

West Virginia Municipal Home Rule Pilot Program



SUMMARY REPORT 2017

Submitted by
The West Virginia Municipal Home Rule Board
Dave Hardy, Designee of Governor Jim Justice (Chairman)
Secretary, West Virginia Department of Revenue
West Virginia State Capitol, Room W-300

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

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|---|---|
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I. Introduction

In accordance with West Virginia State Code § 8-1-5a(m), the Municipal Home Rule Board respectfully submits this annual summary report to the West Virginia Legislature's Joint Committee on Government and Finance. This report summarizes the Board's work during 2017, documents how municipalities have taken advantage of Home Rule to develop new solutions to old problems, and is a reference tool for anyone interested in evaluating the West Virginia Home Rule Pilot Program.

In 2007, the West Virginia Legislature created the Municipal Home Rule Pilot Program and the Municipal Home Rule Board to oversee the program. The pilot program, which was set to expire on July 1, 2013, provided participating municipalities broad-based home rule freedom to be creative in addressing local issues and challenges by implementing ordinances, resolutions, rules and regulations not otherwise available because of the variety of one-size-fits-all State statutes that apply to all West Virginia municipalities. At the same time, Home Rule municipalities must comply with the U.S. Constitution; the West Virginia Constitution; federal law; and chapters sixty-a (uniform Controlled Substance Act), sixty-one (Crimes and Their Punishment), and sixty-two (Criminal Procedure) of the West Virginia Code. The 2007 legislation authorized up to five municipalities to participate in the program. The Home Rule Board approved Bridgeport, Charleston, Huntington, and Wheeling as the initial participants.

The West Virginia Legislative Auditor published a Special Report regarding the Home Rule Pilot Program in November 2012. This report discusses the accomplishments of the participating municipalities, evaluates the effectiveness of the Program, and offers the following recommendations regarding the future of the Program:

1. The West Virginia Legislature should consider providing broad-based home rule authority to all Class I, Class II, and Class III municipalities.
2. If home rule is extended to all Class I, II, and III municipalities, the current restrictions as stipulated in the Pilot Program should be retained.
3. The Home Rule Board should be discontinued if broad-based home rule is granted statewide.

In 2013, the West Virginia Legislature amended the Home Rule statute. These amendments include Legislative findings that the Pilot Program had afforded participating municipalities the flexibility to be innovative in addressing local issues in a cost-effective, efficient, and timely manner. In fact, some of the ordinances adopted by Home Rule municipalities are now part of the West Virginia Code.

The 2013 amendments opened the Pilot Program to 20 more municipalities; gave the four participating municipalities until June 1, 2014, to withdraw from the Program (no municipalities withdrew); and set June 1, 2014, as the deadline for new municipalities wishing to participate in the Program to submit their written plan to the Home Rule Board.

On October 6, 2014, the Home Rule Board accepted the following 16-cities into the Pilot Program: Bluefield, Buckhannon, Charles Town, Clarksburg, Dunbar, Fairmont, Martinsburg, Milton, Morgantown, Nitro, Parkersburg, Ranson, Shinnston, South Charleston, Vienna, and Weirton.

The Legislature amended the Home Rule statute again in 2014. These amendments prohibit participating municipalities from passing ordinances that conflict with any state statutes regarding the purchase, ownership, carrying, and storage of certain firearms and ammunition.

Finally, the Legislature rewrote the Home Rule statute in 2015, when it opened the Pilot Program for an additional 14-municipalities, four of which had to be Class IV municipalities.

Six new cities were granted home rule authority on September 14, 2015. The applications submitted by Beckley, Grafton, Princeton, and St. Albans were approved as submitted, while the applications submitted by Moundsville and Oak Hill were approved with modifications. Elkins and Harpers Ferry were granted home rule status on November 16, 2015.

On April 4, 2016, Auburn, Lewisburg, New Cumberland, and Shepherdstown were granted home rule authority. Follansbee and Weston were approved as Home Rule cities on July 11, 2016. There are now 34 municipalities participating in the Pilot Program.

This report summarizes the issues considered by the Home Rule Board in 2017 and includes a compilation of the annual Progress Reports submitted to the Board by each of the 34 Home Rule municipalities in West Virginia.

