

MUNICIPAL HOME RULE  
PILOT PROGRAM

City of Morgantown

2018  
PROGRESS  
REPORT

West Virginia State Code §8-1-5a (m) provides:

“Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.”

The Municipal Home Rule Board has developed this standard format for Pilot Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on December 1, 2018, by emailing Courtney Shamblin at [courtney.d.shamblin@wv.gov](mailto:courtney.d.shamblin@wv.gov), West Virginia Department of Revenue, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 1, Room W-300, Charleston, West Virginia 25305, 304-558-3356.

<b>A. General Information</b>		
Name of Municipality: Morgantown		
Certifying Official: Paul J. Brake, ICMA-CM, CEcD	Title: City Manager	
Contact Person: Ryan Simonton	Title: City Attorney	
Address: 389 Spruce Street		
City, State, Zip: Morgantown, WV 26505		
Telephone Number: 304-284-7477	Fax Number:	
E-Mail Address: <a href="mailto:rsimonton@morgantownwv.gov">rsimonton@morgantownwv.gov</a>		
2010 Census Population: 29,660		
<b>B. Municipal Classification</b>		
<input type="checkbox"/> Class I	<input checked="" type="checkbox"/> Class II	<input type="checkbox"/> Class III
<input type="checkbox"/> Class IV		
<b>C. Pilot Program Entry Phase</b>		
<input type="checkbox"/> Phase I (2007 Legislation)	<input checked="" type="checkbox"/> Phase II (2014 Legislation)	<input type="checkbox"/> Phase III (2015 Legislation)
<b>D. Attest</b>		
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.		
Paul J. Brake, ICMA CM, CEcD		12/3/2018
Type Name of Certifying Official	Signature of Certifying Official	Date

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Regulation of Upholstered Furniture on Exterior of Premises</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input checked="" type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? April 7, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Along with other initiatives, contributed to a 14-year low in nuisance fires within the City in 2015. One hundred fourteen (114) notices were given by the City Code Enforcement Department to remove upholstered furniture from the exterior of houses since the ordinance was enacted. After a warning period, 21 citations were given to property owners or tenants that would not remove furniture. The initiative continues to contribute to decreased fire risk, as demonstrated by the continued reduction in fires to a 22-year low, as reported in the Fire Marshals arrest authority initiative below.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Court Technology and Maintenance Fee</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? April 7, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance assesses a five-dollar fee on each municipal court defendant found guilty or pleading “no contest” to a misdemeanor – excluding parking violations. Fee collections have funded an upgraded video system permitting efficient presentation of evidence and with video arraignment capability. Fee collections have also funded a citation scanning system allowing paperless e-filing and improving efficiencies when researching and providing past citation copies.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Authorizing Intergovernmental Agreements by Resolution</b>
Category of Issues Addressed (check all that apply) <input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 19, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>This charter amendment allows the City to make agreements with other jurisdictions by approval at one council meeting, where two were previously required to adopt an ordinance. The measure has promoted efficient governance, being used in several instances to adopt agreements with the United States Department of Transportation, Monongalia County Development Authority, and West Virginia University. In 2018, twelve intergovernmental agreements were authorized by resolution.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Community support for this efficient governance measure was important, as the charter change by ordinance required that no written objections were filed.</p>

