

**CITY
OF
DUNBAR
WEST VIRGINIA**



May 2014

**MUNICIPAL HOME RULE PILOT
PROGRAM
PHASE II
APPLICATION**

MUNICIPAL HOME
RULE PILOT PROGRAM
PHASE II

Senate Bill 317 / March 2014

*APPLICATION
CHECKLIST*

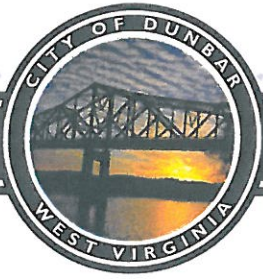
Municipal Home Rule Pilot Program Phase II

APPLICATION CHECKLIST

SECTION I: APPLICANT INFORMATION	
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<u>5,6,7,8</u>	Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.
<u>5,6,7,8</u>	Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.
<u>5,6,7,8,</u>	Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include: <ol style="list-style-type: none"> 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/ personnel/other) 2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.

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The City of Dunbar, West Virginia

Terry Greenlee • M a y o r

May 27, 2014

West Virginia Municipal Home Rule Board
West Virginia Development Office
State Capitol Complex, Building 6, Room 553
Charleston, West Virginia 25303

Dear Members of Municipal Home Rule Board;

Please find attached the City of Dunbar "**West Virginia Home Rule Pilot Program Application**" for the Phase II program period which terminates in July 2019. Dunbar is excited to have the opportunity to apply for participation in the Home Rule Program. The City has benefited from the Home Rule Phase I Program by adopting several of the previous program proposals that have been placed into State Law by the Legislature.

The City of Dunbar proposals target two major areas of concern in the City. Property care and maintenance, and financial options needed by the City to deal with a stagnate economy. These areas of concern are not unique to Dunbar; they are topics of concern all across the State. A person's home is their single biggest asset and it should be the local governments goal to do whatever they can to protect that asset by making sure that adjoining properties are properly maintained. This takes strong ordinances and financial resources that are outside the ability of most communities to generate in this economy.

The City of Dunbar has been discussing the benefits of the Home Rule Pilot Program for the past two years. Those discussions culminated at a recent public meeting to set priorities for our Comprehensive Plan at which time the Home Rule Pilot Program received a high priority at the meeting and in our on line survey for the Plan.

We thank you for the opportunity to apply for participation in the Home Rule Pilot Program, we think it will provide an avenue for the citizens of Dunbar to be active in addressing pressing City wide issues.

Sincerely;

Terry D. Greenlee
Mayor

Municipal Home Rule Pilot Program Phase II APPLICATION

SECTION I: APPLICANT INFORMATION	
A. General Information	
Name of Municipality: <u>City of Dunbar</u>	
Certifying Official: <u>Terry D. Greenlee</u>	Title: <u>Mayor</u>
Contact Person: <u>Bill Cunningham</u>	Title: <u>Administrative Assistant</u>
Address: <u>210 10th Street</u>	
City, State, Zip: <u>Dunbar, West Virginia, 25064</u>	
Telephone Number: <u>304-766-0220</u>	Fax Number: <u>304-766-0230</u>
E-Mail Address: <u>mayorgreenlee@cityofdunbar.gov</u>	
2010 Census Population: <u>7,851</u>	
B. Municipal Classification	
<input type="checkbox"/> Class 1 <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
C. Category of Issues to be Addressed (please attach descriptions for applicable categories)	
<input checked="" type="checkbox"/> Tax <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other	

SECTION II: NARRATIVE (written plan, including the following)
<p>Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.</p> <p>Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.</p> <p>Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:</p> <ol style="list-style-type: none"> 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/personnel/other) 2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount.

SECTION III: AFFIDAVITS
Hearing Mandate Verification Publication Mandate Verification Ordinance Authorizing Submission of Plan Fiscal Impact Worksheets/Formulas (if revenue related) Feasibility Study (if taxes are proposed) Attorney Opinion (application complies with statutory requirements) State of West Virginia Fees Statement (none outstanding)

C. CATEGORY OF ISSUES TO BE ADDRESSED

1. **Care and Maintenance of Property and Structures:**
(Administrative) Give the City the power and authority to enter a property and make such repairs as are needed to bring the property into Code compliance and the cost of such repairs becoming a lien on the property.