The Home Rule Board wishes to express its sincere appreciation to the West Virginia Department of Commerce, especially Debbie Browning, for a decade of outstanding service to the Home Rule Pilot Program. Additionally, the West Virginia Department of Revenue is grateful for Ms. Browning's selfless cooperation and guidance during the transition of administrative responsibilities from the Commerce Department to the Department of Revenue in July 2017.

II. 2017 HOME RULE BOARD RECAP

There were four regular meetings of the Home Rule Board during 2017. The January and April meetings were held in Charleston. The Board's July meeting was in Morgantown and, in October, the Board met in Elkins. The Board intends to go on the road for at least two of its four regular meetings during 2018. Shepherdstown, Charles Town, and Beckley are under consideration for the July and October meetings.

The following Table summarizes the proposed Home Rule Plan Amendments considered by the Board during 2017:

| MUNICIPALITY | PROPOSED AMENDMENT | HOME RULE BOARD ACTION |
|--------------|--|---|
| Buckhannon | Brunch bill – Sunday alcohol sales after 10:00 a.m. | Approved |
| Elkins | <ol style="list-style-type: none"> 1. 1% municipal tax. 2. Brunch bill – Sunday alcohol sales after 10:00 a.m. 3. Adopting RFP guidelines for acquiring architectural and engineering services. 4. Appropriate city funds to promote the city. 5. Execute intergovernmental agreements by resolution. 6. Enact a municipal court fee. 7. Deviate from WV Code in establishing Community Enhancement Districts. 8. Redefine standards for blighted and improperly maintained properties as less than “unfit for human habitation” as required by Code. 9. Reduce minimum number of eligibles on list from police civil service commission. | <ol style="list-style-type: none"> 1. Approved 2. Approved 3. Withdrawn after Board review 4. Approved 5. Approved 6. Approved 7. Approved 8. Withdrawn after Board review 9. Approved |
| Grafton | <ol style="list-style-type: none"> 1. Increase maximum eligible age and permit part-time firemen. 2. Eliminate party affiliation requirements for city boards. 3. Authorize designation of enterprise and redevelopment zones with | <ol style="list-style-type: none"> 1. Approved 2. Approved 3. Approved |

| | | |
|-------------|--|---|
| | <p>tax rebates and exemptions.</p> <p>4. Waive residency requirement when reinstating former police officers.</p> <p>5. Reduce minimum number of eligibles on list from police civil service board.</p> <p>6. Regulate speed limits and traffic control on state roads in municipality.</p> <p>7. Authorize sale of municipal property after notice but without public.</p> | <p>4. Approved</p> <p>5. Approved</p> <p>6. Approved</p> <p>7. Approved</p> |
| Morgantown | <p>1. Fire Marshal arrest authority for arson and explosives offenses.</p> <p>2. Treat nonconforming uses of land for agricultural, industrial, and manufacturing purposes the same as other uses.</p> <p>3. Waive certified mail requirement for notice of zoning changes.</p> <p>4. Dispose of real estate without auction and define valuation considerations.</p> <p>5. Authorize spending public funds for school projects.</p> <p>6. Eliminate property ownership requirement for park board membership.</p> | <p>1. Approved</p> <p>2. Approved</p> <p>3. Approved</p> <p>4. Approved</p> <p>5. Approved</p> <p>6. Approved</p> |
| Parkersburg | Brunch bill – Sunday alcohol sales after 10:00 a.m. | Approved |

III. Municipal Proposals and Implementation Status

| AUBURN - CLASS IV | | | |
|--------------------------|--|-------------|---------------------------------------|
| | Proposal | Implemented | Not Implemented |
| 1 | The municipality's original Plan proposed the adoption of an ordinance to permit the town to lease sewer treatment units for less than FMV and without legal advertisement or a public hearing to facilitate the implementation of a sewer system. | | X (No ordinance has been proposed) |

| BECKLEY - CLASS II | | | |
|---------------------------|--|-----------------|-----------------|
| | Proposal | Implemented | Not Implemented |
| 1 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 2 | Enter intergovernmental agreements by resolution. | X (12.08.15) | |
| 3 | Permit city liens on property for expenses incurred to remedy eyesores and dilapidated property. | X (12.08.15) | |
| 4 | Sell real and personal property at FMV without auction; sale or lease real and personal property at less than FMV to promote economic development and for public good. | X (12.08.15) | |
| 5 | Issue on-the-spot citations for code violations concerning public nuisance, safety or health. | X (12.08.15) | |
| 6 | Authorize city to purchase property subject to delinquent property taxes; right of redemption by city. | | X |

