD
CA	2	HIGGINS FPD
CA	2	ELSINORE FD
CA	2	LA QUINTA FD
CA	2	RUBIDOUX CSD
CA	2	MONTCLAIR FD
CA	2	SO SANTA CLARA CNTY FIRE DIST
CA	2	MODESTO FD
CA	2	FARMERSVILLE FD
CA	2	VISALIA FD
CA	2	DAVIS FD
CO	2	CIMARRON HILLS FPD
CO	2	ELLCOTT FPD
CO	2	EVANS FIRE DEPARTMENT/RESCUE
CT	2	WATERBURY FIRE DEPARTMENT
FL	2	JACKSONVILLE BEACH FIRE DEPT
FL	2	SEMINOLE FIRE RESCUE
FL	2	BARTOW FD.

FL	2	WEST PALM BEACH FIRE DEPT.
FL	2	ORANGE COUNTY FIRE DEPARTMENT
FL	2	CITY OF DELAND FIRE DEPARTMENT
FL	2	ESCAMBIA COUNTY FR
FL	2	CORAL SPRINGS FIRE DEPT.
FL	2	MARION COUNTY FIRE RESCUE
FL	2	SEMINOLE COUNTY FIRE RESCUE
FL	2	CAPE CORAL FIRE DEPARTMENT
FL	2	LEHIGH ACRES FD.
FL	2	ST JOHNS COUNTY P.S. DIRECTOR
FL	2	PANAMA CITY BEACH FIRE RESCUE
FL	2	AVON PARK FD.
GA	2	Cobb County Fire and Emergency
GA	2	Martinez-Columbia Rescue
GA	2	HINESVILLE FIRE DEPARTMENT
GA	2	Camilla Fire Department
GA	2	COLUMBUS FIRE DEPARTMENT
GA	2	FORT VALLEY FIRE DEPARTMENT
GA	2	AUGUSTA FIRE DEPARTMENT
GA	2	Rockdale Fire Department
GA	2	DALTON FIRE DEPARTMENT
HI	2	Hawaii Fire Department
IA	2	Burlington Fire Department
IA	2	GRINNELL FIRE DEPT.
ID	2	POCATELLO FD
ID	2	Coeur d'Alene Fire Department
IL	2	ELK GROVE FD
IL	2	EVANSTON FIRE & LIFE SAFETY
IL	2	PARK RIDGE FD
IL	2	FORD HEIGHTS FD
IL	2	HAZEL CREST DEPT FRI SERVICES
IL	2	RIVERDALE FD
IL	2	EFFINGHAM FD
IL	2	MORRIS FP & AMBULANCE
IL	2	ELGIN FD
IL	2	GALESBURG FD
IL	2	HUNTLEY FPD
IL	2	DANVILLE FD
IL	2	ROCKFORD FD
IL	2	GERMANTOWN HILLS FPD
IN	2	Elkhart
IN	2	New Albany FDENGINE 2
IN	2	CARMEL FIRE DEPARTMENT
IN	2	Edinburgh Station 1
IN	2	St. John Fire Department
KS	2	Junction City Fire Department
KS	2	OVERLAND PARK FIRE DEPARTMENT

KS	2	LEAVENWORTH FIRE DEPARTMENT
KY	2	HEBRON
LA	2	SULPHUR FIRE DEPT.
LA	2	Station 1
LA	2	TERRYTOWN FIFTH DIST VFD
LA	2	NATCHITOCHE FIRE DEPARTMENT
MA	2	SAUGUS
MA	2	GREENFIELD
MA	2	HOLYOKE
MA	2	BOSTON
MD	2	SINGERLY FIRE COMPANY
MI	2	Station 1
MI	2	WYOMING FIRE DEPARTMENT
MN	2	ROCHESTER FIRE DEPT
MO	2	St. Charles Fire Department
MO	2	Mehlville Fire Prot Dist
MO	2	Fenton Fire Prot. District
MS	2	Gulfport FD
MS	2	Greenville FD
MT	2	HELENA FIRE DEPARTMENT
NC	2	Hubert VFD
NC	2	Britt Township VFD
NC	2	Salisbury Fire Department
NH	2	Lebanon Fire Dept
NH	2	Hudson Fire Department
NH	2	Milford Fire Department
NH	2	Nashua Fire Rescue
NJ	2	Pennsauken Fire Department
NJ	2	Upper Deerfield Fire Co #3
NJ	2	NUTLEY FIRE CO
NJ	2	Rusling Hose Co.
NJ	2	Cranford Fire Department
NJ	2	STEWARTSVILLE VOL FIRE CO
NM	2	Rio Rancho Fire Department
NY	2	ALBANY FIRE DEPARTMENT
NY	2	ONEIDA FIRE DEPARTMENT
OH	2	GLOUSTER FIRE DEPARTMENT
OH	2	HAMILTON FIRE DEPARTMENT
OH	2	TRENTON FIRE DEPARTMENT
OH	2	WEST CHESTER TWP FIRE DEPARTME
OH	2	CLINTON-WARREN JT FIRE & RESCU
OH	2	DELAWARE CITY FIRE DEPARTMENT
OH	2	WESTERVILLE FIRE DEPARTMENT
OH	2	ST BERNARD FIRE DEPARTMENT
OH	2	COLERAIN TWP FIRE DEPARTMENT
OH	2	MAUMEE FIRE DIVISION
OH	2	PIQUA FIRE DEPARTMENT

OH	2	WILLIAMSPORT-DEERCREEK TWP VOL
OH	2	FRANKLIN DIVISON OF FIRE
OK	2	Moore
OK	2	Stillwater
OK	2	Ada
OR	2	CORNELIUS FD
OR	2	DALLAS FD
OR	2	GRESHAM FD
OR	2	HILLSBORO FD
OR	2	JACKSON CO RFPD #3
OR	2	LEBANON FD
OR	2	NEWPORT FD
OR	2	JEFFERSON CO RFPD #1
OR	2	TRI CITY FD 4 DOUG
OR	2	WOODBURN FD
OR	2	West Valley Fire Dist
PA	2	Mt. Lebanon Fire Department
PA	2	Altoona Fire Department
PA	2	Alpha Fire
PA	2	Greenville
PA	2	York City
RI	2	Cranston Fire Dept.
RI	2	Newport Fire Dept.
SC	2	Wren FD Station # 24
SC	2	HILTON HEAD ISLAND F&R
SC	2	COLUMBIA FIRE DEPT
SC	2	INMAN CITY VFD
SC	2	NORTH SPARTANBURG
SD	2	Hot Springs
TN	2	Knoxville Fire Department
TN	2	Clarksville Fire Dept
TN	2	Cookeville Fire Dept
TN	2	Covington Fire Department
TX	2	Lufkin FD
TX	2	Temple FD
TX	2	Harlingen FD
TX	2	San Benito VFD
TX	2	New Braunfels FD
TX	2	Copperas Cove FD
TX	2	Coppell FD
TX	2	Lancaster FD
TX	2	Lamesa FD
TX	2	Ponder VFD
TX	2	Socorro VFD
TX	2	Pecan Grove VFD
TX	2	Rosenberg FD
TX	2	Dickinson VFD

TX	2	Galveston FD
TX	2	Plainview FD
TX	2	Cy-Fair VFD
TX	2	Ponderosa VFD
TX	2	Westfield Road VFD
TX	2	Harris Co Fire & EMG Srvs
TX	2	Weslaco FD
TX	2	Burleson FD
TX	2	Paris FD
TX	2	Nacogdoches FD
TX	2	Orange FD
TX	2	Rockwall VFD
TX	2	Mansfield FD
TX	2	Haltom City FD
TX	2	North Richland Hills FD
TX	2	Brownfield FD
TX	2	Sam Bass VFD
UT	2	South Davis Metro
UT	2	Sandy FD
VT	2	BARRE CITY
WA	2	Grant #5, Moses Lake
WA	2	King #4, Shoreline
WA	2	Kent Fire Dept
WA	2	Bremerton Fire Dept
WA	2	Snohomish #26, Gold Bar
WA	2	SE Thurston Fire & EMS
WA	2	Yakima #2, Selah
WA	2	Yakima #5, Zillah
WI	2	Eau Claire Fire Dept
WI	2	Station #1
WI	2	MENOMONEE FALLS FIRE DEPT
WV	2	CHARLESTON FD
AK	1	Skagway VFD
AK	1	Chugiak VFD
AK	1	Valdez VFD
AK	1	Houston VFD
AK	1	Kenai FD
AK	1	Central Emergency Services
AL	1	Center Point Fire Department
AL	1	Lookout Mountain VFD
AL	1	Auburn FD
AL	1	Farmville FD
AL	1	Fourmile VFD
AR	1	BENTONVILLE
AR	1	SILOAM SPRINGS
AR	1	BERRYVILLE
AR	1	PINE SNAG/LOBO

AR	1	WILBURN
AR	1	CARAWAY VOL
AR	1	JONESBORO FIRE DEPARTMENT
AR	1	HOT SPRINGS
AR	1	MALVERN
AR	1	PINE BLUFF
AR	1	LEWISVILLE
AR	1	NORTH PULASKI
AR	1	HUGHES
AR	1	E M P RURAL
AR	1	FORT SMITH
AR	1	EL DORADO
AR	1	FAYETTEVILLE FIRE DEPARTMENT
AR	1	JUDSONIA
AR	1	SEARCY FIRE DEPARTMENT
AZ	1	Elfrida Fire Dist
AZ	1	Sierra Vista Fire Dept
AZ	1	Flagstaff Fire Department
AZ	1	Globe Fire Department
AZ	1	El Mirage Fire Dept
AZ	1	Gilbert Fire Dept
AZ	1	Fire Technical Services
AZ	1	Wickenburg Fire Department
AZ	1	TUCSON FIRE
AZ	1	Head Quarters
AZ	1	Maricopa Fire Department
CA	1	GRIDLEY FD
CA	1	FOOTHILL FPD
CA	1	RICHMOND FD
CA	1	CAMERON PARK FD
CA	1	FIREBAUGH CITY FD
CA	1	CDF-FRESNO
CA	1	WILLOWS FD
CA	1	LAKESHORE FPD
CA	1	CDF-LAKE
CA	1	BURBANK FD
CA	1	PASADENA FD
CA	1	REDONDO BEACH FD
CA	1	WEST COVINA FD
CA	1	MADERA CFD
CA	1	MARIN CFD
CA	1	CDF-MARIPOSA
CA	1	UKIAH VALLEY FIRE DISTRICT
CA	1	LITTLE LAKE FPD
CA	1	DOS PALOS VFD
CA	1	KING CITY FD
CA	1	MONTEREY FD

CA	1	NAPA FD
CA	1	CALIMESA FD
CA	1	MENIFEE FIRE DEPARTMENT
CA	1	PERRIS FD
CA	1	SAN JACINTO FD
CA	1	ONTARIO FD
CA	1	SAN BERNARDINO COUNTY FD
CA	1	29 PALMS FD
CA	1	CDF-SAN BERNARDINO
CA	1	EL CAJON FD
CA	1	ESCONDIDO FD
CA	1	OCEANSIDE FD
CA	1	RAMONA FD
CA	1	RANCHO SANTA FE FPD
CA	1	CDF-SAN DIEGO
CA	1	MANTECA-LATHROP FPD
CA	1	CDF-SAN LUIS OBISPO
CA	1	DALY CITY FD
CA	1	SOUTH SAN FRANCISCO FD
CA	1	SANTA BARBARA CITY FD
CA	1	PALO ALTO FD
CA	1	SUNNYVALE DPS FD
CA	1	CENTRAL FPD
CA	1	SANTA CRUZ CSA #48
CA	1	SANTA CRUZ CFD
CA	1	CDF-SISKIYOU
CA	1	CALIFORNIA MEDICAL FACILITY FD
CA	1	PETALUMA FD
CA	1	RINCON VALLEY FPD
CA	1	TULARE FD
CA	1	FILLMORE VFD
CA	1	WEST SACRAMENTO FD
CO	1	SOUTH ADAMS COUNTY FIRE DIST.
CO	1	NORTH METRO FRD
CO	1	WESTMINSTER FD
CO	1	LAS ANIMAS - BENT COUNTY FD
CO	1	MOUNTAIN VIEW FPD
CO	1	GLENWOOD SPRINGS FD
CO	1	RIFLE FPD
CO	1	UPPER PINE RIVER FPD
CO	1	LOVELAND FIRE & RESCUE DEPT.
CO	1	STERLING FIRE RESCUE
CO	1	CORTEZ FPD
CO	1	UTE MOUNTAIN FIRE / EMS
CO	1	FORT MORGAN FD
CO	1	ROCKY FORD FD
CO	1	PROWERS COUNTY RURAL FIRE