2. **Building and Zoning Code Enforcement Provisions:**
(Administrative) Give the City building and zoning officers and/or law enforcement officers the power to issue citations for sanitation and exterior/common nuisance violations at the time and place the violation is noted.

3. **Municipal Sales and Use Taxes:** (Taxes) Requesting authority to impose a Municipal Sales and Use Tax after making modifications to the B&O Tax structure that is currently in place in the City.

SECTION II – NARRATIVE

CITY OF DUNBAR MUNICIPAL HOME RULE PILOT PROGRAM PLAN SECTION II NARATIVE

PREAMBLE: The City of Dunbar proposal for the 2014 Municipal Home Rule Phase II Pilot Program, if granted, will enable the City to more efficiently address pressing property care and maintenance issues and enhance the value of real property in the City while providing the financial resources to meet this goal.

THE PLAN: Pursuant to West Virginia Code Chapter 8, Article 1, Section 5a, the City of Dunbar herein proposes the following Municipal Home Rule Phase II Pilot Program plan:

PROPOSAL 1. Care and Maintenance of Property and Structures:
(Administrative) The City of Dunbar consistent with West Virginia Code 8-12-16 has adopted ordinances for the care and maintenance of property. Ordinance 101.99 sets a general penalty for all violations under City Code. However, the code does not provide authority for the City to place a lien on the property for unpaid fines.

Further, West Virginia Code 8-12-16 limits the lien amount municipalities may assess for repairing or demolishing a structure to the assessed value of the property, and does not allow municipalities to address problems with property maintenance that detract from the neighborhood or constitute an eyesore that are not a threat to public safety.

Therefore, the City is proposing that it be given the power and authority, provided it has given proper notice to the owner or owners of the property which is not being properly maintained, to enter the property and make such repairs, alterations, mowing or demolish the property to ensure that the property does not detract from the neighborhood and deteriorate further. The cost of the rehabilitation necessary to bring the property into compliance would constitute a lien against the property without the necessity of obtaining a court order.

There is not a direct financial impact on the City for implementing this proposal. Therefore, Fiscal Impact and Feasibility Worksheets were not prepared

for this proposal. Implementation of this proposal will give the City authority to more aggressively address problems that can have an adverse impact on neighborhood property values.

PROPOSAL 2. Building and Zoning Code Enforcement Provisions:
(Administrative) The West Virginia Code does not provide clear authority for building and zoning officials and City law enforcement officers to directly issue citations for external sanitation violations and general nuisances at the time a violation is noted similar to a traffic citation.

As required by West Virginia Code 8-12-16(a) and (d) persons violating City Code must be given due notice. To comply with the State Code the City first issues a written notice of violation to the property owner giving them ten (10) days to correct the deficiency or they will be summoned to municipal court for further action. Issuance of the summons and scheduling arraignment takes approximately thirty (30) days. If the person pleads not guilty it is set for hearing which takes approximately thirty (30) more days to appear on the court docket. During this period of time the property continues to deteriorate until a few days before the final court date at which time the owner will address the problem to try and mitigate the complaint. Then the cycle repeats itself. In essence a person may only have to mow their grass once during a six (6) month growing cycle.

Dealing with these issues consumes a tremendous amount of time and manpower that could be more effectively used resolving serious property issues.

The City is proposing that the building and zoning officers and/or law enforcement officers be given power to issue citations for exterior/common nuisance violations (including, but not limited to, trash/debris, overgrown weeds, overgrown grass, junked cars, unlawfully situated motor vehicles, care and maintenance of vacant structures, broken windows or glass, broken sidewalks and driveways) at the site of the violation and at the time the violation is recognized, similar to the manner in which parking citations are issued.

There is not a direct financial impact on the City for implementing this proposal. Therefore, Fiscal Impact and Feasibility Worksheets were not prepared

for this proposal. Implementation of this proposal will give the City authority to more aggressively address problems that can have an adverse impact on neighborhood property values, and consume large volumes of time of code enforcement officials trying to encourage code compliance.