BLUEFIELD - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | Convey real and personal property valued at more than \$1,000 for FMV without auction; convey real property to non-profits for less than FMV and without auction. | X (05.26.15) | |
| 2 | On-the-spot citations for code violations concerning public nuisance, safety or health. | X (05.26.15) | |
| 3 | Contract with other jurisdictions via resolution. | X (05.26.15) | |
| 4 | Procedures for procurement of architectural and engineering services. | X (07.14.15) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

BRIDGEPORT - CLASS III

| | Proposal | Implemented | Not Implemented |
|----|--|------------------------------------|-------------------------|
| 1 | Allow city to annex property where the city is in the best position to provide public services. | X (City annexed Meadowbrook Rd) | |
| 2 | Permit Tax Increment Financing (TIF). | | X (Code now permits) |
| 3 | Define municipal participation in education and enable partnership with public schools. | X (02.23.09) | |
| 4 | Permit charging fire fees for properties located outside city limits but within the city's first due area. | X (07.11.11) | |
| 5 | Simplify business licenses and license taxes not to exceed amounts previously authorized. | X (03.09.09) | |
| 6 | Adjust the 5-G procurement process for securing professional services. | X (04.13.15) | |
| 7 | Modify certain civil service requirements for filling vacancies in police and fire departments. | | X |
| 8 | Authorize intergovernmental agreements by resolution. | X (03.23.15) | |
| 9 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 10 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.24.16) | |
| 11 | Permit local certification of code enforcement inspectors. | X (05.09.16) | |

BUCKHANNON - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Authorize enterprise zones with tax rebates. | X (08.16.15) | |
| 2 | Property nuisance abatement; on-the-spot citations; and special property tax lien. | X (07.19.15) | |
| 3 | Police civil service permit part-time officers and raise maximum age. | X (08.21.16) | |
| 4 | Permit online sales of city's real and personal property. | X (12.15.16) | |

CHARLES TOWN - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Expanding authority to utilize Community Enhancement Districts. | X (11.2014) | |
| 2 | Enhanced enforcement of public nuisance and blighted property laws; on-the-spot citations. | X (11.2014) | |
| 3 | Permit sale of city property without an auction. | X (11.2014) | |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 5 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (11.2016) | |
| 6 | Allow contracts with other jurisdictions via resolutions. | X (11.2014) | |

CHARLESTON - CLASS I

| | Proposal | Implemented | Not Implemented |
|----|---|--|--------------------------|
| 1 | Enhance collection of delinquent fees and taxes. | X (08.04.08) | |
| 2 | Address eyesores and dilapidated structures. | X (04.20.09) | |
| 3 | Procurement of architectural and engineering services. | X (09.15.08) | |
| 4 | Expand B&O taxing authority. | | X |
| 5 | On-the-spot citations for sanitation and nuisance violations. | X (04.06.09) | |
| 6 | Relief from DNR project permitting; small stream flooding. | | X (DNR resolved) |
| 7 | Dispose of city property to non-profits without auction. | X (08.04.08) | |
| 8 | Streamline Design-Build requirements. | X (03.03.09) | |
| 9 | Allow contracts with other jurisdictions via resolutions. | X (08.04.08) | |
| 10 | Municipal healthcare provider tax. | | X |
| 11 | .5% municipal sales, service, and use tax; .5% tax dedicated to Uniform Pension Reserve Fund. | X (.5% - 07.01.14; .5% - 07.01.15) | |
| 12 | Expand Urban Renewal Authority Board membership. | | X |
| 13 | Urban deer hunt regulations. | | X (enacted statewide) |
| 14 | Relief from DEP permitting and testing of material dredged from waterways. | | X (DNR resolved) |
| 15 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (07.26.16) | |