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<b>Initiative: Public Nuisance removal liens</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 19, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>No liens have been requested for public nuisance abatements since the ordinance was enacted. Although these situations are infrequent, when a situation occurs, this ordinance is a good tool to recover costs.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Fire Marshals Arrest Authority</b>
Category of Issues Addressed (check all that apply) <input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? October 20, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES –</b> In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The home rule program for fire marshal limited law enforcement authority continues to be one of the most successful programs. Six years ago, Morgantown led the United States in the total number of intentionally set rubbish fires and was second overall in the number of dumpster fires. Examining the fire data back to 1996, Morgantown experienced an average of 154 rubbish fires per year. Since granting fire marshals law enforcement authority in late 2015, the average has fallen to 18 fires per year. In 2018, the number of intentionally set fires remains at record low numbers.</p> <p>The most recent data collected indicates just how successful the home rule program has been:</p> <p style="padding-left: 40px;"><u>Intentional Dumpster and Rubbish fires</u>  Total fires (years 1979 to 2018) = 3,545  (Year 2010) = 168 fires  (Year 2011) = 176 fires  (Year 2012) = 206 fires  (year 2013) = 98 fires  (Year 2014) = 122 fires  (Year 2015) = 67 fires * Home rule in effect  (Year 2016) = 27 fires  (Year 2017) = 11 fires  (Year 2018) = 17 fires</p> <p style="padding-left: 40px;">Dispositions: 6 arrests and convictions, 7 open investigations, 22 closed cases</p>
<p><b>LESSONS LEARNED –</b> In the space below, please provide a brief narrative highlighting lessons learned during implementation of this initiative that would benefit other municipalities.</p> <p>In addition to the current Core Law Enforcement Training Standards (4-weeks) established by the WV State Fire Commission, an additional (6-week) Basic Fire Marshal Training Academy was implemented in 2018 by the WV Fire Commission and West Virginia University. The academy was held in September at the WVU Fire Academy in Jackson’s Mill, WV. Morgantown personnel completed two out of the four modules and will return in 2019 to complete the remaining two modules. Other municipalities considering a similar home rule plan should ensure their personnel enroll in the new fire marshal basic academy. The WV State Fire Marshal and the State Fire Commission have done an excellent job of standardizing training and professional standards.</p>

<b>Initiative: Sunday Alcohol Sales</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted?    October 4, 2016
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance authorized alcohol sales for on-premises consumption beginning at 10 a.m. – rather than the previous 1 p.m. – on Sundays within the City. This initiative allowed local businesses a head start in implementing alcohol sales with “Sunday brunch” as promoted by state legislation which authorized a county referendum to approve or disapprove the time change. It provided certainty to City businesses that they could offer Sunday brunch alcohol sales independent of the outcome of the county-wide referendum.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Fire Marshals' arson and explosives offenses arrest authority</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCCESES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The home rule initiative for fire marshal authority over arson and explosives crimes of the WV State Code was an expansion of the 2015 plan that granted fire marshals limited arrest authority over certain violations of the fire code. Since implementation in December 2017, only one arson case has occurred. A vacant building was set on fire in the Sabraton area of Morgantown. Fire marshals worked quickly with police on a joint investigation resulting in the arrest and conviction of the suspect.</p> <p>Morgantown Fire Marshals recently completed specialized training on explosives and the various laws and regulations. They also received Class G Law Enforcement licenses to use, transport, or handle explosives that may be seized or confiscated during investigations.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Whenever possible, police and fire investigators should work jointly on arson and explosives cases. The expanded authority ensures fire investigators may continue working a case beyond the origin and cause determination, especially given the manpower shortcomings of most agencies. Other municipalities considering a similar home rule plan should ensure their personnel enroll in the new fire marshal basic academy. The WV State Fire Marshal and the State Fire Commission have done an excellent job of standardizing training and professional standards.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Limit expansion of nonconforming agricultural, industrial, and manufacturing uses</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>To date, the City of Morgantown Development Services Department is unaware of any nonconforming agricultural, industrial, and/or manufacturing uses that have sought to expand, within the Morgantown corporate boundaries.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Waive certified mail requirement for zoning changes that alter density</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City of Morgantown observed three rezoning requests in 2018 that may have affected density of individual parcels, and one zoning text amendment request that could potentially affect density throughout the city’s residential zoning districts. This density change involved the modification of front-yard setbacks for certain new residential development. Using the lowest USPS certified mail rate, the estimated cost to deliver certified mailings for the one zoning text amendment could easily exceed \$41,962.35, based on 2016 ACS 5-year housing data, lowest cost certified mailing, and not counting vacant residentially zoned parcels. To date, two housing units have been affected by this zoning ordinance density modification.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Disposition of real estate without auction</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance allows the City to sell real estate directly without auction and to consider the value of public services to be provided or economic development expected when determining a fair value for the lease or sale of property. The City has several current or proposed transactions for the sale of vacant lots that this authority may facilitate.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Expend money on schools by agreement with the governing agency</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2018
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance passed in December of 2018 allows the City to expend public funds on school projects that benefit the community by an agreement with the Monongalia County Board of Education.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Eliminate property ownership requirement for park board membership</b>
Category of Issues Addressed (check all that apply) <input checked="" type="checkbox"/> Organization <input type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Since the ordinance was enacted in December 2017, the City of Morgantown experienced a 62% increase in qualified candidates applying for Park Board membership. Of those qualified applicants, 38% currently reside in the City and do not own property.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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Please use this page to report progress on each **tax related initiative** included in your Home Rule Application. Each tax related initiative must have a separate page.