PROPOSAL 3. Municipal Sales and Use Taxes: (Taxes) The City of Dunbar is requesting authority similar to that granted to the City of Charleston, City of Huntington, and City of Wheeling to impose a Municipal Sales and Use Tax under the Municipal Home Rule Phase I Pilot Program.

Pursuant to West Virginia Code 8-13-5 the City of Dunbar currently charges a Business and Occupation Tax (“B&O”) consistent with the State Code.

The City of Dunbar has had revenue neutral growth over the past decade. Several major one time construction projects have produced unbudgeted “B&O” taxes that have enabled the City to meet several of its major purchase needs for equipment replacement during this time period. However, the City has been restricted in our ability to make capital improvements while keeping up with inflation. The City needs additional revenue sources to provide for the increased need for senior citizen activity programs, youth recreation and community revitalization projects (building repurposing, demolition and renovation). All of which are necessary for the City to attract new residents and businesses.

West Virginia Code 8-13C-4 prohibits municipalities from imposing a Municipal Sales and Use Tax without eliminating their “B&O” tax if they have one in effect. The Municipal Home Rule Pilot Program Committee under the Phase I Program has approved the implementation of a municipal sales tax by Program communities that have modified their “B&O” tax structure.

The main goal in making this proposal is to generate the revenue the City needs to meet its’ growing financial needs, while creating an environment suitable for business growth. This balance can be found in the limitations placed on the types of businesses that are exempt from municipal sales taxes. Due to the City’s central location in the Kanawha Valley there are numerous professional support businesses in the City that are exempt from municipal sales taxes. Retail

sales are limited to local support businesses and restaurants. The City will eliminate and/or reduce certain "B&O" tax classifications in order to comply with the authority granted the Committee in acting on these proposals. Section III Affidavits Item 4 Financial Worksheets and Impact Statements contains details on this proposal.

The City of Dunbar is requesting that the Municipal Home Rule Pilot Program Committee under the authority granted them under West Virginia Code 8-1-5a approve Dunbar's proposal to impose a Municipal Sales and Use Tax and be exempted from the limitations imposed on municipalities under West Virginia Code 8-13C-4, and further, requests such powers as may be required by the West Virginia State Tax Commissioner for the administration and collection of the municipal consumer sales and use tax by the Tax Commissioner.

SECTION III – AFFIDAVITS

1. HEARING MANDATE VERIFICATION
2. PUBLICATION MANDATE VERIFICATION
3. ORDINANCE AUTHORIZING SUBMISSION OF APPLICATION
4. FISCAL IMPACT WORKSHEETS & FEASIBILITY STUDY
5. ATTORNEY OPINION
6. STATE OF WEST VIRGINIA FEES STATEMENT
7. AGREEMENT TO REQUIREMENTS STATEMANET (FIREARMS)

1. HEARING MANDATE VERIFICATION

a. Attached is a copy of the ‘NOTICE OF PUBLIC HEARING’ published in the newspaper.

b. Attached are excerpts from the City of Dunbar Comprehensive Plan detailing citizen comments received at the February 24, 2014 public meeting, and an on line survey relative to the WV Home Rule Pilot Program. Both surveys show over 50% of those present or participating in the survey want the City to pursue the Home Rule Pilot Program.

c. The Home Rule Pilot Program Phase II Application was on the City Council agenda for March 18, 2014 for general public comment. There was overall support expressed for filing the application and no comments were made about the proposals presented for the application and no other areas were brought up to pursue.

d. The City has had open discussions about the Home Rule Program and solicited public input and comment during the development of the application. The City has been evaluating the option of entering the program for over two years and has involved the public in those evaluations.

PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at a regular meeting of the City of Dunbar City Council on Monday May 5, 2014 at 6:30pm, in the City Council Chambers, 1st Floor of the Dunbar City Hall, Dunbar, West Virginia on the proposed City of Dunbar Municipal Home Rule Phase II Pilot Program written plan pursuant to W.Va. Code 8-1-5a.