CLARKSBURG - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|--------------------------|
| 1 | Nonpartisan municipal election; eliminate party affiliation for Firemen's and Policemen's Civil Service Commission and Municipal Building Commission. | X (03.26.15) | |
| 2 | Require insurance companies to reserve portion of fire insurance proceeds for demolition. | | X (enacted statewide) |
| 3 | Collect demolition liens at delinquent tax sales. | | X |
| 4 | Procedures for procuring architectural and engineering services. | X (11.09.15) | |
| 5 | Building and zoning enforcement – Property Maintenance Standard Ordinance. | X (2017) | |
| 6 | Appropriate public funds for promoting city. | X (11.09.15) | |
| 7 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 8 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (08.18.16) | |
| 9 | Permit local certification and supervision of code enforcement officials and inspectors. | X (08.18.16) | |

DUNBAR - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Authorize entry of property to make repairs and bring property into code compliance; lien for costs. | X (2014) | |
| 2 | On-the-spot citations for building code violations. | X (04.20.15) | |
| 3 | 1% municipal sales, service, and use tax. | X (07.01.16) | |

ELKINS - CLASS III

| | Proposal | Implemented | Not Implemented |
|----|--|-----------------|-----------------|
| 1 | On-the-spot citations for code violations concerning public nuisance, safety or health. | X (07.21.16) | |
| 2 | Vacant Structures Registration Program. | X (07.16.16) | |
| 3 | Public nuisance liens. | | X |
| 4 | Satisfaction of demolition liens. | | X |
| 5 | Authorize sale and leasing of city property without an auction and to non-profits for less than FMV. | X (03.02.17) | |
| 6 | Authorize hiring part-time police officers. | X (04.07.16) | |
| 7 | Raise maximum age for police officer applicants. | X (01.07.16) | |
| 8 | Eliminate partisan requirements for police and fire civil service commissions, building commission, ballot commission, and poll workers. | X (03.02.17) | |
| 9 | Consolidate business license categories and fees. | X (06.16.16) | |
| 10 | Address distance requirement between ABCA licensees and churches. | | X |
| 11 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (09.07.17) | |
| 12 | Provide funding to promote the city. | | X |
| 13 | Authorize intergovernmental agreements by resolution. | | X |
| 14 | Authorize municipal court fee. | X (09.21.17) | |
| 15 | Revise requirements for community enhancement districts. | | X |
| 16 | Reduce number of eligibles required on certified list from Police Civil Service Commission. | | X |
| 17 | 1% municipal sales, service, and use tax. | | X |

FAIRMONT - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Expand B&O tax credits for new and expanding businesses to encourage rehabilitation, preservation, and continued occupancy of buildings in corporate limits. | X (09.08.15) | |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 3 | Permit zoning to regulate use or acquisition of additional land by a farm, industry or manufacturer. | X (09.08.15) | |
| 4 | Permit city to sale real property valued up to \$15,000 without notice and public auction. | X (09.08.15) | |

FOLLANSBEE - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

GRAFTON - CLASS III

| | Proposal | Implemented | Not Implemented |
|----|---|-----------------|-----------------|
| 1 | On-the-spot citations for public nuisance, safety, and health code violations. | X (10.20.15) | |
| 2 | Permit part-time police officers and expand maximum age for police applicants. | X (10.20.15) | |
| 3 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 4 | Require foreclosing lender to register as property owner for the purpose of code compliance and property maintenance. | | X |
| 5 | Shorten time period for forfeiture of structures when owners refuse to address code violations for uninhabitable properties. | X (02.16.16) | |
| 6 | Allow the city to sell or lease municipal real and personal property using an online auction service after notice when deemed for public purpose and sold for adequate value. | | X |
| 7 | Appropriate funds to promote the city. | | X |
| 8 | Eliminate residency requirement in order to reinstate former police officer. | X (06.19.17) | |
| 9 | Reduce the minimum number of eligibles on certified list from Police Civil Service Board. | X (07.11.17) | |
| 10 | Authorize city to sell municipal property after notice but a without public auction when deemed for public purpose and sold for adequate value. | X (08.25.17) | |
| 11 | Create enterprise and redevelopment zones, including certain tax rebates and exemptions. | | X |
| 12 | Regulate speed limit and install traffic control devices on State roads within corporate limits. | | X |

HARPERS FERRY - CLASS IV

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | On-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.08.14) | |
| 2 | Address blighted properties by adopting minimum maintenance standards. | X (09.08.14) | |
| 3 | Authority to dispose of municipal property without an auction. | | X |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.16) | |