CO	1	CRIPPLE CREEK EMERGENCY SVC
CO	1	DIVIDE FPD
CO	1	PLATTEVILLE / GILCREST FPD
CT	1	SOUTH KENSINGTON
CT	1	GLASTONBURY FIRE DEPARTMENT
CT	1	ANDOVER VOLUNTEER FIRE DEPT.
CT	1	WILLIMANTIC FIRE DEPARTMENT
CT	1	GREENWICH FIRE DEPARTMENT
CT	1	NORWALK FIRE DEPT.
CT	1	STAMFORD FIRE DEPT.
CT	1	ANSONIA FIRE DEPT
CT	1	NAUGATUCK FIRE DEPARTMENT
CT	1	POQUONNOCK BRIDGE FIRE DEPT.
DC	1	WASHINGTON, D.C. FIRE/EMS
DE	1	Christiana Fire Company
DE	1	Felton Community Fire Co
DE	1	Little Creek Volunteer Fire Co
FL	1	HIALEAH FD.
FL	1	CITY OF MIAMI FD.
FL	1	PINELLAS SUNCOAST FIRE RESCUE
FL	1	OLDSMAR FIRE DEPARTMENT
FL	1	LEALMAN FIRE DEPARTMENT
FL	1	TARPON SPRINGS FIRE DEPARTMENT
FL	1	CITY OF DUNEDIN FIRE DEPT
FL	1	PALM HARBOR FIRE DEPT
FL	1	PALM SPGS DEPT. PUBLIC SAFETY
FL	1	APOPKA FD.
FL	1	REEDY CREEK IMPROVEMENT DIST.
FL	1	ORLANDO FD.
FL	1	Edgewater Fire Department
FL	1	New Smyrna Beach Fire Departme
FL	1	DAYTONA BEACH FIRE RESCUE
FL	1	HOLLY HILL FIRE DEPARTMENT
FL	1	VOLUSIA COUNTY FIRE DEPT
FL	1	DEERFIELD BCH. FD.
FL	1	SUNRISE FIRE RESCUE
FL	1	MIRAMAR FIRE/RESCUE DEPT
FL	1	DAVIE FIRE RESCUE
FL	1	MICANOPY FIRE DEPARTMENT
FL	1	LEESBURG FIRE DEPT
FL	1	SOUTHERN MANATEE F/R DISTRICT
FL	1	BRADENTON FD
FL	1	CEDAR HAMMOCK FIRE RESCUE
FL	1	Alva Fire Control & Rescue Ser
FL	1	FT MYERS BEACH FD
FL	1	SATELLITE BEACH FD
FL	1	Panama City Fire Dept

FL	1	CITY OF MARIANNA
FL	1	New Port Richey Fire Departmen
FL	1	COLUMBIA COUNTY FIRE DEPT
FL	1	SKYLINE VOL. FD.
FL	1	DEFUNIAK SPRINGS FIRE DEPT.
FL	1	KEY WEST FD.
FL	1	BROOKSVILLE FIRE DEPT.
FL	1	SPRING HILL FIRE RESCUE
FL	1	DESTIN FIRE CONTROL DISTRICT
FL	1	CITRUS COUNTY FIRE SERVICES
FL	1	Charlotte County Fire/EMS
FL	1	JASPER FD.
FL	1	BUNNELL VFD
GA	1	FITZGERALD FIRE DEPARTMENT
GA	1	RICHMOND HILL VOL FIRE DEPT
GA	1	Kingsland Fire Rescue Station
GA	1	Saint Mary's Fire Dept
GA	1	CARROLLTON FIRE DEPARTMENT
GA	1	CHARLTON COUNTY VOL FIRE DEPT
GA	1	SOUTHSIDE FIRE DEPARTMENT
GA	1	Station 1
GA	1	STATION 12
GA	1	Thunderbolt Fire Dept
GA	1	CHEROKEE CTY FIRE RESCUE SVCS
GA	1	ADMINISTRATION
GA	1	FOREST PARK FIRE SERVICES
GA	1	Smyrna Fire
GA	1	NEWNAN FIRE DEPARTMENT
GA	1	DAWSON COUNTY FIRE RESCUE
GA	1	BAINBRIDGE PUBLIC SAFETY STATI
GA	1	DECATUR FIRE DEPARTMENT
GA	1	Dekalb County Fire Rescue
GA	1	Albany Fire Dept.
GA	1	Douglas County Fire Department
GA	1	PEACHTREE CITY FIRE DEPT
GA	1	Warner Robins Fire Department
GA	1	LUDOWICI VOL FIRE DEPARTMENT
GA	1	THOMSON FIRE DEPARTMENT
GA	1	Paulding County FD
GA	1	Station 1-0-Main
GA	1	Walker County Emergency Serv
GA	1	WARRENTON FIRE DEPARTMENT
GA	1	Springhill Vol Fire Dept
IA	1	CARROLL FIRE DEPT.
IA	1	Iowa City Fire Department
IA	1	CEDAR RAPIDS
IA	1	OSKALOOSA FIRE DEPT.

IA	1	MELBOURNE FIRE DEPT.
IA	1	EMMETSBURG FIRE DEPT.
IA	1	URBANDALE FIRE DEPT.
IA	1	DAVENPORT
ID	1	CHUBBUCK FD
ID	1	Idaho Falls Fire Dept.
ID	1	BURLEY CITY
ID	1	EMMETT CITY
ID	1	SALMON RIVER RURAL FIRE DEPT
ID	1	JEROME CITY FIRE DEPARTMENT
ID	1	SHOSHONE FPD #2
IL	1	URBANA FD
IL	1	TAYLORVILLE FD
IL	1	ARLINGTON HEIGHTS FD
IL	1	HANOVER PARK FD
IL	1	MORTON GROVE FD
IL	1	RIGHTON PARK FD
IL	1	STREAMWOOD FD
IL	1	HOMEWOOD FD
IL	1	BLUE ISLAND FD
IL	1	BROOKFIELD FD
IL	1	CALUMET CITY FD
IL	1	CICERO FIRE DEPT
IL	1	CRESTWOOD FD
IL	1	LAGRANGE PARK FD
IL	1	NORTH PALOS FPD
IL	1	PALOS HEIGHTS FPD
IL	1	SAUK VILLAGE FD
IL	1	WATERMAN CFPD
IL	1	ALTAMONT FPD
IL	1	CARBONDALE TWP FD
IL	1	JEFFERSON FPD
IL	1	OSWEGO FPD
IL	1	LONG GROVE FPD
IL	1	WAUKEGAN FD
IL	1	LONG CREEK FPD
IL	1	CENTRALIA FD
IL	1	SALEM FPD
IL	1	MACOMB FD
IL	1	MCHENRY TWP FPD
IL	1	BLOOMINGTON FD
IL	1	LEROY CFPD
IL	1	NORMAL FD
IL	1	ATHENS FPD
IL	1	RAYMOND-HARVEL FD
IL	1	TAYLOR SPRINGS VFD
IL	1	JACKSONVILLE FD

IL	1	FORRESTON FPD
IL	1	BRIMFIELD CFPD
IL	1	OLNEY FD
IL	1	BLACKHAWK FPD
IL	1	DIVERNON FPD
IL	1	WILLIAMSVILLE VFD
IL	1	EAST SIDE FPD
IL	1	EAST ST LOUIS FD
IL	1	O'FALLON FD
IL	1	SWANSEA VFD
IL	1	OAKWOOD FD
IL	1	BRAIDWOOD FPD
IL	1	CHANNAHON FPD
IL	1	FRANKFORT FD
IL	1	PLAINFIELD FPD
IL	1	HERRIN FD
IL	1	NORTH PARK FPD
IN	1	Jeffersonville FIRE HDQTS.
IN	1	AUBURN FIRE DEPARTMENT
IN	1	Albany-Delaware Twp VFD
IN	1	SALEM TWP.-DALEVILLE FIRE DEPA
IN	1	Westfield Washington Township
IN	1	Dunkirk Fire Department
IN	1	LaGrange Volunteer Fire Depart
IN	1	STATION 2
IN	1	Lincoln TWP VFD
IN	1	Station 1
IN	1	City of Alexandria Department
IN	1	Anderson Fire Department
IN	1	Chesterfield Union FD
IN	1	Paragon vol fire company inc.
IN	1	Greencastle Fire Dept.
IN	1	68003
IN	1	Vienna Twp. Vol. Fire Dept
IN	1	Honey Creek Fire Department
IN	1	SUGAR CREEK FIRE DEPARTMENT
IN	1	Terre Haute
KS	1	IOLA FIRE DEPARTMENT
KS	1	El Dorado Main Station
KS	1	DONIPHAN CO FIRE DIST #2
KS	1	Wilson Fire Department
KS	1	DODGE CITY FIRE DEPARTMENT
KS	1	OTTAWA FIRE DEPARTMENT
KS	1	Pottawatomie Township Fire Dep
KS	1	SATANTA FD & DUDLEY TWP
KS	1	SHAWNEE FIRE DEPARTMENT
KS	1	LEAWOOD FIRE DEPARTMENT

KS	1	City of Tonganoxie Fire Dept.
KS	1	MCPHERSON FIRE DEPARTMENT
KS	1	McPherson County Fire Dist #5
KS	1	IUKA FIRE DEPARTMENT
KS	1	RUSSELL FIRE DEPARTMENT
KS	1	Derby Fire Department
KS	1	CHENEY FIRE DEPARTMENT
KS	1	LIBERAL FIRE DEPARTMENT
KS	1	Bonner Springs Fire Department
KY	1	Frankfort Fire & EMS
KY	1	GLASGOW
KY	1	OAK GROVE
KY	1	WINCHESTER
KY	1	FIREHOUSE NUMBER 1
KY	1	BROWNSVILLE
KY	1	FRANKLIN COUNTY
KY	1	Mayfield Fire Department
KY	1	CYNTHIANA FIRE DEPT.
KY	1	EMINENCE
KY	1	MCKEE VOLUNTEER
KY	1	HARRODS CREEK
KY	1	HIGHVIEW
KY	1	JEFFERSONTOWN
KY	1	WORTHINGTON
KY	1	PAINTSVILLE
KY	1	COVINGTON
KY	1	TAYLOR MILL
KY	1	LAUREL COUNTY
KY	1	BEREA
KY	1	RICHMOND
KY	1	WHITE HALL VOLUNTEER
KY	1	MAYSVILLE
KY	1	TOMPKINSVILLE
KY	1	Bardstown City Fire Dept
KY	1	GEORGETOWN
LA	1	CADDO PARISH FIRE DIST 7
LA	1	BATON ROUGE FIRE DEPARTMENT
LA	1	ST GEORGE VOLUNTEER FD
LA	1	JEFFERSON E BANK CONS FD
LA	1	City of Denham Springs
LA	1	ALEXANDRIA FIRE DEPARTMENT
LA	1	GLENMORA VOLUNTEER FD
LA	1	OPELOUSAS FIRE DEPARTMENT
LA	1	ST TAMMANY FIRE DIST 4
LA	1	HOUMA FIRE DEPARTMENT
LA	1	ERWINVILLE VOL FIRE DEPT
MA	1	BOURNE

MA	1	HYANNIS
MA	1	ADAMS
MA	1	LYNNFIELD
MA	1	METHUEN
MA	1	NEWBURY
MA	1	CHICOPEE
MA	1	EAST LONGMEADOW
MA	1	WEST SPRINGFIELD
MA	1	ARLINGTON
MA	1	CHELMSFORD
MA	1	DRACUT
MA	1	LOWELL
MA	1	MEDFORD
MA	1	WESTFORD
MA	1	MEDFIELD
MA	1	STOUGHTON
MA	1	WESTWOOD
MA	1	BRIDGEWATER
MA	1	ATHOL
MA	1	HOLDEN
MA	1	MENDON
MA	1	MILFORD
MA	1	MILLBURY
MA	1	NORTHBRIDGE
MA	1	OXFORD
MD	1	BENEDICT VOL FIRE DEPT INC
MD	1	RESCUE FIRE COMPANY
MD	1	KENT ISLAND VOL FIRE DEPT INC
MD	1	POCOMOKE CITY VOL FIRE CO INC
ME	1	Lewiston Fire Department
ME	1	South Portland Fire Department
ME	1	Scarborough Fire Department
ME	1	Biddeford Fire Department
MI	1	WAYLAND FIRE DEPARTMENT
MI	1	Benton Harbor Fire Department
MI	1	New Buffalo FD
MI	1	Coldwater Fire Department
MI	1	Athens Township Fire Dept.
MI	1	City of Clare
MI	1	Delta Twp Fire
MI	1	Sunfield FD
MI	1	GENESEE CHARTER TWP CENTRAL FD
MI	1	MUNDY TOWNSHIP FIRE DEPARTMENT
MI	1	HILLSDALE CITY FIRE DEPARTMENT
MI	1	Winsor Township FD
MI	1	Mt. Pleasant Fire Department
MI	1	Richland Township Fire Dept