Interested parties may appear at the Public Hearing and be heard with respect to the proposed written plan. A copy of the proposed written plan may be inspected in the City Clerk's office beginning April 14, 2014 between the hours of 8:30am to 4:30pm daily, Monday through Friday.

The City of Dunbar Comprehensive Plan

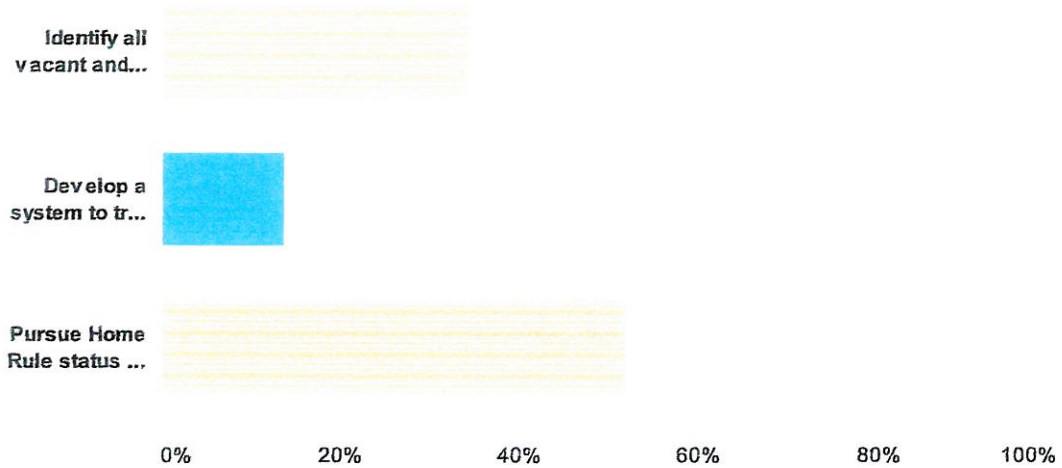


Final Draft: March 2014

City of Dunbar Comprehensive Plan

Q5 Goal Four: Provide for diverse types of housing that support all segments of the population Please choose the ONE action step which you feel is the most important to implement to achieve Goal Four.

Answered: 73 Skipped: 1



Answer Choices	Responses	Count
Identify all vacant and dilapidated homes	34.25%	25
Develop a system to track property maintenance complaints	13.70%	10
Pursue Home Rule status to allow the City to address vacant building and maintenance issues	52.05%	38
Total		73

Recommendation	Priority
Goal 2: Encourage revitalization, redevelopment, and infill development that make Dunbar a desirable place to live and do business	
Consider employing an economic development specialist to help with marketing and business development strategies	2
Develop a marketing and branding campaign to raise awareness of all that Dunbar has to offer	1
Annex surrounding lands to increase tax base and potential development areas	7
Focus revitalization efforts in the central business district	14
Revise the zoning ordinance to be consistent with the Comprehensive Plan and to help encourage new growth	0
Goal 3: Provide for a safe transportation network that encourages a pedestrian friendly environment	
Develop a sidewalk program to prioritize sidewalk improvements	5
Conduct a feasibility study to determine if Dunbar City Park and Wine Cellar Park could be connected by a recreational trail	1
Re-open the 12 th Street Mall to allow vehicular traffic	6
Consider extending Charles Avenue to 10th Street to allow for better access to and from the Interstate to this section of the City	10
Open leased parking spaces for public parking in the Central Business District	2
Install signage directing residents and visitors to parking locations	0
Goal 4: Provide for diverse types of housing that support all segments of the population	
Identify all vacant and dilapidated homes	7
Develop a system to track property maintenance complaints	3
Pursue Home Rule status to allow the City to address vacant building and maintenance issues	14

2. PUBLICATION MANDATE VERIFICATION

a. Attached is the affidavit of publication from the Charleston Newspapers certifying the publication of the Notice of Public Hearing for the Municipal Home Rule Pilot Program Phase II Application on March 28, 2014 and April 4, 2014.

b. Attached is a copy of the minutes of the May 5, 2014 Public Hearing and sign in sheet showing those present.



CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS

LEGAL ADVERTISING INVOICE

Table with 2 columns: Field Name, Value. Fields include INVOICE DATE (04/07/14), ACCOUNT NBR (067410000), SALES REP ID (0064), INVOICE NBR (896955001).

M

CITY OF DUNBAR
HARRISON ROSS
PO BOX 483
DUNBAR

WV 25064 USA

Please return this portion with your payment.
Make checks payable to: Charleston Newspapers

AMOUNT PAID: 81.86



CHARLESTON NEWSPAPERS

P.O. Box 2993
Charleston, West Virginia 25330
Billing 348-4898
Classified 348-4848
1-800-WVA-NEWS
FEIN 55-0676079

Table with 2 columns: Field Name, Value. Fields include INVOICE DATE (04/07/14), ACCOUNT NBR (067410000), SALES REP ID (0064), INVOICE NBR (896955001).

Legal pricing is based upon 63 words per column inch.

Each successive insertion is discounted by 25% of the first insertion rate.

The Daily Mail rate is \$.13 per word, the Charleston Gazette rate is \$.14 per word, and the Metro Putnam rate is \$.13 per word.

Main advertising invoice table with columns: ISSUE DATE, AD TYPE, PUB, DESCRIPTION, AD NUMBER, AD SIZE, RATE, GROSS AMOUNT, NET AMOUNT. Includes rows for 03/28, 04/04 and a LEGAL DISCOUNT 25% row.

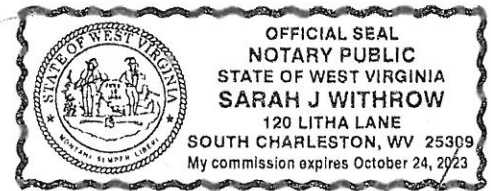
LEGAL ADVERTISEMENT PUBLIC HEARING
Notice is hereby given that a Public Hearing will be held at the regular meeting of the City of Dunbar...

Interested parties may appear at the Public Hearing and be heard with respect to the proposed written plan. A copy of the proposed written plan may be inspected in the City Clerk's office...

TITLE OF PUBLICATION

ater

of



was duly published in said newspaper(s) at the stated price for the respective newspaper(s) and during the dates listed below:

Subscribed and sworn to before me this 8th day of April, 2014

Notary Public of Kanawha County, West Virginia

**MINUTES OF A PUBLIC HEARING
CITY OF DUNBAR, WEST VIRGINIA
Monday, May 5, 2013**

Call to Order

Mayor Terry Greenlee called the meeting to order in Council Chambers.

Present

The following council members were present: Steve Arnott, Pam Reynolds, Doug Fleshman, Dana Hayes, Tom Bailey, Connie Thompson, Gail Harper, and Everette Sullivan. Others present for the hearing were asked to sign a sheet for record of those in attendance.

Purpose of Hearing

Mayor Greenlee stated the purpose of the public hearing was to hear public comments concerning the proposed City of Dunbar Municipal Home Rule Phase II Pilot Program written plan pursuant to West Virginia Code 8-1-5a.

The Municipal Home Rule was briefly explained. Mayor Greenlee opened the floor for comments and/or questions.

Hearing no comments and/or questions, Mayor Greenlee declared the hearing adjourned.



MAYOR Terry Greenlee



CITY CLERK Connie Fulkner

City of Dunbar
Public Hearing
Home Rule Pilot Program

Name

Address

Bill Cunningham

Steve Scrischel

Jo Ann Cornell

Mitchell Williams

R.P. Hanger

Steve Annett

Sam Reynolds

Doug Johnson

Cornie Sulkyei

Carrie Johnson

Frank Sails

Donna S. Legg

Tom Sells

Scott Johnson

HRB...

Janet Hayer

James & Sharon Price

Howard E Reynolds

Katherine McCormick

252 Pine Circle Dunbar

1105 W. Ave Dunbar

1209 Payne Ave Dunbar

122 Moran Avenue

326 21st St.