HUNTINGTON - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|---|----------------------|---|
| 1 | Require insurance companies to reserve portion of fire insurance proceeds for demolition. | X (repealed 2010) | X (enacted statewide) |
| 2 | Authorize collection of past due city fees without lawsuit. | X (08.24.09) | |
| 3 | Land bank fast track authority. | | Ordinance passed in 2009; implementation has been enjoined. |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.12) | |
| 5 | On-the-spot citations for violations of public nuisance, safety, or health code. | X (05.23.13) | |

LEWISBURG - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (07.19.16) | |
| 2 | Sale of surplus property via online auction site or request for sealed bids. | X (12.20.16) | |
| 3 | On-the-spot citations for violations of public nuisance, safety, and health code. | X (12.20.16) | |

MARTINSBURG - CLASS II

| | Proposal | Implemented | Not Implemented |
|-----|---|-----------------|-----------------|
| 1 | On-the-spot citations for violations of public nuisance, safety, and health codes. | X (12.18.14) | |
| 2 | Authority to file liens on real property for costs incurred to abate sanitation and common nuisance violations. | X (12.18.14) | |
| 3 | Authorize disposition of city property without an auction. | X (12.18.14) | |
| 4 | Authorize intergovernmental agreements by resolution. | X (12.18.14) | |
| 5 | Authorize issuance of liens for delinquent city fees. | X (12.18.14) | |
| 6 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 7 | Reduce B&O taxes (associated with implementation of municipal sales tax). | X (07.01.15) | |
| 8 | Inspection and citation powers of municipal deputy fire marshals. | X (12.18.14) | |
| 9 | Authorize purchase of delinquent property tax liens; right of redemption by the city. | | X |
| 10 | Establish distance requirement between ABCA licensees and churches. | X (06.30.16) | |
| 11. | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (07.29.16) | |

MILTON - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 2 | Authorize disposition of municipal real property without an auction. | X (12.16.14) | |

MORGANTOWN - CLASS II

| | Proposal | Implemented | Not Implemented |
|----|--|-----------------|-----------------|
| 1 | Authorize fire marshal arrest authority. | X (10.20.15) | |
| 2 | Authorize intergovernmental agreements by resolution. | X (05.19.15) | |
| 3 | Regulate exterior upholstered furniture. | X (04.07.15) | |
| 4 | Authorize liens for cost to abate public nuisances. | X (05.19.15) | |
| 5 | Authorize municipal court fee. | X (04.07.15) | |
| 6 | 1% municipal sales, service, and use tax. | | X |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.04.16) | |
| 8 | Authorize fire marshal to make arrests for arson and explosives offenses. | | X |
| 9 | Authorize treating nonconforming uses of land for agricultural, industrial, and manufacturing purposes the same as other uses. | | X |
| 10 | Waive certified mail requirement for notice of zoning changes. | | X |
| 11 | Authorize sale of real estate without an auction and address valuation considerations. | | X |
| 12 | Authorize using public funds for school projects. | | X |
| 13 | Eliminate property ownership requirement for park board membership. | | X |
| 14 | 1% municipal sales, service, and use tax. | | X |

MOUNDSVILLE - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | Procedures to collect delinquent city fees. | | X |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.17) | |
| 3 | Authorize consolidating business licenses. | X (10.04.16) | |
| 4 | Authorize city to abate eyesores and unsafe buildings and place a lien on property for costs. | | X |

NEW CUMBERLAND - CLASS IV

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

NITRO - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 2 | Authorize adopting procedures for collecting delinquent city fees. | X (06.16.15) | |
| 3 | Authorize adopting an administrative procedures act and enacting regulations regarding collection of B&O taxes, business taxes, license fees, and municipal fees. | | X |
| 4 | Provide for municipal government oversight of expenditures by all public, quasi-public, and non-profit organizations affiliated with the city. | | X |
| 5 | Reduce speed limits on state roadways within city limits. | X (06.16.15) | |
| 6 | Sell municipal property valued at less than \$10,000 without a public auction. | X (06.16.15) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (11.01.16) | |