<b>Initiative: Municipal Sales Tax</b>
Was this tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted?
If no, please describe challenges faced in enacting the related ordinance(s)  Concerns that businesses located within the city will be less competitive with nearby businesses outside city limits have led the City not to adopt the tax at this time.
REVENUES – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.  n/a
SUCCESES – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.

**LESSONS LEARNED** – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

Exhibit 1

Ordinance 17-54

Amending Section 1511.02 of the Fire Prevention Code to  
Authorize Arrests for Arson and Explosives Offenses

**AN ORDINANCE AMENDING SECTION 1511.02 OF THE FIRE PREVENTION CODE TO AUTHORIZE ARRESTS FOR ARSON AND EXPLOSIVES OFFENSES**

WHEREAS, in accordance with West Virginia Code section 8-1-5a, the Municipal Home Rule Board voted unanimously at its October 19, 2017 meeting to authorize the City's Fire Marshals division to exercise arrest authority for arson and explosives offenses governed by West Virginia Code Chapter 61, Articles 3 and 3E;

NOW, THEREFORE, the City of Morgantown hereby ordains that Section 1511.02 of the Fire Prevention Code is amended as follows:

**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 Fire Marshals Division within the Fire Department is hereby created. The Fire Marshals Division shall operate under the supervision of the Fire Chief, who shall designate a Captain of the Fire Department as the Fire Marshal. The Fire Marshals shall report to the Fire Chief, shall be the administrator of the Fire Marshal Division, 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 Morgantown Fire Department S.O.G. 308.01 as Deputy Fire Marshals. The Fire Chief is authorized, if he/she deems it necessary, to create additional divisions and appoint additional Fire Marshals. The Fire Marshal and Deputy Fire Marshals are hereby empowered to enforce the Fire Prevention Code and to ~~cite~~ issue citations 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.
- (15) Use of consumer fireworks prohibited by City Code.

(b) ~~For the following identified offenses, 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;~~

- (1) Malicious Burning;
- (2) Obstructing a Fire Marshal;
- (3) Failure to Comply with Orders;
- (4) Arson and burning offenses governed by West Virginia Code sections 61-3-1 through 61-3-8, as they may be amended; and
- (5) Offenses involving explosives governed by West Virginia Code Chapter 61, Article 3E, as it may be amended.

(c) Fire Marshals and Deputy Fire Marshals are hereby empowered to make complaint in writing before the Municipal Judge or other appropriate court or judicial officer ~~appropriate municipal court officer~~ and procure a warrant for the arrest of any offender for the violations enumerated in Paragraph (b) of this Section 1511.02, 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~~ judicial officer for the identified 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~~ shall have 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 ~~Deputy~~ Fire Marshal from seeking injunctive relief against the responsible party for violation of the Fire Prevention Code. ~~at any time once any Code violation is noted.~~

(f) There is hereby established a Fire Code Board of Appeals, which shall be composed in accordance with, and have all authorities and responsibilities granted by, NFPA 1-1.10, current edition.