400 13th Street

456 19TH STREET

304 23rd

103 8th St. Dunbar

1227 Dunbar Ave. Dunbar

419-24th St, Dunbar

169 4th St Dunbar

110 PINE ST,

1206 KAN AVE

2704 EDWARDS CIR.

1118 Kanawha Ave. Dunbar

1200 KANAWHA AVE Dunbar

438 18TH ST DUNBAR

3. ORDINANCE AUTHORIZING SUBMISSION OF PLAN

Introduced By:

Clark Fulknier

Ordinance No:

706

First Reading:

May 5, 2014

Approved Date:

May 19, 2014

Second Reading:

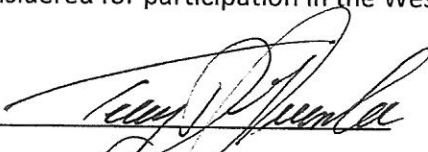
May 19, 2014

AN ORDINANCE AUTHORIZING THE SUBMISSION OF HOME RULE PHASE II PILOT PROGRAM.


An Ordinance authorizing the submission of the City of Dunbar Municipal Home Rule Phase II Pilot Program Application, Attached as Exhibit Hereto, to the Municipal Home Rule Board pursuant with WV Code 8-1-5a, in order to be considered in the West Virginia Home Rule Program.

Now, therefore, be it ordained by the Council of the City of Dunbar, West Virginia:

That the Mayor and the City Clerk are hereby authorized and requested to submit the City of Dunbar Municipal Home Rule Phase II Pilot Program Application, attached as an Exhibit hereto, to the Municipal Home Rule board pursuant with West Virginia Code 8-1-5a, in order that the City of Dunbar be considered for participation in the West Virginia Home Rule Phase II Pilot Program.


The Honorable Terry D. Greenlee

May 19, 2014
Date

Mayor

Connie Fulknier

May 19, 2014
Date

City Clerk

City of Dunbar Municipal Home Rule Pilot Program Phase II Application Section III
Affidavits

4 & 5. FISCAL IMPACT WORKSHEET & FEASIBILITY STUDY – MUNICIPAL SALES & USE TAX

Projected B&O Tax Impact

The fiscal impact of the B&O tax initiatives in Dunbar currently intends to pursue will result in an estimated B&O tax loss of \$320,000 annually. In our evaluation of the impacts Dunbar used a three year average for gross sales reported for the Retail classification in B&O tax filings. This average produced estimated retail base sales of \$97.6 million annually. Applying the current 0.5% Retail tax rate to the average gross sales results in \$488,000. By reducing the Retail tax rate to 0.35%, the estimated tax becomes \$341,600, representing a loss of \$146,400 in the Retail tax classification annually.

B&O Tax Initiatives

Reduce B&O on Retail from .5% to .35%	<u>(146,400)</u>
Estimated B&O Tax Loss	\$ (146,400)

Projected Municipal Consumer Sales/Use Tax Impact

The base fiscal impact of the municipal consumer sales/use tax is estimated to be more than \$650,000 in revenue per year in Dunbar once the tax is in effect for a full calendar year. It is our understanding that the West Virginia State Tax Department of Revenue is currently unable to provide detailed data regarding retail sales tax receipts for the retail tax base in Dunbar or Kanawha County. In order to estimate the impact of a municipal sales/use tax, Dunbar estimated base sales classification under its B&O taxes over the past three years, which produced estimated retail base sales of \$97.6 million annually. The proposed tax rate of 1% applied to the estimated retail base sales is estimated to produce \$976,000 in revenue. Adjustments were made to this number for the exemption of food sales, leaving approximately \$659,000 in revenue annually.

Sales/Use Tax Initiative

Implement 1% Sales/Use Tax	\$ 976,000
Less: Food Exemption	<u>(317,000)</u>
Estimated Sales/Use Tax Revenue	\$ 659,000

Net Revenue Impact

The estimated net revenue to Dunbar resulting from the \$146,000 dollar estimated loss due to the intended reduction of certain B&O tax rates and the \$659,000 estimated revenue from the municipal consumer sales/use tax would be an estimated \$512,000 annually.