OAK HILL - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Authorize collection of municipal liens at county tax sales. | X (11.09.15) | |
| 2 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (12.14.15) | |
| 3 | Authority to file liens for costs to abate sanitation and common nuisance violations. | X (12.14.15) | |
| 4 | Exempt police civil service commission from political party affiliation requirements. | X (12.14.15) | |
| 5 | Authorize establishing exterior parameters for sale of alcoholic beverages by restaurants. | X (11.09.15) | |
| 6 | Authorization to establish payment limit for an audit of the city and the Oak Hill Sanitary Board. | | X |
| 7 | Authorize requiring registration of vacant structures to address issues involving absentee ownership and owner neglect of vacant structures. | X (11.09.15) | |
| 8 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (11.14.16) | |

PARKERSBURG - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 2 | Authorize collection of demolition liens, payment of demolition lien before securing a deed, and establish first right to purchase property. | | X |
| 3 | Authorizing streamlined land development review procedures and zoning appeals. | | X |

PRINCETON - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | Authorize conveyance of public real and personal property in excess of \$1000 without public auction for fair market value. | X (01.11.16) | |
| 2 | Authorize sale of municipal property to nonprofits for less than fair market value when benefiting the public. | X (01.11.16) | |
| 3 | Procedures for procuring architectural and engineering services where total project costs are \$250,000 or more. | X (01.11.16) | |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

RANSON - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------------------------|
| 1 | Authorize expansion of authority to use community enhancement districts. | X (12.16.14) | |
| 2 | Authorization of authority to enforce property maintenance and nuisance violations | X (12.16.14) | |
| 3 | Authorize revising the process for addressing blighted properties | | X |
| 4 | Authorize conveyance of city property without an auction | X (12.16.14) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 6 | Authorize execution of intergovernmental contracts by resolution. | X (12.16.14) | |
| 7 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.18.16) | Denied by Home Rule Board in 2014 |
| 8 | Authorize building code requirements and official certifications. | X (10.18.16) | |
| 9 | Authorize regulation of feral cats. | X (10.18.16) | |

SHEPHERDSTOWN - CLASS IV

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Authorize appropriation of public funds for marketing and tourism. | | X |
| 2 | 1% municipal sales, service, and use tax. | X (07.01.17) | |
| 3 | Authorize liens for delinquent town fees. | X (03.2017) | |
| 4 | Authorize purchase of liens for delinquent property taxes. | | X |
| 5 | Authorize regulating speed limits and traffic restrictions on state roads within municipality. | | X |
| 6 | Authorize authority to regulate establishments selling alcoholic beverages (same as ABCA). | | X |
| 7 | Authorize intergovernmental agreements by resolution. | X (03.2017) | |
| 8 | Authorize municipal court fees. | X (11.2016) | |
| 9 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (09.2016) | |

SHINNSTON - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|----------------|-----------------|
| 1 | Authorize eliminating party affiliation requirement for Municipal Building Commission. | | X |
| 2 | Authorize appropriation of funds to promote the city. | X (2016) | |
| 3 | 1% municipal sales, service, and use tax. | | X |
| 4 | Authorize vacant building registration program. | X (9.12.16) | |

SOUTH CHARLESTON - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (03.19.15) | |
| 2 | Authorize sale of property valued in excess of \$1,000 without an auction for FMV; authorize transfer of any interest in "paper alleys" for FMV, a nominal fee, or without consideration. | X (03.19.15) | |
| 3 | Authorization to expand city's authority to issue variances and special temporary permits | | X |
| 4 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 5 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (08.04.16) | |

ST. ALBANS - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Intergovernmental agreements by resolution rather than ordinance. | X (02.16.16) | |
| 2 | Disposition of city property without auction. | X (02.16.16) | |
| 3 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (02.16.16) | |
| 4 | Authorize purchases through public entity cooperatives. | | X |
| 5 | Authority to file public nuisance liens without court order. | X (02.16.16) | |
| 6 | 1% municipal sales, service, and use tax. | X (07.01.17) | |

VIENNA - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | Authority to file liens for costs to abate exterior sanitation and common nuisance violations, and repairing/constructing sidewalks. | X (12.18.14) | |
| 2 | Building and zoning administration; enforcement of external sanitation and common nuisance violations. | X (12.18.14) | |
| 3 | Authority to convey city property without an auction. | X (12.18.14) | |
| 4 | Allow regulation of vehicle wreckers operating within municipality to refrain from discharging gasoline or other liquids into storm drains. | X (12.18.14) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 6 | Permit purchases through public entity cooperatives | X (12.18.14) | |