MI	1	KENTWOOD FIRE DEPARTMENT
MI	1	City of Walker Fire Dept.
MI	1	SOLOM TOWNSHIP FIRE DEPT
MI	1	Grand Rapids Township FD
MI	1	Glen Lake Fire Department
MI	1	Center Line DPS
MI	1	Chesterfield Township FD #2
MI	1	Macomb Township FD
MI	1	Crystal Township FD
MI	1	FERNDAL FIRE DEPARTMENT
MI	1	Allendale Fire Department
MI	1	Fort Gratiot FD
MI	1	PORT HURON FD central
MI	1	Caro FD
MI	1	Augusta Township Fire Dept.
MI	1	YPSILANTI TOWNSHIP FIRE DEPT.
MI	1	BROWNSTOWN FIRE DEPT
MI	1	PLYMOUTH COMMUNITY FIRE DEPT.
MN	1	CARSONVILLE FIRE DEPT
MN	1	PINE RIVER FIRE DEPT
MN	1	APPLE VALLEY FIRE DEPT
MN	1	BURNSVILLE FIRE DEPT
MN	1	SOUTH METRO FIRE DEPT
MN	1	RICHFIELD FIRE DEPT
MN	1	EDEN PRAIRIE FIRE DEPT
MN	1	CAMBRIDGE FIRE DEPT
MN	1	GRAND RAPIDS FIRE DEPT
MN	1	NORTH MANKATO FIRE DEPT
MN	1	THIEF RIVER FALLS FIRE DEPT
MN	1	PIPESTONE FIRE DEPT
MN	1	ROSEVILLE FIRE DEPT
MN	1	MAPLEWOOD FIRE DEPT
MN	1	ST. JOSEPH FIRE DEPT
MN	1	ST. CLOUD FIRE DEPT
MO	1	Central Crossing FPD
MO	1	South Metro Fire Prot. Dist.
MO	1	Ozark Fire Protection District
MO	1	St. Clair Fire Prot. Dist.
MO	1	Republic Fire Department
MO	1	Springfield Fire Department
MO	1	Carthage Fire Department
MO	1	WEBB CITY FIRE DEPARTMENT
MO	1	Rock Comm. Fire Prot. Dist.
MO	1	Johnson Co. Fire Prot. Dist.
MO	1	Wentzville Fire Prot. Dist
MO	1	Lowry City Vol. Fire Dept
MO	1	Pattonville Fire Prot Dist

MO	1	Crestwood Fire Department
MO	1	Forsyth Fire Department
MO	1	Warrenton Fire Prot. Dist.
MO	1	Wright City Fire Prot. Dist.
MO	1	Versailles Rural FPD
MS	1	Lumberton VFD
MS	1	South Lauderdale VFD
MS	1	Beulah Hubbard VFD
MS	1	Senatobia FD
MS	1	Culkin VFD
MT	1	BUTTE SILVER BOW FD
MT	1	Station 1
MT	1	Kalispell
MT	1	South Kalispell RFD
MT	1	Shelby VFD
NA	1	WHITE MOUNTAIN APACHE TRIBE
NC	1	Waccamaw Vol. Fire Department
NC	1	Odell VFD
NC	1	New Bern Fire Department
NC	1	Godwin Falcon Fire Dept.
NC	1	Avon Fire Department
NC	1	Lexington Fire Department
NC	1	Silver Valley Fire Dept.
NC	1	Walkertown VFD
NC	1	Belmont Fire Department
NC	1	Dunn Fire Department
NC	1	Williamston Fire Dept.
NC	1	Whitakers Fire Department
NC	1	Greenville Fire and Rescue
NC	1	Guil Rand Fire Dept.
NC	1	BIG MARSH FIRE DEPARTMENT
NC	1	STERLINGS FIRE DEPARTMENT
NC	1	Brevard Fire Dept.
NC	1	Cary Fire Department
NC	1	HOPKINS RURAL FIRE DEPARTMENT
ND	1	Hunter Fire Prot District
ND	1	Grand Forks Fire Department
ND	1	New Salem Fire Prot District
ND	1	New Town Fire Department
ND	1	Kenmare Rural Fire Department
NE	1	Norfolk Fire Dept
NE	1	Columbus Fire Dept
NE	1	Hastings Fire Dept
NE	1	York Fire Dept
NE	1	Falls City Vol Fire Dept
NE	1	Gering Fire Dept
NE	1	Boelus Vol Fire Dept

NE	1	Winnebago Vol Fire Dept
NH	1	Plymouth Fire Department
NH	1	Merrimack Fire Department
NH	1	Hampton Fire Department
NH	1	Kingston Fire Department
NH	1	Durham Fire Department
NJ	1	Atlantic City Fire Department
NJ	1	Airport Fire Department
NJ	1	BRIGANTINE FIRE DEPT. & EMS
NJ	1	Bergenfield FD
NJ	1	Fort Lee Fire Department
NJ	1	Mahwah Fire Department
NJ	1	Paramus Fire Department
NJ	1	Teaneck Fire Department
NJ	1	West Berlin Fire Rescue
NJ	1	Millville Fire Department
NJ	1	BAYONNE FIRE DEPT
NJ	1	White Horse Fire Co.
NJ	1	TRENTON FIRE DEPARTMENT
NJ	1	Shrewsbury Hose Company
NJ	1	MADISON FIRE DEPARTMENT
NJ	1	Lakewood Fire Department
NJ	1	Brick-Laurelton Fire Co#1
NJ	1	West Tuckerton Fire Company
NJ	1	PENNSVILLE FIRE & RESCUE
NJ	1	LINDEN FIRE DEPARTMENT
NJ	1	Westfield Fire Department
NM	1	LOS RANCHOS DE ALBUQUERQUE
NM	1	Chaparral Fire Department
NM	1	ARTESIA FIRE
NM	1	Hobbs Fire Department
NM	1	Espanola Fire Department
NM	1	CUBA FIRE DEPARTMENT
NM	1	VALLEY FIRE DEPT.
NM	1	Gallinas Fire Department
NM	1	POJOAQUE FIRE DEPT.
NV	1	North Las Vegas Fire Dept.
NV	1	Pioche VFD
NY	1	A. E. CRANDALL HOOK & LADDER
NY	1	OLEAN (CITY) FIRE DEPT
NY	1	EAST DUNKIRK FIRE DEPARTMENT
NY	1	JAMESTOWN FIRE DEPARTMENT
NY	1	SUNSET BAY FIRE DEPARTMENT
NY	1	BAINBRIDGE FIRE DEPARTMENT
NY	1	POUGHKEEPSIE (CITY) FIRE DEPT
NY	1	TOWN LINE FIRE DEPARTMENT
NY	1	POLAND FIRE DEPARTMENT

NY	1	GREAT BEND FIRE DEPARTMENT
NY	1	HILTON FIRE DEPARTMENT
NY	1	MINEOLA FIRE DEPARTMENT
NY	1	ROME FIRE DEPARTMENT
NY	1	WATERVILLE FIRE DEPARTMENT
NY	1	FAIRMOUNT FIRE DEPARTMENT
NY	1	CAMPBELL HALL ENGINE CO # 1
NY	1	CHESTER FIRE DEPARTMENT
NY	1	HARRIMAN ENGINE CO # 1
NY	1	ONEONTA FIRE DEPARTMENT
NY	1	EAST SCHODACK FIRE DEPARTMENT
NY	1	POTSDAM FIRE DEPARTMENT
NY	1	NISKAYUNA FIRE DISTRICT # 1
NY	1	ROTTERDAM FIRE DIST NO 2
NY	1	SCHENECTADY CITY FIRE DEPT
NY	1	COTTEKILL FIRE DEPARTMENT
NY	1	FAIRVILLE VOL FIRE DEPARTMENT
NY	1	ELMSFORD FIRE DEPARTMENT
OH	1	WAYNE TWP VOL FIRE DEPARTMENT
OH	1	AMERICAN TWP FIRE DEPARTMENT
OH	1	CONNEAUT FIRE DEPARTMENT
OH	1	GENEVA FIRE DEPARTMENT
OH	1	NELSONVILLE FIRE DEPARTMENT
OH	1	FAIRFIELD TWP FIRE DEPARTMENT
OH	1	BETHEL TWP FIRE DEPARTMENT
OH	1	SPRINGFIELD TWP FIRE DEPARTMEN
OH	1	MIAMI TWP FIRE & EMS
OH	1	UNION TWP FIRE DEPARTMENT
OH	1	CHATFIELD VOL FIRE DEPARTMENT
OH	1	JEFFERSON TWP VOL FIRE DEPARTM
OH	1	BROOK PARK FIRE DEPARTMENT
OH	1	PARMA FIRE DEPARTMENT
OH	1	PARMA HEIGHTS FIRE DEPARTMENT
OH	1	STRONGSVILLE FIRE DEPARTMENT
OH	1	PERKINS TWP FIRE DEPARTMENT
OH	1	LANCASTER FIRE DEPARTMENT
OH	1	FRANKLIN TWP FIRE DEPARTMENT
OH	1	MIFFLIN TWP DIVISION OF FIRE
OH	1	TRURO TWP FIRE DEPARTMENT
OH	1	MIAMI TWP FIRE-RESCUE
OH	1	DELHI TWP FIRE DEPARTMENT
OH	1	GREEN TWP FIRE DEPARTMENT
OH	1	HILLSBORO FIRE AND RESCUE
OH	1	WILLARD FIRE DEPARTMENT
OH	1	STEBENVILLE FIRE DEPARTMENT
OH	1	CENTRAL OHIO JT FIRE DISTRICT
OH	1	PAINESVILLE CITY FIRE DEPARTME

OH	1	WICKLIFFE FIRE DEPARTMENT
OH	1	HEATH FIRE DEPARTMENT
OH	1	HEBRON FIRE DEPARTMENT
OH	1	GRANVILLE TWP FIRE DEPARTMENT
OH	1	WEST LICKING JT FIRE DISTRICT
OH	1	LORAIN FIRE DEPARTMENT
OH	1	OBERLIN FIRE DEPARTMENT
OH	1	SPRINGFIELD TWP FIRE DEPARTMEN
OH	1	CAMPBELL FIRE DEPARTMENT
OH	1	MILTON TWP FIRE DEPARTMENT
OH	1	VANDALIA FIRE DEPARTMENT
OH	1	HARRISON TWP FIRE DEPARTMENT
OH	1	RAVENNA CITY FIRE DEPARTMENT
OH	1	MANSFIELD FIRE DEPARTMENT
OH	1	MONROE TWP-LUCAS FIRE DEPARTME
OH	1	TWIN TWP VOL FIRE & LIFE SQUAD
OH	1	PORTSMOUTH FIRE DEPARTMENT
OH	1	KETTLERSVILLE-VAN BUREN FIRE D
OH	1	ALLIANCE FIRE DEPARTMENT
OH	1	BEACH CITY FIRE DEPARTMENT
OH	1	CANTON TWP FIRE DEPARTMENT
OH	1	CUYAHOGA FALLS FIRE DEPARTMENT
OH	1	NORTHFIELD VILLAGE FIRE DEPART
OH	1	WARREN FIRE DEPARTMENT
OH	1	SUGARCREEK FIRE DEPARTMENT
OH	1	ALLEN TWP FIRE DEPARTMENT
OH	1	PERRYSBURG TWP FIRE DEPARTMENT
OK	1	Elk City
OK	1	Durant
OK	1	Cartwright
OK	1	Hydro
OK	1	El Reno
OK	1	Mustang
OK	1	Yukon
OK	1	Hulbert
OK	1	Cedar Country
OK	1	Norman
OK	1	Bluejacket
OK	1	Vinita
OK	1	Weatherford
OK	1	Lindsay
OK	1	Agra
OK	1	Crescent
OK	1	Leon Community
OK	1	Blanchard
OK	1	Del City
OK	1	Edmond