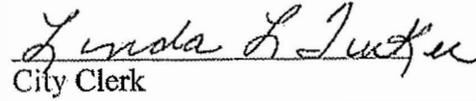
This ordinance shall be effective upon the date of adoption.

FIRST READING: December 5, 2017

  
Mayor

ADOPTED: December 19, 2017

FILED: December 20, 2017

  
City Clerk

RECORDED: December 20, 2017

Exhibit 2

Ordinance 17-52

Creating a New Section 1373.09 of the Planning and Zoning  
Code Governing Expansion of Nonconforming Agricultural,  
Industrial, and Manufacturing Uses

**AN ORDINANCE CREATING A NEW SECTION 1373.09 OF THE PLANNING AND ZONING CODE GOVERNING EXPANSION OF NONCONFORMING AGRICULTURAL, INDUSTRIAL, AND MANUFACTURING USES**

WHEREAS, West Virginia Code section 8A-7-10 authorizes the expansion of nonconforming agricultural, industrial, and manufacturing uses while prohibiting expansion of other nonconforming uses; and

WHEREAS, in accordance with West Virginia Code section 8-1-5a, the Municipal Home Rule Board voted unanimously at its October 19, 2017 meeting to authorize the City to prohibit the expansion of these nonconforming uses on the same terms as other nonconforming uses are prohibited; and

WHEREAS, this Ordinance will ensure that the City Code includes a record of the authority granted by the Municipal Home Rule Board;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Section 1373.09 of the Planning and Zoning Code is adopted as follows:

**1373.09. NONCONFORMING AGRICULTURAL, INDUSTRIAL, AND MANUFACTURING USES.**

(a) The provisions of this Article 1373 governing nonconforming uses shall apply with equal force to all nonconforming agricultural, industrial, and manufacturing uses, including the property and structures where such uses are conducted.

(b) The provisions of Paragraphs (c) and (d) of West Virginia Code section 8A-7-10, and any related or successor provision or amendment, that allow expansion or revival of a nonconforming agricultural, industrial, or manufacturing use, shall not apply to property or land uses within The City of Morgantown, in accordance with authority duly granted pursuant to the Municipal Home Rule Pilot Program.

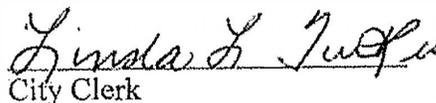
This ordinance shall be effective upon the date of adoption.

FIRST READING: December 5, 2017

  
Mayor

ADOPTED: December 19, 2017

FILED: December 20, 2017

  
City Clerk

RECORDED: December 20, 2017

Exhibit 3

Ordinance 17-53

Creating a New Section 1375.06 of the Planning and Zoning  
Code Governing Notice Procedures for Zoning Amendments  
Altering Dwelling Unit Density

**AN ORDINANCE CREATING A NEW SECTION 1375.06 OF THE PLANNING AND ZONING CODE GOVERNING NOTICE PROCEDURES FOR ZONING AMENDMENTS ALTERING DWELLING UNIT DENSITY**

WHEREAS, West Virginia Code section 8A-7-8(b) requires delivery of notice by certified mail to all landowners whose property is directly involved in a proposed amendment to the zoning map or zoning text which would change the allowed dwelling unit density of any parcel of land; and

WHEREAS, in accordance with West Virginia Code section 8-1-5a, the Municipal Home Rule Board voted unanimously at its October 19, 2017 meeting to authorize the City to forego the delivery of certified mail in such instances and utilize other means to ensure the public and affected property owners are aware of proposed zoning changes; and

WHEREAS, this Ordinance will ensure that the City Code includes a record of the authority granted by the Municipal Home Rule Board;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Section 1375.06 of the Planning and Zoning Code is created as follows:

**1375.06. NOTICE OF ZONING AMENDMENTS ALTERING DWELLING UNIT DENSITY.**

(a) Prior to adoption of any amendment to the zoning map or zoning text that would change the allowed dwelling unit density of any parcel of land, the City will provide notice of the proposed amendment to the zoning ordinance in a local newspaper of general circulation in the area affected by the zoning ordinance, as a Class II-0 legal advertisement, in accordance with the provisions of West Virginia Code Chapter 59, Article 3.