WEIRTON - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|---|-----------------|-----------------|
| 1 | 1% municipal sales, service, and use tax. | X (07.01.16) | |
| 2 | Authorization to hire uncertified building and zoning code officials for probationary period under a provisional certification for up to 2 years. | X (04.13.15) | |
| 3 | Regarding police officers' enforcement authority in ABCA establishments. | X (09.08.15) | |
| 4 | Regarding building and zoning code officials and enforcement. | X (04.13.15) | |
| 5 | Authorize city to regulate traffic on state roads within municipality. | X (09.08.15) | |
| 6 | 1% municipal sales, service, and use tax. | X (07.01.16) | |

WESTON - CLASS III

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Authorize on-the-spot citations for violations of public nuisance, safety, and health codes. | X (08.15.16) | |
| 2 | 1% municipal sales, service, and use tax. | | X |

WHEELING - CLASS II

| | Proposal | Implemented | Not Implemented |
|---|--|-----------------|-----------------|
| 1 | Authorize vacant property registration program. | X (07.2009) | |
| 2 | Authorize modified municipal planning and conditional use zoning regulations. | X (11.2008) | |
| 3 | Regarding liens for unpaid city fees. | X (05.2009) | |
| 4 | Authorize simplification of business license requirements. | X (06.2009) | |
| 5 | 1% municipal sales, service, and use tax. | X (07.01.15) | |
| 6 | Brunch bill – Sunday alcohol sales after 10:00 a.m. | X (10.18.16) | |
| 7 | Authorize planning and zoning code to include provisions for a conditional use permit. | X (05.2009) | |

IV. Municipal Sales Tax Under The Home Rule Statute

| MUNICIPALITY | AUTHORIZED | IMPLEMENTED/DATE | MUNICIPAL RATE |
|---------------------|------------|------------------|----------------|
| Auburn | No | No | N/A |
| Beckley | Yes | Yes – 7/1/16 | 1% |
| Bluefield | Yes | Yes – 7/1/17 | 1% |
| Bridgeport | Yes | Yes – 7/1/16 | 1% |
| Buckhannon | No | No | N/A |
| Charles Town | Yes | Yes – 7/1/15 | 1% |
| Charleston | Yes | Yes – 7/1/15 | 1% |
| Clarksburg | Yes | Yes – 7/1/16 | 1% |
| Dunbar | Yes | Yes – 7/1/16 | 1% |
| Elkins | Yes | No | N/A |
| Fairmont | Yes | Yes – 7/1/16 | 1% |
| Follansbee | Yes | Yes – 7/1/17 | 1% |
| Grafton | Yes | Yes – 7/1/16 | 1% |
| Harpers Ferry | Yes | Yes – 7/1/16 | 1% |
| Huntington | Yes | Yes – 7/1/12 | 1% |
| Lewisburg | No | No | N/A |
| Martinsburg | Yes | Yes – 7/1/15 | 1% |
| Milton | Yes | Yes – 7/1/15 | 1% |
| Morgantown | Yes | No | N/A |
| Moundsville | Yes | Yes – 7/1/17 | 1% |
| New Cumberland | Yes | Yes – 7/1/17 | 1% |
| Nitro | Yes | Yes – 7/1/15 | 1% |
| Oak Hill | No | No | N/A |
| Parkersburg | Yes | Yes – 7/1/15 | 1% |
| Princeton | Yes | Yes – 7/1/17 | 1% |
| Ranson | Yes | Yes – 7/1/15 | 1% |
| Shepherdstown | Yes | Yes – 7/1/17 | 1% |
| Shinnston | Yes | No | N/A |
| South Charleston | Yes | Yes – 7/1/16 | 1% |
| St. Albans | Yes | Yes – 7/1/17 | 1% |
| Vienna | Yes | Yes – 7/1/15 | 1% |
| Weirton | Yes | Yes – 7/1/16 | 1% |
| Weston | Yes | No | NA |
| Wheeling | Yes | Yes – 7/1/15 | 1% |