Net Revenue Impact

Estimated B&O Credit Implementation	\$ (146,000)
Estimated Sales/Use Tax Revenue	<u>659,000</u>
Estimated Net Revenue Impact	\$ 512,000

6. ATTORNEY OPINION (application complies with statutory requirements)

LAW OFFICE
STEPHEN P. SWISHER, P.L.L.C.

1230 Ohio Avenue
Dunbar, WV 25064

Telephone: (304) 768-3800
Facsimile: (304) 768-3366

Applicant: **City of Dunbar, West Virginia**

Re: **City of Dunbar Municipal Home Pilot Program Rule Phase II**

Ladies and Gentlemen:

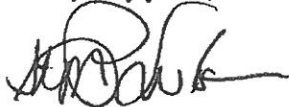
As City Attorney for the City of Dunbar, I have reviewed the West Virginia Code 8-1-5a (2007), Municipal Home Rule Pilot Program Application Guidelines for the proposed City of Dunbar Municipal Home Rule Pilot Program Phase II Application and other documents related thereto (collectively, the "Application") as I have deemed necessary for the purpose of this opinion.

Based upon the examination of such documents and my understanding of the intent of the proposed provisions contained in the Application, it is my opinion that the Application complies with the statutory requirements in that:

1. The Application does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that are contrary to the:
 - a. US or WV Constitutions
 - b. Chapter – 60 – A Uniform Controlled Substance Act
 - c. Chapter – 61 – Crimes and Their Punishment
 - d. Chapter – 62 – Criminal Procedures – of this code
2. The Application does not contain any proposed changes to ordinances, acts, resolutions, rules or regulations that would create a defined contribution employee pension or retirement plan for its employees currently covered by a defined benefit pensions plan.

If you require further clarification or additional information please feel free to contact me.

Very truly yours,



Stephen P. Swisher

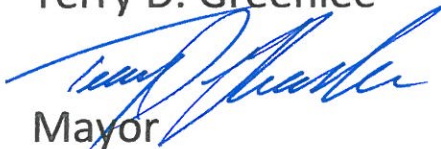
SPS/db

7. STATE OF WEST VIRGINIA FEES STATEMENT (none outstanding)

CERIFICATION

This is to certify that the City of Dunbar does not have any outstanding fees or charges due the State of West Virginia.

Terry D. Greenlee



Mayor

City of Dunbar

**8. AGREEMENT TO REQUIREMENTS STATEMENT (firearms,
ammunition and firearm accessories)**

Requirements Concerning Firearms, Ammunition and Firearm Accessories

Definitions: As used in this subsection:

- (A) Ammunition means fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.
- (B) Firearm accessory means a device specifically designed or adapted to enable the wearing or carrying about one's person, or the storage or mounting in or a conveyance, of a firearm, or an attachment or device specifically designed or adapted to be inserted into a firearm to enable, alter or improve the functioning or capabilities of the firearm.
- (C) Firearm has the same meaning as in W. Va. § 61-7-2.

General Rule:

- (A) Municipalities participating in the Municipal Home Rule Pilot Program may not restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle, or shotgun, or indirectly prohibit the ownership of the ammunition, or, to restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any other firearm accessory or accouterment, under any order, ordinance or rule promulgated or enforced by the municipality. This rule may not be construed to prevent any law enforcement official with appropriate authority from enforcing any statute enacted by the state.
- (B) The authority of a municipality to regulate firearms, ammunition, or firearm accessories may not be inferred from its proprietary authority, home rule status or any other inherent or general power.
- (C) Any existing or future orders, ordinances, or rules promulgated or enforced in violation of this subsection are null and void.
- (D) A municipality may regulate the carrying of a firearm in municipal buildings dedicated to government operations, other than parking buildings or garages.

Applicability and Effective Dates:

Ninety days after a new municipality has been selected by the Board to participate in the pilot program, or a previously participating municipality has chosen to continue to participate in the pilot program, any municipal gun ordinances previously authorized by the provisions of section five-a, article twelve, chapter eight of this code shall no longer be of any force or effect for any municipality participating in this program, to the extent they are in conflict with the provisions of this subsection: Provided, that no provision in this subsection may be construed to limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

Certifying Official Signature (Mayor or designee):