OK	1	Schulter
OK	1	Marlow
OK	1	Guymom
OK	1	Skiatook
OR	1	ARLINGTON FD
OR	1	BEND FD
OR	1	BOARDMAN RFPD
OR	1	BROOKINGS FD
OR	1	CANBY RFPD
OR	1	CLACKAMAS CO FD #1
OR	1	CLATSKANIE RFPD
OR	1	SW POLK CO RFPD
OR	1	ELGIN RFPD
OR	1	ELSIE-VINEMAPLE RFPD
OR	1	GEARHART FD
OR	1	GOSHEN RFPD
OR	1	JACKSON CO RFPD #5
OR	1	JEFFERSON RFPD
OR	1	JUNCTION CITY RFPD
OR	1	KENO RFPD
OR	1	LANE RURAL F&R
OR	1	LYONS RFPD
OR	1	MARION CO RFPD #1
OR	1	NORTH BEND FD
OR	1	NORTH POWDER RFPD
OR	1	ONTARIO FD
OR	1	PENDLETON FD
OR	1	SUBLIMITY RFPD
OR	1	MID-COLUMBIA F&R
OR	1	UNION EMERGENCY SERVICES
OR	1	VERNONIA RFPD
OR	1	WASHINGTON CO RFPD #2
OR	1	MCMINNVILLE FD
OR	1	POLK CO FD #1
OR	1	Mt Angel Fire Dist
PA	1	Monroeville Fire Company #4
PA	1	Monroeville Fire Company #5
PA	1	Ambridge Fire Department
PA	1	Lionville Fire Company
PA	1	Hershey FD
PA	1	Broomall Fire Company
PA	1	Lititz Fire Co. #1
PA	1	Dover Township
RI	1	Harris Hose Co. #1
SC	1	Aiken Public Safety
SC	1	ANDERSON CITY FIRE DEPARTMENT
SC	1	Sandy Springs VFD Station # 26

SC	1	CHARLESTON FIRE DEPARTMENT
SC	1	ST ANDREWS FIRE DEPT
SC	1	GAFFNEY CITY FD
SC	1	Darlington City FD
SC	1	BELMONT FIRE DISTRICT
SC	1	Gantt Fire, Sewer & Police
SC	1	GREER
SC	1	NORTHWEST FIRE & RESCUE
SC	1	MYRTLE BEACH FIRE DEPT
SC	1	Hardeeville Fire Department
SC	1	Cayce Fire Department
SC	1	ORANGEBURG CITY FIRE DEPT
SC	1	LIBERTY
SC	1	CROFT FIRE DEPARTMENT
SC	1	Bethel VFD
SD	1	Rapid City
SD	1	Huron
SD	1	PIEDMONT
SD	1	White River
SD	1	Winner
SD	1	Elk Point
SD	1	Mobridge
TN	1	Pikeville VFD
TN	1	Newport Fire Dept
TN	1	Parsons Fire Dept
TN	1	Tusculum VFD
TN	1	Rogersville Fire Dept
TN	1	Brownsville Haywood Cnty FD
TN	1	Cottage Grove Comm VFD
TN	1	McEwen Fire Dept
TN	1	Ripley Fire Dept
TN	1	Spring Hill Fire Dept
TN	1	Murfreesboro Fire Dept
TN	1	Millington Fire Dept
TN	1	Carthage City Fire Dept
TN	1	Westmoreland Fire Dept
TN	1	Lebanon Fire Department
TX	1	Nolanville FD
TX	1	Belton FD
TX	1	Leon Valley FD
TX	1	Universal City FD
TX	1	Pearland VFD
TX	1	Brazos County Dst #2
TX	1	Snook VFD
TX	1	Marble Falls FD, City
TX	1	Wylie FD
TX	1	Oglesby FD

TX	1	Dalhart VFD
TX	1	Cockrell Hill VFD
TX	1	Hutchins VFD
TX	1	Sachse FD
TX	1	Carrollton FD
TX	1	Duncanville FD
TX	1	Flower Mound FD
TX	1	Oak Point DPS
TX	1	West Valley VFD
TX	1	Fabens VFD
TX	1	Waxahachie FD
TX	1	Pleak FD
TX	1	Texas City FD
TX	1	Seguin FD
TX	1	Westlake VFD
TX	1	Cypress Creek VFD
TX	1	Jacinto City VFD
TX	1	Deer Park FD
TX	1	Mercedes FD
TX	1	Quinlan VFD
TX	1	Borger FD
TX	1	Beaumont FD
TX	1	Grandview VFD
TX	1	Rio Vista VFD
TX	1	Cleburne FD
TX	1	Mexia FD
TX	1	Brady FD
TX	1	Magnolia VFD
TX	1	Conroe FD
TX	1	Corsicana FD
TX	1	Carthage VFD
TX	1	La Junta FD
TX	1	Silver Creek VFD
TX	1	Ballinger FD
TX	1	Rio Grande City FD
TX	1	Haslet VFD
TX	1	Edgecliff Village VFD
TX	1	Arlington FD
TX	1	Westlake FD/TCESD #9
TX	1	Laredo FD
TX	1	Leander FD
TX	1	Cedar Park FD
TX	1	Greenwood-Slidell VFD
UT	1	North Davis FD
UT	1	Layton FD
UT	1	Murray City Fire Department
UT	1	South Jordan FD

UT	1	Gunnison Fire Department
UT	1	Tooele City Fire Department
UT	1	North Tooele County Fire Dept
UT	1	Orem Fire Department
UT	1	Pleasant Grove Fire Department
UT	1	Eagle Mountain Fire Department
UT	1	Heber FD
UT	1	Hildale Fire Department
VA	1	FAIRFAX COUNTY FIRE AND RESCUE
VA	1	Carrollton Vol. Fire Dept.
VA	1	KING GEORGE EMERGENCY SERVICES
VA	1	READ MT. VFD STATION #12
VA	1	TIMBERVILLE VOL. FIRE DEPT.
VA	1	Duffield Fire & Rescue
VA	1	SPOTSYLVANIA FIRE & RESCUE
VA	1	FAIRFAX CITY FIRE DEPARTMENT
VT	1	WINOOSKI FIRE DEPARTMENT
VT	1	ST.ALBANS FIRE DEPARTMENT
VT	1	Putney Central Station
VT	1	SAXTONS RIVER FIRE DEPARTMENT
WA	1	Benton #3, Prosser
WA	1	Benton #4, West Richland
WA	1	Prosser Fire Dept
WA	1	Wenatchee Fire Dept
WA	1	Clallam #1, Forks
WA	1	Clallam #5, Clallam Bay/Sekiu
WA	1	Port Angeles Fire Dept
WA	1	East County Fire & Rescue
WA	1	Cowlitz #6, Castle Rock
WA	1	Douglas #2
WA	1	Soap Lake Fire Dept
WA	1	Aberdeen Fire Department
WA	1	East Jefferson Fire & Rescue
WA	1	King #2, Burien
WA	1	Bellevue Fire Dept
WA	1	Kirkland Fire Dept
WA	1	Kitsap #2, Bainbridge Island
WA	1	South Kitsap Fire & Rescue
WA	1	Kitsap #10 North Kitsap
WA	1	Mason #5, Allyn/Agate/Shelton
WA	1	Mason #9, Skokomish Valley
WA	1	Mason #11, Shelton
WA	1	Snohomish #1
WA	1	Snohomish #5, Sultan
WA	1	Snohomish #22, Getchell
WA	1	Medical Lake Fire Department
WA	1	Stevens #4, Valley/Chewla

WA	1	Thurston #7, North Olympia
WA	1	Lynden Fire Dept
WA	1	Toppenish Fire Dept
WI	1	Adams County Fire Dist
WI	1	HOWARD VOL FIRE DEPT
WI	1	Columbus Vol Fire Dept
WI	1	Oak Creek Fire Dept
WI	1	WEST ALLIS FIRE DEPT
WI	1	North Shore Fire Dept
WI	1	SPARTA FIRE DEPT
WI	1	Gillett City Vol Fire Dept
WI	1	Pine Lake Fire Dept
WI	1	BUCHANAN TN FIRE DEPT
WI	1	Union Grove-Yorkville Fire Dep
WI	1	Plymouth Fire Department
WI	1	Neenah-Menasha Fire Rescue
WV	1	MARTINSBURG FIRE DEPARTMENT
WV	1	Madison Fire Dept
WV	1	BARBOURSVILLE VFD
WV	1	OAK HILL FD
WV	1	FAIRMONT FD
WV	1	MOUNDSVILLE VFD INC.
WV	1	WAR VFD
WV	1	GRANVILLE VFD
WV	1	PINE GROVE VFD
WV	1	PARKERSBURG FD
WY	1	Laramie Fire Department
WY	1	LANDER

EXHIBIT 2



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

December 5, 2014

Mr. Carl Sizemore
Chairman
State Fire Commission
1207 Quarrier St., 2nd Floor
Charleston, WV 25301

Dear Chairman Sizemore:

You have asked for an Opinion of the Attorney General pertaining to whether a municipality may grant limited law enforcement powers to its fire marshals. This Opinion is being issued pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General “shall give written opinions and advise upon questions of law, . . . whenever required to do so, in writing, by . . . any . . . state officer, board, or commission.” To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your letter to the Attorney General’s Office.

You explain that a question has arisen concerning the power of a municipality to authorize its fire marshals to effectuate arrests, obtain warrants, and exercise other limited law enforcement powers. This inquiry arises from the application of West Virginia Code § 29-3-5, which generally provides that “if a municipal or county fire ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Fire Code, it must be presented for review and approval and sanctioned for use by the West Virginia State Fire Commission.” According to your letter, the Morgantown Fire Department requested that the State Fire Commission (“Commission”) review and approve the City of Morgantown’s fire code, which you assert includes more stringent provisions than those provided by the State Fire Code. Although you note that the Commission has already approved the City’s request, you state that the unique circumstances of the issue—including the fact that this question has been answered differently throughout the State—merit clarification from the Office of Attorney General.

Your letter raises the following legal question:

Whether a municipality may grant limited law enforcement authority—including the power to arrest, obtain warrants, and temporarily detain individuals for investigatory purposes—to the municipality’s fire marshals.

In general, a municipality has “only the powers granted to it by the legislature, and any such power it possesses must be expressly granted or necessarily or fairly implied or essential and indispensable.” Syl. Pt. 7, in part, *Calabrese v. City of Charleston*, 204 W. Va. 650, 515 S.E.2d 814 (1999) (quotations and citation omitted). Thus, a municipality does not possess “inherent power with regard to the exercise of the functions of [its] government.” See Syl. Pt. 3, in part, *Cooper v. City of Charleston*, 218 W. Va. 279, 624 S.E.2d 716 (2005) (quotations and citations omitted). See *City of Huntington v. Bacon*, 196 W. Va. 457, 465, 473 S.E.2d 743, 751 (1996) (“The City derives all of its power as well as its existence from the legislature.”). “If any reasonable doubt exists as to whether a municipal corporation has a power, the power must be denied.” Syl. Pt. 7, in part, *Calabrese*, 204 W. Va. 650, 515 S.E.2d 814.

Relevant here, the Legislature has granted every municipality the “plenary power and authority to provide for the prevention and extinguishment of fires.” W. Va. Code § 8-15-1. West Virginia Code § 8-15-1, entitled, “Power and authority of governing body with respect to fires,” reads in full:

The governing body of every municipality shall have plenary power and authority to provide for the prevention and extinguishment of fires, and, for this purpose, it may, among other things, regulate how buildings shall be constructed, procure proper engines and implements, provide for the organization, equipment and government of volunteer fire companies or of a paid fire department, prescribe the powers and duties of such companies or department and of the several officers, provide for the appointment of officers to have command of fire fighting, prescribe what their powers and duties shall be, and impose on those who fail or refuse to obey any lawful command of such officers any penalty which the governing body is authorized by law to impose for the violation of an ordinance. It may give authority to any such officer or officers to direct the pulling down or destroying of any fence, house, building or other thing, if deemed necessary to prevent the spreading of a fire.

W. Va. Code § 8-15-1. As the Supreme Court of Appeals has said, “West Virginia Code § 8-15-1 (1990) establishes the authority necessary for a governing body to provide for the fighting of fires.” *Mabscott Volunteer Fire Dep’t, Inc. v. Houck*, 184 W. Va. 37, 39, 399 S.E.2d 180, 182 (1990); see also *Parsons v. Charleston Firefighters Civil Serv. Comm’n*, 190 W. Va. 500, 502, 438 S.E.2d 843, 845 (1993) (“The establishment, powers and duties of fire companies and fire departments are provided for in W. Va. Code, 8-15-1, *et seq.*”); *Shepherdstown Volunteer Fire Dep’t v. State ex rel. State of W. Va. Human Rights Comm’n*, 172 W. Va. 627, 634, 309 S.E.2d

342, 349 (1983) (“In West Virginia, volunteer fire departments are created and extensively regulated under our statutes.”).¹

The issue raised by your letter is whether the governing body of the City of Morgantown (the “City”) has the authority under West Virginia Code § 8-15-1 to grant fire marshals limited law enforcement powers. Specifically, the City would empower fire marshals and deputy fire marshals with the authority to “make arrests” of individuals charged with certain violations of the Morgantown City Fire Prevention Code, make warrantless arrests when the marshals themselves “witness . . . the perpetrations of these offenses, and to make “a limited detention of any persons suspected of the commission of these offenses for investigatory purposes.” In addition, the City would permit fire marshals and deputy fire marshals to seek and execute warrants for offenders of certain provisions of the City Fire Prevention Code.