(b) The provisions of Paragraph (b)(1) of West Virginia Code section 8A-7-8, and any related or successor provision or amendment, requiring delivery of notice by certified mail to landowners whose property is directly involved in a zoning amendment that would change the allowed dwelling unit density of any parcel of land, shall not apply to zoning amendments within The City of Morgantown, in accordance with authority duly granted pursuant to the Municipal Home Rule Pilot Program.

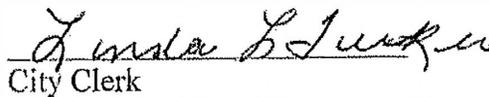
This ordinance shall be effective upon the date of adoption.

FIRST READING: December 5, 2017

  
Mayor

ADOPTED: December 19, 2017

FILED: December 20, 2017

  
City Clerk

RECORDED: December 20, 2017

Exhibit 4

Ordinance 17-51

Establishing a New Section 129.17 of the Administrative Code  
Governing Disposition of Real Estate

**AN ORDINANCE ESTABLISHING A NEW SECTION 129.17 OF THE ADMINISTRATIVE CODE GOVERNING DISPOSITION OF REAL ESTATE.**

WHEREAS, West Virginia Code section 8-12-18 requires that sale of any real property valued over \$1,000 must be by public auction and lease of any real property must be made for fair and adequate consideration; and

WHEREAS, in accordance with West Virginia Code section 8-1-5a, the Municipal Home Rule Board voted unanimously at its October 19, 2017 meeting to authorize the City to sell real estate directly without auction in appropriate circumstances and to consider the value of public services to be provided or economic development expected when determining a fair value for the lease or sale of property; and

WHEREAS, this Ordinance will ensure that the City Code includes a record of the authority granted by the Municipal Home Rule Board;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Section 129.17 of the Administrative Code is adopted as follows:

**129.17. DISPOSITION OF REAL ESTATE.**

(a) Except as provided in Paragraph (b) of this Section 129.17, City real estate will be sold or leased in accordance with applicable provisions of West Virginia law.

(b) Notwithstanding any provision of West Virginia law to the contrary, and in accordance with authority duly granted pursuant to the Municipal Home Rule Pilot Program, City real estate may also be sold or leased as follows:

(1) Property may be sold to private purchasers without auction at a fair market value if the City determines that the sale promotes economic development or provides a service for the public good;

(2) Property may be leased to private lessees for less than fair market value if the City determines that the lease promotes economic development or provides a service for the public good;

(3) Property may be sold to nonprofit corporations that are qualified 501(c)(3) organizations as determined by the Internal Revenue Service for a fair value without alone considering the commercial or market value of the property.

This ordinance shall be effective upon the date of adoption.

FIRST READING: December 5, 2017

  
\_\_\_\_\_  
Mayor

ADOPTED: December 19, 2017

FILED: December 20, 2017

  
\_\_\_\_\_  
City Clerk

RECORDED: December 20, 2017

Exhibit 5

Ordinance 17-50

Establishing a New Section 129.18 of the Administrative Code  
Providing for Expenditure of Funds on Public School Properties

**AN ORDINANCE ESTABLISHING A NEW SECTION 129.18 OF THE ADMINISTRATIVE CODE PROVIDING FOR EXPENDITURE OF FUNDS ON PUBLIC SCHOOL PROPERTIES**