We conclude that the City possesses the authority under West Virginia Code § 8-15-1 to enact the proposed changes, for several reasons. To begin, the City has been granted “*plenary power and authority* to provide for the prevention and extinguishment of fires.” W. Va. Code § 8-15-1 (emphasis added) (enacted 1969). “Plenary” means “complete in every respect; absolute; perfect; unqualified.” *Webster’s Third New International Dictionary of the English Language* 1739 (unabridged 1970). The use of the word “plenary” indicates that the legislative grant of authority to municipalities in the area of fire “prevention and extinguishment” is essentially unlimited, subject only to conflicting constitutional provisions and potentially other statutory provisions. *Accord* Syl. Pt. 1, in part, *State v. Yocum*, 233 W. Va. 439, 759 S.E.2d 182 (2014) (“The general powers of the legislature, within constitutional limits, are almost plenary.”).

Furthermore, the law enforcement powers sought for fire marshals reasonably contribute to the “prevention and extinguishment of fires,” as they are limited to specific violations of the City Fire Prevention Code. W. Va. Code § 8-15-1. “In the absences of any specific indication to the contrary,” courts give “words used in a statute will . . . their common, ordinary and accepted meaning.” Syl. Pt. 5, *Shaffer v. Fort Henry Surgical Assocs., Inc.*, 215 W. Va. 453, 599 S.E.2d 876 (2004) (quotations and citations omitted). The word “prevention” means “the action of keeping from happening or rendering impossible an anticipated event or an intended act.” 7 *The Oxford English Dictionary* 446 (2d. 1989). “Extinguishment” means “the quenching (of fire).” 5 *The Oxford English Dictionary* 605 (2d. 1989). It is more than reasonable to conclude that empowering fire marshals to make arrests relating to the violation certain provisions of the City Fire Prevention Code—specifically, the provisions relating to malicious fires and obeying fire marshals—will help stop and put out fires.

You note in your letter that the statute enumerates a list of specific powers that come under a municipality’s “plenary authority” to provide for “the prevention and extinguishment of fires,” but that list does not affect this analysis. W. Va. Code § 8-15-1. One of the enumerated

¹ Addressing the scope of a statutory predecessor to West Virginia Code § 8-15-1, West Virginia Attorney General John G. Fox explained: “It is well settled that a municipal corporation may enact ordinances affecting the manner in which the inhabitants of a municipality are protected from fires, and the manner in which fires upon arising may be extinguished. This is a valid exercise of the police power of a municipality.” 47 W. Va. Op. Att’y Gen. 76 (1956).

powers listed in the statute—the authority of a municipality to “prescribe” the “powers and duties” of the “officers to have command of fire fighting” may be fairly read to provide for the authority to grant limited law enforcement powers to such “officers.” W. Va. Code § 8-15-1. Moreover, the list of specific powers in West Virginia Code § 8-15-1 is not exhaustive. The list is preceded by the phrase “among other things,” *see id.*, which indicates that the list is not limited by what is specifically enumerated in the statute. *See* W. Va. Code § 8-15-1; *accord Davis Mem’l Hosp. v. W. Va. State Tax Comm’r*, 222 W. Va. 677, 684, 671 S.E.2d 682, 689 (2008) (“[t]he term ‘includes’ in a statute is to be dealt with as a word of enlargement and this is especially so where . . . such word is followed by ‘but not limited to’ the illustrations given” (quotations omitted)). The list of enumerated powers is for illustration purposes and, by its varied nature, suggests that the Legislature intended to grant municipalities a broad scope of authority to fight fires.

In sum, we conclude that the City has authority under West Virginia Code § 8-15-1 to grant the contemplated law enforcement powers to its fire marshals. We do not address in this Opinion the effect, if any, of other statutory or constitutional provisions on the City’s authority under West Virginia Code § 8-15-1.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrissey" followed by a stylized monogram "PL".

Patrick Morrissey
Attorney General

Elbert Lin
Solicitor General

J. Zak Ritchie
Assistant Attorney General

EXHIBIT 3

§29-3A-1 Authority of fire officers in charge of fire, service call or other emergency; definition.

(a) While any fire department recognized or approved by the West Virginia State Fire Commission is responding to, operating at or returning from a fire, fire hazard, service call or other emergency, the fire chief, any other elected or appointed fire line officer or any member serving in the capacity of appointed fire line officer in charge, except on industrial property where trained industrial fire-fighting personnel are present, shall have the authority:

(1) To control and direct firefighting and fire control activities at such scene;

(2) To order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such persons from injury;

(3) To blockade any public highway, street or private right-of-way temporarily while at such scene in accordance with the following provisions:

(A) If the emergency incident occurs on a public highway and it is reasonably expected that the highway may be closed for a period of at least two hours or upon the request of the incident commander acting in accordance with the provisions of the National Incident Management System in effect as of December 31, 2008, the Secretary of Transportation or his or her designee(s) shall be notified of the incident as soon as possible;

(B) The Secretary of Transportation or his or her designee(s) shall respond to the notification of the incident in order to assist with the restoration of traffic flow or with the development and implementation of a traffic diversion plan;

(C) All authorized persons who respond to the scene of the emergency incident and all of their available resources will become part of the incident command system;

(D) All of those persons are to collaborate and cooperate with the incident commander and appropriate law-enforcement personnel at the emergency incident scene in order to restore traffic flow as soon as possible after the scene is deemed safe by the incident commander; and

(E) Once the incident commander has declared the emergency incident scene to be safe, the control of the traffic at the emergency incident scene will be transferred to the Department of Transportation or the appropriate law-enforcement agency;

(4) To enter the building, structure, enclosure or other property of any person or persons at any time of the day or night, without liability, while operating at such scene;

(5) To enter any building, including private dwellings, or upon any premises where an emergency exists, or where there is reasonable cause to believe an emergency exists, for the purpose of eliminating the emergency;

(6) To enter any building, including private dwellings, or premises near the scene of the emergency for the purpose of protecting the building or premises or for the purpose of eliminating the emergency which is in progress in another building or premises;

(7) To inspect for preplanning all buildings, structures or other places in their fire district, excepting, however, the interior of a private dwelling, with the consent of the owner or occupant, where any

combustible materials, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish or other combustible material that is or may become dangerous as a fire menace to such building or buildings, structure or other places has been allowed to accumulate or where such chief or his or her designated representative has reason to believe that such material of a combustible nature has accumulated or is liable to be accumulated;

(8) To direct the removal, use or destruction of any fence, house, motor vehicle or other thing which may reasonably be determined to be necessary to be pulled down, destroyed or removed to prevent the further spread of the fire or hazardous condition;

(9) To request and be supplied with additional materials such as sand, treatments, chemicals, etc., and special equipment when dealing with an accident on a public highway or railroad right-of-way when it is deemed a necessity to prevent the further spread of the fire or hazardous condition, the cost of which to be borne by the owner of the instrumentality which caused the fire or hazardous condition; and

(10) To order disengagement or discouplement of any convoy, caravan or train of vehicles, craft or railway cars if deemed a necessity in the interest of safety of persons or property.

(b) As used in this article, the term "emergency" means a situation in which the fire officer in charge knows or in which a reasonable person would believe that there exists an imminent threat of serious bodily harm or death to a person or significant damage to property.

§29-3A-2 Person in command at fire scene may take and preserve certain property; restitution.

The chief of any fire department or company or any other elected or appointed fire line officer, the fire chief or any member serving in the capacity of appointed fire line officer in charge of fire fighters at the scene of any fire is authorized and empowered to take and preserve any property which indicates that the fire was intentionally set. Any person whose property is so held may petition the circuit court of the county within which the property was taken for return of the property, and the court may order restitution upon such conditions as are appropriate for the preservation of evidence, including requiring the posting of bond.

§29-3A-3 Conducting investigation to determine cause of fire.

To determine the cause of any fire, the chief of any fire department or company or other authorized fire fighter may enter the scene of such fire within a forty-eight hour period after such fire has been extinguished.

If there is evidence that a fire was of incendiary origin, the fire chief or other authorized fire fighter may control who may enter the scene of such fire by posting no trespassing signs at such scene for a period of forty-eight hours after such fire has been extinguished.

During the period that the scene of a fire is posted against trespassing, no person shall enter such scene, except that an owner, lessee or any other person having personal property at such scene may enter at any time after such scene has been declared safe by authorized fire department or company officials to recover or salvage personal property if said owner, lessee or person is accompanied by or is granted permission to enter such scene by an authorized fire department or company official.

EXHIBIT 4

§29-3-12 Powers and duties of State Fire Marshal.

(a) *Enforcement of laws.* -- The State Fire Marshal and any other person authorized to enforce the provisions of this article under the supervision and direction of the State Fire Marshal has the authority to enforce all laws of the state having to do with:

(1) Prevention of fire;

(2) The storage, sale and use of any explosive, combustible or other dangerous article or articles in solid, flammable liquid or gas form;

(3) The installation and maintenance of equipment of all sorts intended to extinguish, detect and control fires;

(4) The means and adequacy of exit, in case of fire, from buildings and all other places in which persons work, live or congregate, from time to time, for any purpose, except buildings used wholly as dwelling houses for no more than two families;

(5) The suppression of arson; and

(6) Any other thing necessary to carry into effect the provisions of this article including, but not limited to, confiscating any materials, chemicals, items, or personal property owned, possessed or used in direct violation of the State Fire Code.

(b) *Assistance upon request.* -- Upon request, the State Fire Marshal shall assist any chief of any recognized fire company or department. Upon the request of any federal law-enforcement officer, state police officer, natural resources police officer or any county or municipal law-enforcement officer, the State Fire Marshal, any deputy state fire marshal or assistant state fire marshal employed pursuant to section eleven of this article and any person deputized pursuant to subsection (j) of this section may assist in the lawful execution of the requesting officer's official duties: *Provided*, That the State Fire Marshal or other person authorized to act under this subsection shall at all times work under the direct supervision of the requesting officer.

(c) *Enforcement of rules.* -- The State Fire Marshal shall enforce the rules promulgated by the State Fire Commission as authorized by this article.

(d) *Inspections generally.* -- The State Fire Marshal shall inspect all structures and facilities, other than one- and two-family dwelling houses, subject to the State Fire Code and this article, including, but not limited to, state, county and municipally owned institutions, all public and private schools, health care facilities, theaters, churches and other places of public assembly to determine whether the structures or facilities are in compliance with the State Fire Code.

(e) *Right of entry.* -- The State Fire Marshal may, at all reasonable hours, enter any building or premises, other than dwelling houses, for the purpose of making an inspection which he or she may consider necessary under the provisions of this article. The State Fire Marshal and any deputy state fire marshal or assistant state fire marshal approved by the State Fire Marshal may enter upon any property, or enter any building, structure or premises, including dwelling houses during construction and prior to occupancy, for the purpose of ascertaining compliance with the conditions set forth in any permit or license issued by the office of the State Fire Marshal pursuant to subdivision (1), subsection (a), section twelve-b of this article or of article three-b of this chapter.

(f) *Investigations.* -- The State Fire Marshal may, at any time, investigate as to the origin or circumstances of any fire or explosion or attempt to cause fire or explosion occurring in the state. The State Fire Marshal has the authority at all times of the day or night, in performance of the duties imposed by the provisions of this article, to investigate where any fires or explosions or attempt to cause fires or explosions may have occurred, or which at the time may be burning. Notwithstanding the above provisions of this subsection, prior to entering any building or premises for the purposes of the investigation, the state Fire Marshal shall obtain a proper search warrant: *Provided*, That a search warrant is not necessary where there is permissive waiver or the State Fire Marshal is an invitee of the individual having legal custody and control of the property, building or premises to be searched.

(g) *Testimony.* -- The State Fire Marshal, in making an inspection or investigation when in his or her judgment the proceedings are necessary, may take the statements or testimony under oath of all persons who may be cognizant of any facts or have any knowledge about the matter to be examined and inquired into and may have the statements or testimony reduced to writing; and shall transmit a copy of the statements or testimony so taken to the prosecuting attorney for the county wherein the fire or explosion or attempt to cause a fire or explosion occurred. Notwithstanding the above, no person may be compelled to testify or give any statement under this subsection.

(h) *Arrests; warrants.* -- The State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the State Fire Marshal pursuant to section eleven of this article is hereby authorized and empowered and any person deputized pursuant to subsection (j) of this section may be authorized and empowered by the State Fire Marshal:

(1) To arrest any person anywhere within the confines of the State of West Virginia, or have him or her arrested, for any violation of the arson-related offenses of article three, chapter sixty-one of this code or of the explosives-related offenses of article three-e of said chapter: *Provided*, That any and all persons so arrested shall be forthwith brought before the magistrate or circuit court.

(2) To make complaint in writing before any court or officer having jurisdiction and obtain, serve and execute an arrest warrant when knowing or having reason to believe that anyone has committed an offense under any provision of this article, of the arson-related offenses of article three, chapter sixty-one of this code or of the explosives-related offenses of article three-e of said chapter. Proper return shall be made on all arrest warrants before the tribunal having jurisdiction over the violation.

(3) To make complaint in writing before any court or officer having jurisdiction and obtain, serve and execute a warrant for the search of any premises that may possess evidence or unlawful contraband relating to violations of this article, of the arson-related offenses of article three, chapter sixty-one of this code or of the explosives-related offenses of article three-e of said chapter. Proper return shall be made on all search warrants before the tribunal having jurisdiction over the violation.

(i) *Witnesses and oaths.* -- The State Fire Marshal is empowered and authorized to issue subpoenas and subpoenas duces tecum to compel the attendance of persons before him or her to testify in relation to any matter which is, by the provision of this article, a subject of inquiry and investigation by the state Fire Marshal and cause to be produced before him or her such papers as he or she may require in making the examination. The State Fire Marshal is hereby authorized to administer oaths and affirmations to persons appearing as witnesses before him or her. False swearing in any matter or proceeding aforesaid is considered perjury and is punishable as perjury.

(j) *Deputizing members of fire departments in this state.* -- The State Fire Marshal may deputize a member of any fire department, duly organized and operating in this state, who is approved by the chief of his or her department and who is properly qualified to act as his or her assistant for the purpose of

making inspections with the consent of the property owner or the person in control of the property and the investigations as may be directed by the State Fire Marshal, and the carrying out of orders as may be prescribed by him or her, to enforce and make effective the provisions of this article and any and all rules promulgated by the State Fire Commission under authority of this article: *Provided*, That in the case of a volunteer fire department, only the chief thereof or his or her single designated assistant may be so deputized.

(k) *Written report of examinations.* -- The State Fire Marshal shall, at the request of the county commission of any county or the municipal authorities of any incorporated municipality in this state, make to them a written report of the examination made by him or her regarding any fire happening within their respective jurisdictions.

(l) *Report of losses by insurance companies.* -- It is the duty of each fire insurance company or association doing business in this state, within ten days after the adjustment of any loss sustained by it that exceeds \$1,500, to report to the State Fire Marshal information regarding the amount of insurance, the value of the property insured and the amount of claim as adjusted. This report is in addition to any information required by the State Insurance Commissioner. Upon the request of the owner or insurer of any property destroyed or injured by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall report in writing to the owner or insurer the result of the examination regarding the property.

(m) *Issuance of permits and licenses.* -- The State Fire Marshal is authorized to issue permits, documents and licenses in accordance with the provisions of this article or of article three-b of this chapter. The State Fire Marshal may require any person who applies for a permit to use explosives, other than an applicant for a license to be a pyrotechnic operator under section twenty-four of this article, to be fingerprinted and to authorize the State Fire Marshal to conduct a criminal records check through the criminal identification bureau of the West Virginia State Police and a national criminal history check through the Federal Bureau of Investigation. The results of any criminal records or criminal history check shall be sent to the State Fire Marshal.

(n) *Issuance of citations for fire and life safety violations.* -- The State Fire Marshal, any deputy fire marshal and any assistant fire marshal employed pursuant to section eleven of this article are hereby authorized, and any person deputized pursuant to subsection (j) of this section may be authorized by the State Fire Marshal to issue citations, in his or her jurisdiction, for fire and life safety violations of the State Fire Code and as provided for by the rules promulgated by the State Fire Commission in accordance with article three, chapter twenty-nine-a of this code: *Provided*, That a summary report of all citations issued pursuant to this section by persons deputized under subsection (j) of this section shall be forwarded monthly to the State Fire Marshal in the form and containing information as he or she may by rule require, including the violation for which the citation was issued, the date of issuance, the name of the person issuing the citation and the person to whom the citation was issued. The State Fire Marshal may at any time revoke the authorization of a person deputized pursuant to subsection (j) of this section to issue citations, if in the opinion of the State Fire Marshal, the exercise of authority by the person is inappropriate.

Violations for which citations may be issued include, but are not limited to:

- (1) Overcrowding places of public assembly;
- (2) Locked or blocked exits in public areas;
- (3) Failure to abate a fire hazard;

(4) Blocking of fire lanes or fire department connections; and

(5) Tampering with, or rendering inoperable except during necessary maintenance or repairs, on-premise firefighting equipment, fire detection equipment and fire alarm systems.

(o) *Required training; liability coverage.* -- No person deputized pursuant to subsection (j) of this section may be authorized to issue a citation unless that person has satisfactorily completed a law-enforcement officer training course designed specifically for fire marshals. The course shall be approved by the Law-enforcement Training Subcommittee of the Governor's Committee on Criminal Justice and Highway Safety and the State Fire Commission. In addition, no person deputized pursuant to subsection (j) of this section may be authorized to issue a citation until evidence of liability coverage of the person has been provided, in the case of a paid municipal fire department by the municipality wherein the fire department is located, or in the case of a volunteer fire department, by the county commission of the county wherein the fire department is located or by the municipality served by the volunteer fire department and that evidence of liability coverage has been filed with the State Fire Marshal.

(p) *Penalties for violations.* -- Any person who violates any fire and life safety rule of the State Fire Code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than ninety days, or both fined and confined.

Each and every day during which any violation of the provisions of this article continues after knowledge or official notice that same is illegal is a separate offense.

EXHIBIT 5

AN ORDINANCE AMENDING SECTIONS 1505.01 AND 1511.02 OF THE MORGANTOWN CITY CODE TO GRANT CITY FIRE MARSHALS AND DEPUTY FIRE MARSHALS ARREST AUTHORITY AT FIRE SCENES AND FOR CERTAIN VIOLATIONS OF THE FIRE PREVENTION CODE.

WHEREAS, the Common Council of the City of Morgantown intends to protect residents and visitors from the dangers created by uncontrolled fires and to prevent the creation of unnecessary dangerous situations in violation of the City's Fire Prevention Code; and

WHEREAS, the City has created a Bureau of Fire Prevention and a Bureau of Fire Investigation in the Fire Department which employ Fire Marshals and Deputy Fire Marshals to enforce the Fire Prevention Code; and

WHEREAS, the prevention and extinguishing of fires and dangerous conditions related to fire within the City will be promoted by granting limited powers of arrest to Fire Marshals and Deputy Fire Marshals to ensure those who are responsible for such fires and conditions or who are preventing effective extinguishing and prevention of fires are apprehended; and

WHEREAS, the powers to be exercised by Fire Marshals and Deputy Fire Marshals pursuant to this ordinance are similar to those exercised by the State Fire Marshal's office pursuant to *W. Va. Code* § 29-3-12 and are limited to enforcement of laws relating to preventing and extinguishing fire, specifically regulating the scene of a fire and certain violations of Morgantown's Fire Prevention Code;

WHEREAS, pursuant to *W. Va. Code* § 8-15-1, the City has "plenary power and authority to provide for the prevention and extinguishment of fires," but is not specifically granted by the text of West Virginia Code Chapter 8, Article 15, the authority to grant firefighters arrest powers when exercising its authority to prevent and extinguish fires; and

WHEREAS, pursuant to the authority granted to the City of Morgantown as a Home Rule Municipality under West Virginia Code § 8-1-5a, City Council is authorized to grant limited arrest powers to Fire Marshals and Deputy Fire Marshals at the scene of fires and to promote effective enforcement of specific provisions of the Fire Prevention Code;

NOW THEREFORE, the City of Morgantown hereby ordains that Sections 1505.01 and 1511.02 of the City Code be amended as follows:

1505.01 OBEDIENCE TO ORDERS AT FIRES.

Whoever shall be present at a fire shall be subject and obedient to the orders of the Chief of the Fire Department, the Captain or to the orders of any ~~fireman~~ firefighter, Fire Marshal, Deputy Fire Marshal, or police officer in any matter relating to the extinguishing of fire and the removal and protection of property and maintenance of order. Whoever neglects or refuses to obey such orders, shall be guilty of a violation of this section. All police officers, Fire Marshals, and Deputy Fire Marshals shall have the power to arrest any person so neglecting or refusing to obey

any such lawful orders, to hold him in custody until after the fire shall have been extinguished, and then to take the person before the ~~Police Judge~~ Municipal Court Judge or appropriate municipal court officer of the City to be dealt with according to law.

1511.02 CODE ENFORCEMENT.

(a) The Fire Chief shall be responsible for the enforcement of the City of Morgantown Fire Prevention Code. To assist in the performance of the responsibilities and duties placed upon the Fire Chief, a Bureau of Fire Prevention and a Bureau of Fire Investigation in the Fire Department are hereby created. Both Bureaus shall operate under the supervision of the Fire Chief, who shall designate fire officials of the Fire Department as Fire Marshals for each. The Fire Marshals shall report to the Fire Chief, shall be the administrators of the Bureau of Fire Prevention and Bureau of Fire Investigation and shall be responsible for administration and enforcement of the Fire Prevention Code. The Fire Chief may also designate members of the Fire Department, who have met the qualifications and training as set forth in ~~either Morgantown Fire Department Code enforcement S.O.P. #6 or Fire Investigation S.O.P. #8~~ S.O.G. 308.01 as Deputy Fire Marshals. The Fire Chief is authorized, if he/she deems it necessary, to create additional bureaus and appoint additional Fire Marshals. The Fire Marshals and Deputy Fire Marshals are hereby empowered to enforce the Fire Prevention Code and to cite for any Fire Code violations upon observation of each such offense. Violations for which citations may be issued by the Fire Marshals and Deputy Fire Marshals include, but are not limited to:

- (1) Locked or blocked fire exits.
- (2) Overcrowding in violation of posted occupant loads.
- (3) Failure to maintain occupant load posting.
- (4) Blocking or obstructing designated fire lanes.
- (5) Outdoor burning without a State forester permit, when such a permit is required.
- (6) Burning of materials not authorized in the State burning permit.
- (7) Having a bonfire or other similar fire without approval of the Morgantown Fire Department.
- (8) Refusing to cease burning of materials when ordered to do so by proper authority.
- (9) Tampering with any portable or fixed fire extinguishing system or device or any fire warning system.
- (10) Illegal burning.
- (11) Malicious burning.
- (12) Obstructing a Fire Marshal.
- (13) Failure to Comply with Orders.
- (14) Any violation of the Morgantown Fire Prevention Code, West Virginia State Fire Code, or any other fire codes or standards adopted by specific reference by the State of West Virginia.

(b) Fire Marshals and Deputy Fire Marshals are hereby empowered to make arrests anywhere within the City of Morgantown of any person charged with the violations of Malicious Burning, Obstructing a Fire Marshal, or Failure to Comply with Orders; and when a witness to

the perpetrations of these offenses, to make arrests without warrant; or to detain any persons suspected of the commission of these offenses for investigatory purposes.

(c) Fire Marshals and Deputy Fire Marshals are hereby empowered to make complaint in writing before the Municipal Judge or appropriate municipal court officer and procure a warrant for the arrest of any offender of the violations of Malicious Burning, Obstructing a Fire Marshal, or Failure to Comply with Orders. Fire Marshals and Deputy Fire Marshals may execute any summons or warrant issued by the Municipal Judge or appropriate municipal court officer for the offenses of Malicious Burning, Obstructing a Fire Marshal, or Failure to Comply with Orders upon the offender within the City of Morgantown. Any return by a Fire Marshal or Deputy Fire Marshal showing the manner of executing the warrant or summons has the same force and effect as if made by a police officer.

(d) The Fire Chief, who is responsible for the enforcement of the Fire Prevention Code, may revoke or rescind, at any time, any Fire Department member's enforcement powers when, in the opinion of the Fire Chief, these powers have been abused or improperly enforced.

(e) Nothing within this article shall prevent a Fire Marshal or an Assistant Fire Marshal from seeking injunctive relief against the responsible party at any time once any Code violation is noted.