WHEREAS, West Virginia Code section 8-12-5 limits the expenditure of municipal funds on public schools; and

WHEREAS, in accordance with West Virginia Code section 8-1-5a, the Municipal Home Rule Board voted unanimously at its October 19, 2017 meeting to authorize the expenditure of City funds on school projects that benefit the community when the expenditure is governed by an agreement with the Monongalia County Board of Education; and

WHEREAS, this Ordinance will ensure that the City Code includes a record of the authority granted by the Municipal Home Rule Board;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Section 129.18 of the Administrative Code is adopted as follows:

**129.18. EXPENDITURE OF FUNDS ON PUBLIC SCHOOL PROPERTIES.**

(a) In addition to any other authority granted by law, and in accordance with the provisions of this Code governing the expenditure of public funds, the City may expend public funds on school projects that benefit the community when the expenditure is governed by an agreement with the Monongalia County Board of Education.

(b) Any provision of West Virginia law contrary to the foregoing Paragraph (a) shall not apply to funds of The City of Morgantown, in accordance with authority duly granted pursuant to the Municipal Home Rule Pilot Program.

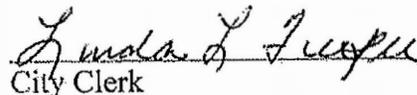
This ordinance shall be effective upon the date of adoption.

FIRST READING: December 5, 2017

  
Mayor

ADOPTED: December 19, 2017

FILED: December 20, 2017

  
City Clerk

RECORDED: December 20, 2017

Exhibit 6

Ordinance 17-49

Amending Section 149.02 of the Administrative Code Providing  
Membership Requirements for the Board of Parks and  
Recreation Commissioners

**AN ORDINANCE AMENDING SECTION 149.02 OF THE ADMINISTRATIVE CODE PROVIDING MEMBERSHIP REQUIREMENTS FOR THE BOARD OF PARKS AND RECREATION COMMISSIONERS**

WHEREAS, West Virginia Code section 8-21-3 requires that members of the Board of Parks and Recreation Commissioners be freeholders within the City of Morgantown; and

WHEREAS, in accordance with West Virginia Code section 8-1-5a, the Municipal Home Rule Board voted unanimously at its October 19, 2017 meeting to authorize the City to dispense with the property ownership requirement for members of the Board of Parks and Recreation Commissioners;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 149.02 of the Administrative Code is amended as follows:

**149.02 MEMBERSHIP; TERM.**

The Board of Park and Recreation Commissioners shall consist of seven members, a majority of whom shall constitute a quorum for the transaction of business. Each member of the Board must be a resident ~~and freeholder~~ of the City. Any provision of West Virginia law requiring property ownership as a prerequisite to Board membership shall not apply within The City of Morgantown, in accordance with authority duly granted pursuant to the Municipal Home Rule Pilot Program. The appointment of the members thereof shall be by Council. Membership on Council shall not disqualify any member from being appointed to the Board. Two members of Council, if otherwise qualified, may be appointed to the Board. The term of the Board membership of any such member of Council so appointed shall continue during his or her term as a member of Council and until his or her successor is appointed or elected and qualified. The terms of other appointed members shall be for six years, except for the initial appointment as hereinafter stated, and until their successors have been duly appointed and qualified. Council shall appoint the members of the Board, such first appointees to serve, one for a term of six years, two for a term of four years, and two for a term of two years. The date upon which the terms of such Board members shall end shall be the 30th day of June. When any member of the Board, during his or her term of office, shall cease to be a resident ~~and freeholder~~ of the City, he or she shall thereby be disqualified as a member of the Board and his or her office shall thereupon become vacant.

This ordinance shall be effective upon the date of adoption.

FIRST READING: December 5, 2017

  
Mayor

ADOPTED: December 19, 2017

FILED: December 20, 2017

  
City Clerk

RECORDED: December 20, 2017