~~(b)~~ (f) There is hereby established a Morgantown Fire Prevention Board which shall ultimately be responsible for the orderly enforcement of the Fire Prevention Code. The membership of the Board shall be composed of the City Manager, who shall be its permanent chairperson, the Chief of the Fire Department and the City Engineer. All actions contemplated by the City's Fire Marshal or Deputy Fire Marshals shall first be reviewed by the Fire Chief who at his discretion may delay any such action until such time as the matter has been presented to the Board for deliberation and recommendation. The Board shall prescribe its own rules and regulations governing its meetings and proceedings, and may, from time to time promulgate appropriate rules and regulations, not otherwise inconsistent with the ordinances of the City or the statutes of the State, which the Board may deem necessary for the orderly enforcement of the Fire Prevention Code. The Board shall have the right to conduct appeal hearings pursuant to Section 1511.05.

This ordinance shall be effective upon the date of adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

PUBLISHER'S CERTIFICATE

vs.

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA

I Eric Wilson Advertising Director of
THE DOMINION POST, a newspaper of general circulation
published in the City of Morgantown, County and State
aforesaid, do hereby certify that the annexed

Legal Notice

was published in the said THE DOMINION POST once a week

for 2 successive weeks commencing on the

20th day of Mar., 2015 and ending on the

27th day of Mar., 2015

The publisher's fee for said publication is \$88.28

Given under my hand this 27th day of

March, 2015

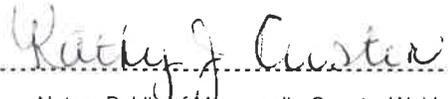


(SEAL)

Advertising Director of THE DOMINION POST

Subscribed and sworn to before me this 27th

day of March, 2015



Notary Public of Monongalia County, W. Va.

My commission expires on the 13th day of April

2024



010059387

March 20, 27

PUBLIC HEARING NOTICE CITY OF MORGANTOWN, WEST VIRGINIA

Notice is hereby given by the City of Morgantown, WV that it will hold a public hearing on Tuesday, April 2nd at 7:00 p.m. at Morgantown City Hall Council Chambers (2nd Floor), 389 Spruce Street, Morgantown, WV 26505.

The purpose of this public hearing is to discuss the City of Morgantown's amendment to the Home Rule written plan and application. This information will be utilized by the City of Morgantown in its application to the State for the Home Rule Program.

The City of Morgantown's amended Home Rule Program and application is available for public inspection in the Office of the City Manager, Morgantown City Hall, Office 15, Third Floor, 389 Spruce Street, Morgantown, WV 26505, Monday through Friday, between the hours of 8:00 a.m to 5:00 p.m. Said proposed Home Rule Program and application can also be found on the City's website: morgantownwv.gov

All interested citizens are invited to attend the public hearing scheduled for April 21st at 7:00 p.m. and to present oral or written comments concerning the City's amended Home Rule Plan and application at that time. Written comments may be addressed to: Jeff Mikorski, City Manager, City of Morgantown, 389 Spruce Street, Morgantown, WV 26505.

REGULAR MEETING April 21, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 21, 2015 at 7:04 p.m.

PRESENT: City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Selin, and Council Members: Bill Kawecki, Wes Nugent, Assistant City Manager Glen Kelly, Deputy Mayor Marti Shamberger, Mike Fike, Nancy Ganz, and City Attorney Ryan Simonton. Council Member Ron Bane was absent.

The meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: Minutes from the April 7th Meeting were approved after discussion, amending page 5 under Ordinance 735.24 changing a word “specifics” to “generalities”. Motion carried 3-2. (Shamberger abstained) (Ganz and Selin voted no)

CORRESPONDENCE: Mayor Selin read letters as part of the record (**Exhibit A**) from Rick Hill; retired Captain from the Fire Department, in support of amending the Home Rule Plan is an excellent opportunity to address the fire problem that is specific to Morgantown. (**Exhibit B**) Mark Lambert, 507 Burroughs Street, fully supports granting limited law enforcement training of City Fire Marshals. This training will continue to be an asset and a credit to the City of Morgantown. (**Exhibit C**) Mike Williams, MTW Apartments, property owner, has rental property located at St. Marys Street, Third Street and Beverly Avenue has had dumpster fires and appreciates the quick action of the undercover Fire Marshal personnel. Mr. Williams is in favor of expanded authority for Fire Marshals. Mayor Selin presented Proclamations to Morgantown High School Girls Basketball Team and WVU Rifle Team for their Championships. Mayor Selin also presented a Proclamation to Frank Gmeindl for Morgantown Bike Month. She also welcomed the Political Science class 220.

PUBLIC HEARING – PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE APPLICATION

Tom Wiley, property owner, stated that he was in support of the Home Rule Ordinance for the Fire Department. He gave examples on a few instances that have occurred to his family involving fires that were set to his property.

Jim Craig, Rental Property Owner, 2 14th Fairway Court, stated that he is glad the Fire Marshals will be able to site individuals as needed.

Bill Burton, Rental Property Owner, 450 Linden Street, he also supports the Fire Marshals Ordinance, that it will free up our Police Officers.

Don Corwin, Rental Property Owner, 251 Beechurst Avenue, is also in support of the Fire Marshals in getting enforcement powers. In this city there has been a culture of arson and the students do not believe they will get caught.

Arthur Trusler, Co-Chair of Morgantown Housing and Advisory Commission, he noted that the Fire Marshals need to be on the front lines constantly and Council needs to vote in favor of this Ordinance.

City Manager Jeff Mikorski clarified that approval of this Ordinance will be later on after approval of the Home Rule Board.

There being no other appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING SECTIONS 1505.01 AND 1511.02 OF THE MORGANTOWN CITY CODE TO GRANT CITY FIRE MARSHALS AND DEPUTY FIRE MARSHALS ARREST AUTHORITY AT FIRE SCENES AND FOR CERTAIN VIOLATIONS OF THE FIRE PREVENTION CODE.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A SANITARY SEWER LINE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 23, PARCEL 44, AND DECLARING THE ATTACHED EASEMENT AS A PART THEROF.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A FENCE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 28, PARCEL 134, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING CITY CODE SECTION 747.02 PRESCRIBING A FIRE SERVICE FEE.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING CITY CODE SECTION 735.24 SETTING THE BUSINESS AND OCCUPATION TAX RATE FOR SERVICES BUSINESSES.

There being no appearances, Mayor Selin declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A SANITARY SEWER LINE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 23, PARCEL 44, AND DECLARING THE ATTACHED EASEMENT AS A PART THEROF. The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A SANITARY SEWER LINE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 23, PARCEL 44, AND DECLARING THE ATTACHED EASEMENT AS A PART THEROF.

Motion by Shamberger, second by Ganz to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A FENCE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 28, PARCEL 134, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF. The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A FENCE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 28, PARCEL 134, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF.

Motion by Shamberger, second by Ganz to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING CITY CODE SECTION 747.02 PRESCRIBING A FIRE SERVICE FEE. The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING CITY CODE SECTION 747.02 PRESCRIBING A FIRE SERVICE FEE.

After City Manager's explanation, motion by Kawecki, second by Ganz to adopt the above entitled Ordinance. Motion carried 5-1.

AN ORDINANCE AMENDING CITY CODE SECTION 735.24 SETTING THE BUSINESS AND OCCUPATION TAX RATE FOR SERVICE BUSINESSES. The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING CITY CODE SECTION 735.24 SETTING THE BUSINESS AND OCCUPATION TAX RATE FOR SERVICE BUSINESSES.

After City Manager's explanation, motion by Kawecki, second by Fike to adopt the above entitled Ordinance. Motion carried 5-1.

BOARDS AND COMMISSIONS: The City Clerk, Linda Tucker, informed Council that Diane DeMedici, Administrator for the County Commissioner, emailed the Clerk that Ed Hawkins will be the new appointment for the Met Theatre. By acclamation, Council approved the appointment.

PUBLIC PORTION:

Nicki Byrne Hoffman, 1289 Carlisle Avenue, has come to the Council Meeting on behalf of the Jerome Park Neighborhood Association and Woodburn Commission commending the City Council in passing the Fire Fee to help pay for the City's needs and funds. She stated that her family owns a B & O Tax Service base business and that even though there have been multiple conversations about the raising of the fire fee, it will affect their business. She stated that she does not mind if they pay an additional \$25.00 a year they know that the money will go towards City needs and Funds.

Jimmie Simmons, 127 Willowdale Road, stated that she worries about the fate of zoning in the City; we have to manage the development. City Council needs to look at R-1A and R-2 zones and the products that come from that. One side is going to win, one will lose. Single family housing is at risk.

WVU Student body President George Capel (**Exhibit D**) and Vice President Ashley Morgan along with a large contingent of student leadership asked Council to consider placing a student on council as an ex-officio member.

SPECIAL COMMITTEE REPORTS: No reports.

NEW BUSINESS:

AN ORDINANCE PROVIDING A RIGHT-OF-WAY AND EASEMENT WITH MUB FOR CONSTRUCTION OF SEWER LINE: The below was presented for first reading.

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A SANITARY SEWER LINE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 23, PARCEL 44, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF.

After City Manager's explanation, motion by Nugent, second by Kawecki, to pass the above entitled ordinance to second reading. Motion carried 6-0.

AN ORDINANCE PROVIDING THE RIGHT-OF-WAY FOR CONSTRUCTION OF A FENCE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A FENCE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 28, PARCEL 134, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF.

After the City Manager's explanation, motion by Bane, second by Nugent to pass the above entitled ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AMENDING 347.02 SETTING THE FIRE FEE: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING CITY CODE SECTION 347.02 PRESCRIBING A FIRE SERVICE FEE.

City Manager explained where the Fire Fee will be utilized. After discussion, motion by Kawecki, second by Ganz to approve the above entitled Ordinance to second reading. Motion carried 4-2. (Counselor Bane and Nugent voted no)

AN ORDINANCE AMENDING CITY CODE SECTION 735.24 SETTING THE BUSINESS AND OCCUPATION TAX RATE FOR SERVICE BUSINESSES: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING CITY CODE 735.24 TO SET THE B & O TAX RATE FOR SERVICE BUSINESSES.

City Manager explained generalities on how the funds would be used and how the monies would be generated. Questions and discussions from Council, motion by Kawecki, second by Ganz to approve the above entitled Ordinance to second reading. Motion carried 4-2. (Bane and Nugent voting no)

CITY MANAGERS REPORT:

New Business:

1. Street Paving Bids

First two memos attached from Public Works Director Damien Davis are bid results for the street paving material and labor to pave City streets in 2015.

On April 2, bids were opened for the advertised purchase of hot laid bituminous asphaltic cement. One company provided a bid for the material, Greer Industries, for a price of \$253,520. I recommend Council approve the purchase of asphalt for paving to the lowest bidder, Greer Industries, for \$253,520.00.

Motion by Nugent, second by Kawecki to accept Greer Industries for \$253,520.00 to purchase asphalt for paving for 2015. Motion carried 6-0.

On April 7, bids were opened for the advertised purchase of contract services of milling and paving City streets. One contractor submitted a price for paving services, Parrotta Paving, for \$292,395.30. I recommend City Council approve the contract for Parrotta Paving in the amount of \$292,395.30.

After discussion, motion by Nugent, second by Kawecki to approve Parrotta Paving for \$292,395.30 for the milling and paving of the streets. Motion carried 6-0.

2. Landfill Laboratory Service Bids

As seen in attached memo from Public Works Director Damien Davis, bids for laboratory services for the closed Municipal Landfill were opened on February 26, with one company submitting a cost for the advertised services. I recommend City Council approve the contact with Reliance Laboratories in the amount of \$9,914.00 for services to be provided.

After discussion, motion by Kawecki, motion by Shamberger, to contract Reliance Laboratories in the amount of \$9,914.00 for advertised services. Motion carried 6-0.

3. Demolition Bids

As seen in the attached memo from Public Works Director Damien Davis, bids were requested for the demolition of the condemned building at 645 Brockway Avenue. Anderson Excavating, LLC submitted the lowest bid. I recommend City Council approve the contract for demolition services to Anderson Excavating, LLC in the amount of \$29,994.00.

Motion by Ganz, second by Kawecki, to approve Anderson Excavating, LLC to demolish condemned building on Brockway Avenue for \$29,994.00. Motion carried 6-0.

4. Brownfield Environmental Services

As a part of the Environmental Protection Agency (EPA) grant awarded to the City of Morgantown, environmental services are required to accomplish the Phase I, Phase II, Site Remediation and associated tasks needed on selected properties in Morgantown for potential redevelopment. Core Environmental Services, Inc. was selected out of a field of five companies that submitted qualifications. I recommend City Council approve the contract and authorize the City Manager to sign the contract for services outlined in the attached scope of work.

Motion by Ganz, second by Shamberger, to approve Core Environmental Services, Inc. to accomplish tasks needed on selected properties in Morgantown for potential development. Motion carried 6-0.

5. Capital Escrow Budget Revision #6

With last week's announcement of the Air Force Reserve IRT project taking place next year to begin the grading for a runway extension project; it has advanced our timeframe for a Runway Extension Environmental Assessment for the project to be initiated. A number of documents need to be completed as soon as possible to take advantage of the IRT opportunity and begin grading next year. The City of Morgantown must contract with the airport engineering of record, Michael Baker International, to begin the assessment. The cost of the contract for the Environmental Assessment is estimated at \$500,000. A contract will be available Tuesday to accompany the Capital Escrow revision, and I recommend that City Council approve the budgeting of the environmental assessment from Capital Escrow contingency funds to pay for the study and allow the City Manager to sign the contract. In addition, I recommend the budgeting of Urban Forestry funds, Urban Landscaping special project funds, and Campus Neighborhood Revitalization Corporation (Sunnyside Up) funds also from the Capital Escrow contingency funds. These funding levels were discussed during the Fiscal Year budget 2015-2016 Council meetings. Budgeting from existing Capital Escrow contingency funds will replace the funding of the projects in the upcoming FY budget, allowing for additional paving to be budgeted in the FY 2015-2016 budget.

Motion by Ganz, second by Shamberger, to approve the contract Environmental Assessment, estimated at \$500,000 budgeting of the Urban Forestry Funds, Urban Landscaping special project funds, and Campus Neighborhood Revitalization Corporation funds from the Capital Escrow. Motion carried 6-0.

Information:

1. Information Requested By Council

Attached is information that was requested by City Council during last Council Meeting. Attached is a memo from Chris Fletcher, Director of Development Services regarding the requested information on a re-zoning. Also, attached is an estimated breakdown of funds to be utilized by Council requested Business and Occupation Tax increase and Fire Fee increase.

After discussion, motion by Nugent, second by Kawecki, to approve the Planning Commission annual report. Motion carried 6-0.

2. Woodburn School Grants

The Woodburn School Redevelopment Commission presented a three phased approach to redeveloping the lower portion (playground area) of property. Before moving ahead by working with the City on grant opportunities, the Commission would like City Council to show support for the proposed project by approving the plan to move forward. The Manager's office will work with the Commission to apply for grants through the City, as property owner, and bring grant agreements forward for Council's action and possible matching fund requirements.

After discussion, motion by Ganz, second by Kawecki, to approve the Woodburn School Grants. Motion carried 6-0.

REPORT FROM CITY CLERK: Mrs. Tucker announced that a new Liquor License application was received for Pre-Gamers, LLC. and that it goes out to the ABCC on April 22, 2015. Mrs. Tucker also announced that the Early Voting continues (with 203 votes so far) until Saturday, April 25, 2015 in the City Hall Building Lobby from 8am to 5pm. There will be parking on Fayette and also under the Pavilion where the Farmers Market is held. Election Day is April 28, 2015 and polls open at 6:30 am and will close at 7:30 pm. If there are any questions about where you need to vote or polling place, please call the City Clerk's Office at (304) 284-7439.

REPORT FROM CITY ATTORNEY: City Attorney Ryan Simonton explained the Home Rule Amendment Process to City Council. He then advised if any of council has questions in regards to the procedures to contact him.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Absent

Councilor Kawecki:

No Report

Councilor Nugent:

Councilor Nugent commended the Outstanding Community participating this evening in the debate and discussion from the WVU Student Body President George Capal and Vice President Randy Jones. He also noted Chocolate Lovers Day as a great event. He noted sadly that Elegant Alley Cat is closing soon. He commended the Clerk on the Election, the Public Service Announcements and the Banners throughout the Community. Councilor Nugent commented about revenue decisions and said that in the future he would be more supportive. Councilor Nugent then requested more information to Council about the survey that is being conducted from the City Manager in a

report to City Council. He also submitted several code related incidents and asked the City Manager to follow up as soon as possible for these are health related issues.

Councilor Shamberger

Councilor Shamberger requested that from now on there be a report given from the Assistant City Manager on the Agenda. Mayor Selin noted a reminder to Assistant City Manager/Airport Director, Glen Kelly, a request for a Grand Opening and a tour of the new airport project. Glen Kelly explained the scope of the project and noted that he would keep Council informed. She then thanked Casto and Harris for the testing of the Election equipment. She then told Council of her experience speaking with a group of people in Fairmont about Neighborhood Associations. She informed everyone that the next First Friday event at Woodburn School will be May 1st; Apple Pappy will be the Band and art mural by Jamie Lester to view while attending the event. She then announced that one of the Basketball players from Morgantown High School that received Honors this evening will play on the WVU Girls Basketball Team this fall.

Councilor Fike:

Councilor Fike stood up in honor of WVU Students who spoke this evening in reference to the ex-officio member on City Council. After discussion, by consensus Mike Fike agreed to place ex-officio topic on a future COW Agenda.

Councilor Ganz:

Councilor Ganz noted the opportunities of working with students, Town and Gown, the Mutual Clean-ups, Service Learning Boards, and Civic Engagement. She noted there are also opportunities for students to serve on Boards and Commissions and Neighborhood Associations. Counselor Ganz agreed that the students need to be inter-related with Council; which would give elected officials ability to attend

their meetings also. Councilor Ganz explained Councilors could attend such meetings as Board of Governors or Faculty Senate. Councilor Ganz commented President Gee has stated we are inextricably connected so I continue in having that great relationship. Councilor Ganz also thanked Glen Kelly, Assistant City Manager/Airport Director for the progress at the Airport. Councilor Ganz also noted that the revenue decisions of the budget are tough for all of Council. She also commended the City Manager and Deputy Mayor for working with students with the Service Learning Project on the City's Survey. Councilor Ganz then reported the Suncrest Neighborhood Association meeting will be on April 30th at 6:30 pm. at Calvary Baptist Church.

Mayor Selin:

Mayor Selin publicly requested nominations are now being taken for Celebration of America; she along with the County Commission are seeking candidates for the July 4th Celebration. Mayor Selin noted in reference to the budget and expending of money and the basic services she thinks that the citizens would need to know what they will be getting for their money as we are spending money would that mean next year would we have more money for other expenses; we need to show citizens more accountability. Mayor Selin requested that a process be developed for a sidewalk program in the next couple months with a cost projection. Mayor Selin requested from the City Manager to Council an update on the Survey to clarify any questions they have. Mayor Selin then mentioned that she had spoken to a few business owners about the B & O Tax Rate and the City should have a clear answer to all business owners as we go forward.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:25 p.m.

City Clerk

Mayor

*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.

EXHIBIT A

Zimbra

llittle@cityofmorgantown.org

MFD Support

From : rickhill2000@aol.com

Fri, Apr 17, 2015 01:08 PM

Subject : MFD Support

1 attachment

To : llittle@cityofmorgantown.org

Hi Linda,

I have attached a letter I drafted in support of MFD. Please allow it to become part of the public record.

Thanks,

Rick Hill

Rick Hill MFD Support.docx

12 KB

April 17, 2015

City of Morgantown Public Hearing /
WV Municipal Home Rule Oversight Board

Dear Board Members,

Our fine city has been plagued with arson and malicious fires for the past 30 years. As the first appointed Morgantown Fire Marshal with 27 years of service at MFD, I witnessed the fire problem escalate to dangerous levels during my career. I fully support the City's proposed home rule ordinance to expand the investigative authority of its fire marshals to include the power to detain or arrest perpetrators setting fires. It is my understanding the West Virginia State Fire Commission voted to approve the city's proposed ordinance granting additional authority to fire marshals, and the West Virginia Attorney General issued a formal opinion supporting the legal basis of the proposal.

The citizens and taxpayers have a right to enjoy their community without fear of widespread property damage from dumpster and rubbish fires. I recently read a report that indicated the City of Morgantown ranked 2nd in the United States for the number of dumpster fires. The statistics are shocking when you realize more dumpster fires occur here than in Los Angeles or Philadelphia.

Amending the Home Rule plan is an excellent opportunity to address the fire problem that is specific to Morgantown. Please accept my comment of support into the official public hearing record.

Sincerely,

Richard A. Hill
Captain (Retired)
304-685-9048

Exhib B

20 April 2015

Morgantown City Council
Public Hearing &
WV Home Rule Board
Morgantown, WV

To whom it may concern,

Please accept my correspondence into the public hearing record. My name is Mark Lambert. I spent 23 years in the Investigation Division of the WV State Fire Marshal's Office. During the last several years I spent WVU home game weekends in Morgantown assisting the city FD/PD with the numerous malicious fires set in certain areas of town. In light of that firsthand experience, I fully support the granting of limited law enforcement authority and training of city fire marshals. Often times your marshals are drawn into dangerous situations with police units tied up on other, just as dangerous, situations. The decision to train individuals for the possible use of deadly force is never one to be taken lightly, and I fully believe with the proper training, city fire marshals will continue to be a valued asset and credit to the city of Morgantown.

Most Respectfully,

Mark R. Lambert
507 Burroughs Street
Morgantown, WV 26505
304-687-7228

EXHIBIT C

Zimbra

llittle@cityofmorgantown.org

Expanded authority for Fire Marshall

From : mike williams2 <mike_williams2@frontier.com>

Sun, Apr 19, 2015 07:12 PM

Subject : Expanded authority for Fire Marshall**To :** llittle@cityofmorgantown.org**Reply To :** mike williams2 <mike_williams2@frontier.com>

I wanted to voice my support for any expanded authority given to the Fire Marshal's office to discourage dumpster fires, particularly arrest power. I have rental properties located at St. Mary Street, Third Street, and Beverly Avenue.

I have had dumpster fires at the Third Street and Beverly Avenue locations. One fire would likely have resulted in substantial building damage but for the quick action of undercover fire marshal personnel that night.

Michael T Williams (MTW Apartments, LLC; GMCW Ventures, LLC; MTW Management, LLC)
304-669-5571

Exhibit D



West Virginia University

Student Government Association

April 20th, 2015

Distinguished Members of Morgantown City Council:

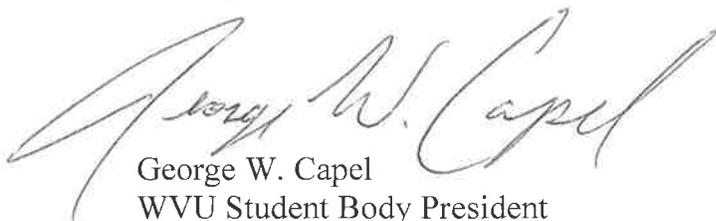
I am writing to encourage you to join myself, and the WVU student body, in our effort to create a permanent seat for an ex-officio, non-voting, WVU student member on the Morgantown City Council.

As students, we view this city as our home, and we want to take on a greater role to help make a difference for Morgantown, West Virginia. We believe that communication is essential to the success of our shared community, and we want to foster a more cohesive relationship between our WVU students and the City of Morgantown.

There is no doubt that Morgantown has changed over the years, as I have witnessed these changes with my own eyes. However, I am absolutely convinced that our greatest times are still ahead of us, provided that we pull together to make them a reality. We have a collective vision for a Morgantown community that chooses to break down its social barriers in furtherance of those common goals that are held by all of our major constituencies. In the words of former WVU President David C. Hardesty, "...we need to look around every community in West Virginia to see if we are doing everything we can to empower those who want to make something of themselves and their communities. Laws may need to be changed. Linkages must be forged. Collaborations must be fostered." I believe these words embody the situation at hand.

Tomorrow evening, our students will assemble with this vision in mind to make their voices heard at city hall. Needless to say, great power comes with great responsibility, but I believe that our students are up to the task. As Student Body President, I speak on behalf of nearly 30,000 students, and we humbly ask you to join us in advancing our cause. Thank you for your time and consideration. I look forward to working with you to realize our vision for the betterment of the entire Morgantown community.

Best regards,



George W. Capel
WVU Student Body President



Legal Department

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505

May 8, 2015

Municipal Home Rule Board
c/o Ms. Debbie Browning
West Virginia Development Office
Building 6, Room 553
Charleston, WV 25305-1311
By email: debbie.a.browning@wv.gov

RE: Proposed Ordinances of the City of Morgantown

Ladies and Gentlemen:

In accordance with the procedures established by the Municipal Home Rule Board, I write to certify that the proposed written plan amendment included with this correspondence complies with *W. Va. Code* § 8-1-5a.

If I may be of any additional assistance in this matter, please contact me.

Sincerely,

Ryan Simonton
City Attorney,
City of Morgantown